

SCITUATE PLANNING BOARD MINUTES November 8, 2018

Members Present: Ann Burbine, 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: 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

- 11/8/18 Planning Board Agenda

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

Public Meeting - Surety Release – Residential Compound Development 101, 103 & 105 Hatherly Road

Applicant/Owner: Diamond Development Realty Trust

Document

- PDF 3730-as-built (2)
- PDF As-built Plan Review & Site Inspection dated 10.24.18
- PDF Requests for final surety release
- PDF Greg Tansey certification of project

Ms. Joseph indicated the design engineer and the town's consulting engineer have determined the project is complete.

Motion:

Ms. Lambert moved to accept Diamond Development Realty Trust's request to reduce the amount of surety being held by the Planning Board for completion of the Residential Compound Development at 105 Hatherly Road from \$ 20,000.00 plus accumulated interest to \$0.00 remaining in the account as the work performed under the special permit has been completed in general conformance with the Special Permit according to certifications from the design engineer and the town's consulting engineer.

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

**Informal Discussion – Zoning – Brad Washburn
Greenbush, Flexible Open Space, Flood Plain Zoning**

Document

- Doc Zoning Time Frame memo 2019 ATM

Attendees: Brad Washburn, Director of Planning and Development

Mr. Washburn provided the Board with a brief recap of the status of the Master Plan

- Interviewed candidates Harrimon, Brovitz, and Dodson & Flincker
- Selected Harrimon
- Informal kick off meeting at the end of the month to start the process

Mr. Washburn indicated there are three Zoning items for Annual Spring Town Meeting:

- Greenbush article – refining the language and trimming down
 - Feedback from the public mid-December
- Flood Plain & Water Shed Protection Districts – maybe an inconsistency with how it appears on line versus paper map
 - Currently working to make sure they are consistent with GIS services company
 - Zoning Map last revised in 2014
 - Flood Plain map is based on 1972 map
 - Future to revisit the district, i.e. make it comport with FEMA maps
- Flexible Open Space – new language to add for third option
 - Add a “Trust” that would be recorded on deeds of Homeowners

Mr. Bornstein opined that the Flood Plain and Open Space should be done. He said getting Greenbush rezoning done would be a huge step with all the development that is going on in the area. He stressed the importance of public participation with the Master Plan process and revisiting zoning for the future.

Ms. Lambert agreed with Mr. Bornstein’s comments; really need to think about the future, more than two or three years down the road.

Mr. Washburn said the plan will include a robust public participation program, meetings, online presence, social media, etc. The plan will cover the nine required areas, but will focus on issues pertinent to Scituate and building for the future.

Mr. Limbacher opined the Master Plan will show how silos work together.

Ms. Burbine said she agrees with comments made by the Board. She opined this is a long range process, but also long term, 5-10 years out where does the town want to be and how does it get there; communication is key.

Mr. Washburn let the Board know that the MAPC, Metropolitan Area Planning Council, reached out to the town to give a grant to study rezoning in North Scituate.

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

- PDF Mullaney’s 8 Allen Place progress dated 10.17.18
- PDF 8 Allen Place Application dated 10.23.18
- PDF Proposed parking

- PDF Signs
- PDF Site Plan Stamped 10.2.18
- Doc Transmittal letter dated 10.23.18
- PDF Allen Place 11-7-18 Additional info

Attendees: Joseph Norton, Owner Mullaney's Fish Market, 8 Allen Place

Mr. Norton reviewed the plans for the Board:

- 1946 building pre-existing not conforming
 - Fish market since the 70's will remain
 - Expanding full basement, make a more energy efficient/greener building
 - First floor expanded retail and processing
 - Working with fishermen in Scituate to process fish and retain the fishing industry and the working Scituate Harbor
 - Building will be narrower, further from the street, rear stays the same
- Obtained an 4' easement from the neighbor
 - Proposed loading dock on the side of the building instead of the front
- Will be 23.6' tall
- Lot is 3,700 sq. ft.
- Flat roof with railing, solar panels and green scape to shade mechanicals on the roof
- Water retention barrels on the sides of the building, will be pumped up to the green space on the roof
- Disposal of fish waste
 - Donate to local lobsterman to reduce their costs
 - Excess will be trucked off site as it is now
- Snow removal shoveled off and can be trucked off site if necessary
- Presently 4 parking spaces will remain
 - 38' of frontage
 - With easement able to expand one space and make ADA compliant
- Moving the dumpster and recycling bin to the rear of the building

Ms. Joseph indicated the Board needs to decide if they would like the project to go to Design Review Committee. She indicated she did ask for additional information for the Board regarding waste and refuse. Regarding parking she said Mr. Norton will be asking for a waiver for the retail and office portion; there are four spots available on site, but eight spaces are required.

Mr. Norton said that with the increase in square footage and making the building more functional he would have to add 4 spaces under the regulations, but would like to ask the Board to grant a waiver under 760.8 of the zoning bylaws.

Ms. Joseph indicated the ZBA decision has not been filed with the Town Clerk; there were no major conditions on the approval of the permit.

Mr. Limbacher asked how long the project will take. Mr. Norton said about 6-8 months. In the meantime retail will be done out of Cohasset, wholesale will be done in Boston. He indicated that on the east side of the building they will install a barrier wall for protection for the neighbors during construction.

Mr. Limbacher asked several additional questions regarding the use of the building, the mechanicals and noise. Mr. Norton indicated the use of the building will be the same as it currently is with the same number of people coming in and out, the mechanicals are currently all around the building; he said that by making it more efficient they will have one main mechanical system on the flat roof that will be hidden by the railing and green scape, the noise level will be the same as it is now, loading and unloading is primarily 7-10 am and then again 5-7 pm, retail primarily from noon – 6 pm. He does not foresee any change in the business.

The Board members expressed support of the project and would support a waiver for the parking to promote walkability in the Harbor.

Mr. Bornstein commented about the stormwater, noting that the project is not triggering a stormwater permit, but that it will sheet flow from the gutters to the municipal system. He opined that future development should do what is necessary to treat stormwater on-site rather than letting it go into the town drainage system. He commended Mr. Norton for doing what he is with the rain barrels and green scape roof system.

Public Comments:

Mr. Charles Thibeault resident at 60 New Driftway asked about the mechanicals, the noise and if the fish processing was more than what goes on currently. Mr. Norton indicated there is no increase the noise, in the mechanics or anything different than what happens now. Mr. Thibeault asked if there will be additional plumes of heat being released from the mechanicals, i.e. refrigeration. Mr. Brian Jones from Rivermoor Engineering said the system has not been designed yet, but they will take that under advisement.

Mr. Frank Mirarchi resident at 67 Creelman Drive said he is here to advocate for the fisherman of Scituate. He opined it is a really important project to the fishing industry in Scituate. He cited two articles written in the Scituate Mariner highlighting the issues and difficulties that smaller scale boats are having. He said this project hopes to achieve a level of efficiency, shortening the supply chain and cost savings to the local fishing industry; creating a local source supply and consumption of fish caught locally. He opined it is a wonderful business model and a key to keeping Scituate Harbor a working waterfront.

Mr. Frederick Ayers resident at 15 Allen place indicated he is the closest residential neighbor to Mr. Norton. He said Mr. Norton has been a great neighbor for 20 years and is he is in favor of the project.

Mr. John McAteer resident at 22 Collier Road reiterated the sustainability of the fishing industry in the harbor; it would negate pollution from trucking fish to other places. He opined everything seems to be a positive effect on the local industry.

Dr. Gordon Price resident at 48 Mann Lot Road said for 32 years he was one building removed from Joby and wanted to reiterate what a great business he runs. He said he is encouraged to see that the town is taking steps to expand growth and help the tax base. He is happy to hear that the Board members are in favor of the plan and said that he is also in favor of the plan.

Mr. Brian Houlihan resident of 26 Turner Road and proprietor of The Galley at 95 Front Street said he buys fish from Mullaney's and opined this will make the Harbor a better place for everyone; it

will bring back the seafaring community. He said overall it is going to be a great thing and is looking forward to it and is behind it 100%.

Mr. Kevin Norton resident of 8 Sangay Lane, Mr. Norton's cousin and also a local fisherman said he is very excited for this and that it is great for the Town of Scituate. He said the local seafood aspect is a huge piece for the community right now; fisherman are hurting, competing in a global market, he said people in the South Shore will pay a premium and want the local fish. He opined it will be a great business model for the local fishermen, the town, and the restaurants in town. He is here to show his support and is glad the Town is looking at it favorably.

Ms. Burbine indicated the Board needs to have the ZBA decision before it makes a decision.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the Site Plan Administrative Review public meeting for the Mullaney's Fish Market, 8 Allen Place until November 29, 2018 at 7:30 pm.

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

The Board determined the project did not need to go before the Design Review Committee.

Form A – ANR – 203 Old Oaken Bucket Road

Assessor's Map/Block/Lot 42-2-182

Applicant/Owner: John K. Tedeschi

Document

- PDF ANR Application 203 Old Oaken Bucket Road
- ANR Plan 203 Old Oaken Bucket Road
- Doc Transmittal 203 Old Oaken Bucket

Attendees: Gregory Morse, Morse Engineering

Mr. Morse reviewed the plan:

- 2 lot subdivision
- Originally 2 acres in size with a single family house
- R1 zoning – require 40,000 sq. ft. lot size and 100' of frontage
 - New lots are both in compliance with zoning requirements

Ms. Joseph indicated the plan can be endorsed; there is access and frontage. She did note that a stormwater permit may be required.

Motion:

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land in the Town of Scituate, MA 203 Old Oaken Bucket Road prepared by Morse Engineering Co., Inc. for applicant/owner John K. Tedeschi dated 10-30-18 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 the public way of Old Oaken Bucket Road.

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

Form A – ANR – 92 Neal Gate Street
Assessor's Map/Block/Lot 57-1-3 and 57-1-6
Applicant/Owner: Gregory P. & Wendy S. Sears

Document

- PDF ANR Application for Endorsement of Plan Believe Not to Require Approval
- PDF 8487 Rev ANR Mylar
- PDF 8487 Deeds for Parcels 57-1-3 and 57-1-6
- Doc Transmittal 92 Neal Gate Street

Ms. Joseph indicated this is the formal request to break the land into two parcels; they have access and frontage.

Motion:

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land in the Town of Scituate, MA 92 Neal Gate Street prepared by Stenbeck & Taylor, Inc. for applicant/owner Gregory P. & Wendy S. Sears dated 10-30-18 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 the public way of Neal Gate Street.

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

Endorsement of Common Driveway Plans – 92 Neal Gate Street

Motion:

Ms. Lambert moved to endorse the Common Driveway Plan in Scituate, MA for 92 Neal Gate Street prepared by Stenbeck & Taylor, Inc. for applicant/owner Gregory P. & Wendy S. Sears revised dated 9-28-18 as the Common Driveway Standard Conditions require the Board's signature on the plans.

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

Minutes

Documents

- Meeting minutes 10.25.18

Ms. Lambert moved to approve the meeting minutes for October 25, 2018.

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

Accounting

Documents

PO #1904521 (\$1,560.0), PO #1904713 (\$5,034.46) PO #1904714 (\$20,279.81) PO
#1904764 (\$3,010.83) PO #1904789 (\$1,843.20)

Ms. Lambert moved to approve the requisition of \$1,560.00 to Merrill Corporation for peer review for 6 MacDonald Terrace, for \$5,034.46 to K&E Construction for return of stormwater bond with interest and unexpended funds for peer review and site inspections, for \$20,279.81 to Diamond Development Realty Trust for return of surety, for \$3,010.83 to Christopher Scanzillo for return of stormwater bond, for \$1,843.20 to Horsley Witten for peer review inspections for Seaside at Scituate

Ms. Lewis 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

- One resume for Design Review Committee
 - Set interview for next meeting
- 180 & 182 First Parish Road Stormwater Permit removed from the agenda
 - Neighbors have made significant progress in coming to a resolution
- Seaside at Scituate
 - Working on putting drain lines in Sixth Ave.
 - Finished demolition of the buildings
 - Will be working on remediation
- No update on 50 Country Way

Continued Public Hearing – Special Permit – Accessory Dwelling Unit – 16 First Ave Assessor's Map/Block/Lot 34-10-5

Applicant/Owner: William and Julie Luetete

Document

- PDF 16 First Ave. Site Plan
- PDF Revised architecturals 16 First Ave
- Photos of homes in the neighborhood

Attendees: Greg Morse, Morse Engineering Co. Inc., William Luetete, Property Owner of 16 First Ave.

Mr. Morse reviewed the plan.

- Accessory dwelling complies with set backs
- 750 sq. ft. maximum allowed under the bylaw
- Required to have four parking spaces
 - Complies with two spaces in the existing driveway and two new gravel parking spaces
- Board requested view of the front and side elevations with the existing dwelling
- Added roof with shed dormer to the accessory dwelling in response to concerns of the flat roof originally proposed
- Floor plan is the same, no changes

Ms. Burbine asked if there is a full basement and if the attic space is accessible and usable. Mr. Luetze said there is a full basement and the attic space is not usable.

Mr. Luetze expressed some frustration with this process, he said they have changed the roof from the last meeting they meet all setbacks, the siding matches the existing house, there will be landscaping done that is not in the picture. He said the only way they can do an accessory dwelling is to add to the side of the house. He opined they were trying to do the right thing by having a flat roof so the neighbors would still have an ocean view, they have added a roof and he feels the neighbors will now be disappointed. He said they are trying to do the best they can for the neighborhood.

Mr. Morse provided pictures of abutting houses in the neighborhood.

Mr. Limbacher said the issue he is grappling with is how the house integrates into the neighborhood and looks in relationship to the existing building. Mr. Luetze indicated the new addition will match; it is the same colors, dormers will make them blend, the roof and siding will be the same. He said the neighborhood is a mixture of lots of different houses. Mr. Luetze explained that there is no access from inside the accessory dwelling or the existing house to the basement; the entrances to the accessory dwelling are on the sides, per the bylaw. He stated his understanding of the issues from the last meeting where the flat roof and how the building looked with the existing dwelling; they have made the changes requested.

Ms. Lambert and Ms. Lewis opined the new drawing was much nicer, more aesthetically pleasing.

Mr. Bornstein said this is more aesthetically pleasing, but he did differ from other members on the flat roof.

Ms. Burbine questioned the deck; Mr. Luetze indicated it cannot be seen from the front of the house.

The Board had discussion regarding the need for the written ZBA decision and determined they could add a condition into the special permit to address the receipt of the ZBA special permit.

Motion:

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

1. On September 27, 2018, William & Julie Luetze applied for a special permit for an accessory dwelling within a single family home on the property at 16 First Avenue.
2. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 750 sq. ft. Although, this is 45% of the total square footage of the primary dwelling which is 1,650 sq. ft., this meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the greater amount is allowed.
3. The side setback of the existing house is 3.9 feet according to the accessory dwelling site plan. A special permit to allow an addition was voted by the ZBA on October 18, 2018.
4. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
5. Revised architectural plans dated 11-4-18 have been submitted in response to the Board's concern that the appearance of the building remain unchanged as much as feasibly possible.

6. The Proposed Accessory Dwelling Site Plan shows a paved driveway and additional parking spaces parallel to the road which appears capable of providing four outside parking spaces. This appears adequate to provide two parking spaces for the accessory dwelling and parking for the primary dwelling.
7. The owners have submitted a signed, notarized statement that they will live on the property.
8. The main dwelling and the accessory dwelling will be serviced by town sewer and water.
9. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Ms. Lambert moved to approve the Special Permit for an accessory dwelling at 16 First Avenue with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to the Site Plan entitled Proposed Accessory Dwelling, 16 First Avenue, Assessor's Parcel: 34-10-5 Scituate, MA by Morse Engineering Co., Inc. dated 9/18/18; Architectural Plans by Bob Burgess revised dated 11-4-18 consisting of 5 sheets for the Connell Residence at 16 First Avenue Accessory Dwelling including Elevations; Elevations; Floor Plans; Foundation Plan; and Framing, Sections & Shear Wall.
2. The number of bedrooms in the accessory dwelling is limited to two in the location and size indicated on the floor plan submitted with the application.
3. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
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. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
5. The accessory dwelling special permit is conditioned on receiving Section 6 finding from the Zoning Board of Appeals.
6. The standard conditions for accessory dwellings approved by the Planning Board on 12/17/15 shall be conditions of this decision and shall be included for recording at the Registry of Deeds

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

There was discussion with Mr. Connell about when the applicant could expect to start construction. The Board indicated there is an appeal period for both the Planning Board and the ZBA once the decision has are filed; any construction would have to wait until those periods expired.

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

Document

- PDF 90 Ann Vinal Letter to Planning for Flexible Open Space donation Planning Board
- PDF 90 Ann Vinal Road Signed Surety Letter
- Email to Karen Joseph from Don Gillespie dated 10.23.18
- PDF 90 Ann Vinal Signed Bond Letter to Planning Board
- PDF 3739-FOSD 8th Sub Endorsed-Basin 2 Connection
- PDF 3739 Ann Burbine Proposed Bond Surety Letter dated 11.6.18
- PDF 3739 Ann Burbine Request to install foundations only letter dated 11.7.18
- PDF Curtis Estates Drainage Modification
- Email to Karen Joseph from Peter Palmieri dated 11.8.18
- Inspection Report from Merrill dated 11.8.18
- Plan excerpt from Mr. Sheerin

Attendees: Michael Hayes, Attorney; Paul Mirabito, Ross Engineering Co.; Paul Sheerin, Manager of LLC

Mr. Hayes began by discussing the open space and the requirements of the special permit. He indicated the applicant has negotiated with the Conservation Commission to take care, custody and control of the open space within the development, with the addition of a 9 acre parcel that abuts the project. Conservation has voted to accept the property and signed the deed accepting the property; the applicant will be before the Board of Selectmen for final acceptance of the deed. Additionally there is a 3 acre parcel that abuts the Hatherly School property. The applicant has made an agreement with Conservation and the School Department; if the land does not go to the school after a set period of time it will be added to the 9 acre parcel and will be overseen by the Conservation Commission. The applicant feels this will meet the requirements of the special permit and the bylaw. Mr. Hayes suggested there be a motion of acceptance of the agreement/deed once reviewed by the Board of Selectmen.

Bond:

Mr. Hayes indicated the applicant suggests the bond be set at \$60,000 for the top coat, \$12,000 for the trees and \$50,000 for the sidewalk. He indicated the applicant is proposing a Corporate Surety Bond with the understanding that the town wants their consulting engineer and DPW to review the amount and the amount may change. He indicated Mr. Sheerin has the bond in place inclusive of the \$10,000 maintenance fee and inflation and all the calculations in the subdivision rules and regulations will be met. He indicated once everyone agrees upon a proper figure for the bond the applicant will ask for the Boards acceptance of the bond and would like to be placed on the next Planning Board meeting.

Foundations:

Mr. Hayes indicated that the applicant would like to pour four foundations on the property. He indicated the binder coat should be completed in a couple of weeks, the remaining infrastructure, drainage, water, storm control measures are in place, with exception of Basin 2 to be discussed tonight. The applicant opines that if the basin issue can be resolved they could be back at the next meeting to ask for lot releases.

Mr. Hayes discussed the difficulties they are facing with getting the gas infrastructure installed, due to the situation in Lawrence. He indicated they would be lucky if it was to be installed in the spring. He further mentioned Basin 2 as being an issue due to the wet weather, but once in place it will work as designed.

Mr. Mirabito addressed the gas line infrastructure.

- The approved plan has the gas line under the roadway pavement
- The plan from the gas company shows the gas line between the edge of the pavement and layout line
- Water main is looped
 - Located under the berm along with the electric conduit
- Feel best way to put gas main is up the left side of the road way between the edge of the pavement and the layout line
 - No other utilities on the left side
 - Water line down about 5'
 - Gas line would be down about 30"
 - SLT going to put in sleeves for gas and electric under the roadway
 - No need for any trenching for the underground utilities
 - Ask for a change in the cross section
 - Does not matter which side of the roadway gas line is on installation construction would not change

Stormwater – Basin 2:

Mr. Mirabito reviewed the plan and pointed out the basins on the property. He indicated that basin 2 is at the low point for the property and that the basin in the front and basin 3 feed into basin 2. He indicated prior to the project being built the water was flowing to the street from the corner of where basin 2 is located. He said due to the weather the basin has been filling with water and some of the water has been flowing over to the abutter's driveway and on to the street. Mr. Mirabito presented two ways to resolve the issue 1.) A pipe from the level spreader to a catch basin 2.) A new drain man hole. DPW and Peter Palmieri opined the best solution is to put a new drain man hole in the street; this would prevent water from flowing to the sidewalk and street to alleviate concerns with weather hazards. The Board referenced a letter from DPW, the applicant agreed to the recommendations made in the letter.

Mr. Bornstein said he recalled some of the basins were to be maintained in a natural condition. Mr. Mirabito pointed out that basin 3 is still in its natural wooded state. Mr. Bornstein also opined that stormwater should not be taken from a site into the town infrastructure. Ms. Joseph indicated that is why DPW has requested the new drain man hole, a plan showing the update prior to installation, a new valve, and the operation and maintenance plan be revised to include the new valve and a certification that it will not negatively impact the stormwater system in Ann Vinal Road, as well as inspections to DPW and the Planning Board for at least one year after. She indicated the water is ultimately going to the same place as the existing conditions; this is a solution to a safety issue on the sidewalk. She said DPW has asked for the valve and the certification that this change will not negatively impact the stormwater system in Ann Vinal Road. Mr. Mirabito further discussed that there will be no increase in volume of water into the town infrastructure and this will remedy water flowing on to the sidewalk.

Mr. Bornstein opined that he realizes the need to resolve the issue, but for future and philosophically he does not like having hard lines going into town infrastructure systems for stormwater and drainage.

Public Comment:

Mr. Charles Thibeault resident at 60 New Driftway asked a question regarding the purpose of the valve. Mr. Mirabito responded that it is a “check valve”.

Mr. Limbacher asked if basin 2 is a detention and retention basin. Ms. Joseph indicated the basin is an infiltration system that is not complete; it is supposed to be dry after 72 hours and that is currently not happening. Mr. Mirabito further added this subdivision has four very large basins; normally there would be one in a development this size. He said there is no more water coming off the site once it has been paved and configured than prior to the site being built out.

Ms. Joseph indicated she had a motion for a minor field change, just one segment of what the applicant is asking for tonight.

Motion:

Ms. Lambert moved to approve as a minor field change the installation of a drain manhole in Ann Vinal Road with a minimum 8” pipe connection to connect basin 2 to Ann Vinal Road subject to the following conditions:

- A new plan be provided to show this connection prior to installation;
- A valve being added to the plan and considerations made to allow for some water to discharge from the level spreader as originally planned prior to installation;
- The Operation and Maintenance Plan (O & M Plan) be revised to include the new valve piping and a certification made by the design engineer that this improvement will not negatively impact the existing stormwater system in Ann Vinal Road prior to installation;
- Monthly inspections will be required with reports provided to DPW and the Planning Board for 1 year following installation to ensure that the improvements are functioning as intended with repairs provided if needed.

Ms. Lewis seconded the motion; there was discussion.

Language was added to bullet point #3 to include “not increase the volume prior to installation”.

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

Open Space Signage:

The plan indicated that signs should be placed on all of the back lot lines, it was pointed out there are only a few lots that are abutting the open space, the remainder of the lots about the basins. The applicant does not think it makes sense to put signs in some of the areas that are noted on the plan.

The Board agreed to allow the applicant to put in the open space signage at their discretion so long as it is along the actual open space and that the stormwater O&M Plan and the Homeowners Associations documents specify there is no dumping of yard waste, etc. in the basins.

Foundations:

Mr. Sheerin indicated that the gas company is basically not doing business in this area until the situation in Lawrence is cleared up. He said they don’t want to hold up the project until the gas

company can service the project. He indicated they want to move the gas line out from underneath the road to one of the shoulders; they want to continue to do a binder that will occur within the next two weeks. They are asking the Board to allow them, after the binder coat is done to do some clearing and put in some foundations; not asking for lot releases, just for foundations.

Ms. Joseph recommended to the Board that the applicant provides a cross-section of the where the gas line is going to go and that the Board sees the cross-section prior, additionally that the gas lines and the electric lines are included in the surety estimate.

Mr. Sheerin said that if they have an issue with Columbia Gas they may have to go to an alternative source of fuel. But, where the gas line will go they cannot determine because they are not able to contact the gas company at this time. He said they hope to have the gas line on the opposite side of road, away from the electric because there are some restrictions on distances. He does not think the gas needs to be bonded, because it has to be completed before they sell a house. Mr. Hayes also added that gas is not part of municipal services.

Ms. Joseph indicated the Board would be setting precedent by allowing foundations to be done prior to lot releases. Mr. Sheerin indicated that he has obtained some approval from Mr. Vogel if the Planning Board is in agreement with allowing foundations prior to lot releases. Ms. Burbine requested Mr. Sheerin provide something in writing from Mr. Vogel; then the Board will take it under advisement and put the applicant back on the agenda for the November 29th meeting.

Mr. Limbacher recapped the issues to be discussed at the next meeting:

- Open space – motion of acceptance that the condition has been meet
 - Deeds to be provided by the applicant
- Surety amount
- Surety by bond
- Gas lines – will need a field change to take the gas out from under the road
 - Mr. Sheerin indicated the gas line has to move
 - Applicant needs to provide a cross-section of where the gas line is going
- Foundations

Documents

- Email to the Board from Karen Joseph dated 11.2.18 with meeting agenda and meeting materials for 101, 103 & 105 Residential Compound, Zoning, and 203 Old Oaken Bucket Road.
- Email to the Board from Karen Joseph dated 11.2.18 with meeting materials for Curtis Estates/90 Ann Vinal and 8 Allen Place, Mullaney's.
- Email to the Board from Karen Joseph dated 11.6.18 with meeting materials for 16 First Ave and 90 Ann Vinal.
- Email to the Board from Karen Joseph dated 11.7.18 with meeting materials for 8 Allen Place – Mullaney's Fish Market.
- Email to the Board from Shari Young dated 11.7.18 with AMENDED agenda for 11.8.18.
- Email to the Board from Karen Joseph dated 11.7.18 with meeting materials for 92 Neal Gate Street.
- Email to the Board from Karen Joseph dated 11.8.18 with meeting materials for Curtis Estates/90 Ann Vinal.

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 9:30 p.m. Mr. Borstein seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young

Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved 11/29/18