

## **SCITUATE PLANNING BOARD    MINUTES    January 12, 2023**

Members Present: Patricia Lambert, Chair; Benjamin Bornstein, Vice Chair; Ann Burbine, Clerk; Stephen Pritchard and Rebecca Lewis

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

Members absent:

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

Location of meeting: Select Board Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chair Lambert called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television and streaming live on Facebook with in-person and remote access available.

### **Documents**

- 1/12/23 Planning Board Amended Agenda

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

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**Continued - Public Hearing – Site Plan Administrative Review and Special Permit for Mixed-Use Building and Stormwater Permit in the VCN- GDG-NDTV – 61 New Driftway  
Assessor's Map/Block/Lot 53-03-2A**

**Applicant: John Tedeschi**

**Owner: John Tedeschi and James McInnis**

### **Documents**

- PDF 14-203-61 New Driftway – Architectural Plans 11.11.22
- PDF 14-203-61 New Driftway – Narrative & Applications 11.11.22
- PDF 14-203-61 New Driftway – Photometric Plan
- PDF 14-203-61 New Driftway – Rendering
- PDF 14-203-61 New Driftway – Response to Comments 11.11.22
- PDF 14-203-61 New Driftway – Site Plan 11.11.22
- PDF 14-203-61 New Driftway – Stormwater Report – 11.11.22
- PDF 14-203-61 New Driftway – Traffic Study – 11.22
- PDF 33 & 61 Driftway Letter to Planning Board
- PDF 61 New Driftway DPW Memo
- PDF 2293 2<sup>nd</sup> Review Letter 121222
- Email dated 12.20.22 with comments from Sewer Department
- DOC REV 2
- DOC Summary of Issues 1-12-2023
- DOC DRAFT Motion Form 3<sup>rd</sup> Continuance
- Email from Mr. Morse dated 1.10.22

Attendees: Steve Guard, Attorney; Greg Morse, Engineer; Jamie Kelliher, Architect; Scott Thornton, Traffic Engineer; John Tedeschi, Applicant/Owner; John Chessia, Towns Consulting Engineer; Kirsten Braun, Towns Consulting Traffic Engineer

Mr. Guard indicated they would address comments from the last meeting, parking and the re-design of the fifth floor.

Mr. Morse gave an overview of the plans dated 11.11.22.

- Number of units has been reduced from 25 to 22 units
- Added 4 EV (Electric Vehicle) spaces
- Revised ADA ramps at the connecting sidewalks
- Reduced the entrance grade off of Old Driftway for the first 10', now at 2%
- Added directory sign at front of the project
  - Directs people to commercial spaces versus residential spaces
- Amenity space has increased
  - Space at the front of the building – outdoor dining terrace and yard space
  - Amenity space on the roof top
- Added transformer location at the corner of the property
- Made some minor changes with respect to drainage
- Received Mr. Chessia's review from 12.12.22 have not responded to those comments
- Believes the project is scheduled for Design Review on 1.24.23

Mr. Thornton gave an overview of traffic.

- Submitted an initial traffic assessment in July 2022
- Received Peer Review comments in October
  - Peer review requested a conventional traffic assessment
    - Counts at existing locations
    - Trip generation
    - Data collected at intersections requested by Peer Review
      - Stockbridge Rd./Old Driftway
      - Old Driftway/New Driftway
      - Driveways for the site
    - Full traffic assessment done in November and results submitted
- November Traffic assessment answered some Peer Review concerns relating to trip generation, site circulation and continuing to work through those comments.

Mr. Kelliher gave an overview of the architectural updates.

- New rendering taken from corner view
  - Perspective coming down the road
  - Difference shows the level change coming down the road
    - Wall shows larger separation from the patio area and the sidewalk and will have a rail
- First Level
  - Updated and corrected the first-floor residential units that were too close to the property, needed 60'.
    - Reduced units from 4 to 3 residential
    - Average 700 sq. ft. one-bedroom units
    - At least 2 would be accessible units, possibly all three

- Commercial more square footage, 6,500 sq. ft.
- Removed penthouse unit revised the circulation corridor
  - Originally on the back corner of the building
  - Now more in the middle allowed the architecture on the back corner of the building to be cleaned up
- Third floor – mix of two- and one-bedroom units
- Fourth Floor revision 2 two-bedroom units and 1 three-bedroom unit
  - Maintained outdoor amenity space that is accessible to all residents
- Fifth Floor proposal
  - Access structure to a rooftop amenity space
    - Elevator, egress stair and required accessible bathroom
    - Opens out to small 15' covered portion, patio space under the roof
  - Potential sports court or other outdoor amenity space for the residents
  - Circulation pavilion meets or exceeds all of the original requirements
    - Setback from the edge of the building so nothing seen from below
- Heights are same as the last meeting, under the height requirements for the first four floors
  - Front eve-line of the building is low
    - Gives the building not a very tall look

Ms. Braun the Towns consulting traffic engineer provided comments.

- Initial review submitted in October
- Responses were received and a 2<sup>nd</sup> review letter was provided in mid-December
- Initial review letter requested a full impact and access study
  - Applicant did submit the study along with other information that had been requested
  - Discrepancies were found in the trip generation assumptions
    - Number of units, what kind of land use was used for the office/commercial space
    - Asked applicant to update the information
- Site Plan Comments
  - Stop line not included on the Old Driftway exit
    - Included on new plan set, however it is located 2' back from the crosswalk; ideally would like it to be at 4' back, prevents vehicles from over hanging into the crosswalk when stopped
    - Impacts of pushing back the stop line should be minimal
  - Recommend the Board consider designation of parallel spaces along the driveway as employee only
    - Will minimize turnover in the spaces and minimize and impacts of queued vehicles
  - Applicant added a 10' long level landing area on Old Driftway exit, recommendation is for 25' to accommodate at least one car length so the car length is on a somewhat level landing area of 2% or less slope
  - Trees proposed within the New Driftway right of way; trees need to be of a certain caliber so that they do not interfere with sight lines exiting the driveway
  - Issue with location of the site driveway on New Driftway
    - Driveway is wedged between 2 opposing driveways

- Creates turning movement conflicts
- Left turns in/out of the site driveway and the site driveways opposite
- Recommend the driveway align with the south westerly driveway; will minimize any turning movement conflicts for both sites
- Scituate DPW had similar comment pertaining to the driveway
- Additional comment included
  - Area building up quickly and hard to gauge traffic volume in the future, estimate is best that can be done, but Town has concerns with changing traffic patterns in the area asking the applicant to perform a traffic monitoring study within 6 months of 90% occupancy of the site
  - Study would reanalyze the New Driftway and Old Driftway intersection in terms of operations, getting new traffic data during the weekday morning and evening peak hours.
    - Compare analysis to what was originally shown on the traffic study
      - If the results show worsening operations the applicant should prepare signal timing and phasing plans to improve operations and commit to implementing them after review and approval of the town.

Mr. Pritchard asked what the impact was on the traffic study since the Gas Station/Convenient store opened. Mr. Thornton indicated the counts did include the traffic for the gas station since the opening was in November. He said he would double check the dates, but it should have been included in the counts.

Mr. Pritchard indicated he did not see anything about roadway improvement projects he thought the Town was proposing in the area particularly concerning the gas station. Ms. Joseph said she is not aware of any projects that the Town might be considering at this time; right now, the signal timing has to be looked at when the Drew project is at 60% occupancy. She said the gas station already did their turning lane on the ground; it is still inconclusive if the unmitigated impact exists or not. The Traffic Engineer on the gas station went out two times and never observed an issue.

Mr. Pritchard asked the applicant if there is anything from Ms. Braun's comments that they think they will not be able to accommodate or address. Mr. Thornton said no, they have been working on the comments and the monitoring study is a common requirement. Mr. Pritchard said he was specifically thinking of the 25' landing and the driveway alignment. Mr. Morse indicated the driveway location was chosen because there was an exit on the approved plans from the Drew, but that is no longer being constructed; they were trying to maintain a distance to that driveway. He said there is no reason the driveway could not shift over; realigning the driveway is something they can absolutely do. There was discussion about the 25' landing; Mr. Morse said he needs to look into that more and has reached out the Drew Company to be allowed to do some survey work on the site.

Mr. Bornstein said he defers to the traffic engineers to figure out the traffic issue because it is more technical; in terms of the driveway layout it sounds like that can be accommodated so he is all set at this time.

Ms. Burbine has concerns of the parallel parking along the back of the building that maybe used for commercial use; she feels those spaces should not be there at all. She is not sure it is a good idea to have cars entering/exiting along there if there are proposed apartments next to them. She indicated it had been discussed at Traffic Rules and although it was not in a written comment asked if there should be a fire lane in the location of the parking spaces; she asked the applicant to think about it. She said she has issues with people coming out of an apartment/condominium on to a 5' sidewalk and there is a car parked right there that might not even be their car. Mr. Morse asked if the spaces in front of the apartments were designated ADA spaces for those units would that be acceptable. Ms. Burbine said she is not sure. Mr. Guard opined it would be a good idea to designate those spaces to the lower units.

Mr. MacLean asked if the applicant had considered putting a concrete pad or something so people could bring up barbeques on the top level. Ms. Lambert asked him to hold his thought for later so they could just focus on traffic.

Ms. Joseph added the street trees should also be at a branching height of 7' so people can see under the trees. She asked why the intersection of Country Way and Stockbridge was not included in the traffic study; if cars come out of the Old Driftway exit drive they are likely to drive down to Country Way to get to the rotary if the light is congested. She said if the spaces along the wall are designated handicapped there would need to be a fully accessible handicapped route; Mr. Morse said there would have to be. Ms. Joseph suggested there should be bollards at the side of the building where the parking spaces go head on into the building in light of the recent event at Derby Street and other places in the country.

Ms. Lambert asked when the traffic study was done how many ambulances came out of Life Care; she opined where the entrances line up is sketchy and assumes they will try to align things. She also indicated that traffic is becoming more congested in the area and Ms. Joseph has recommended the Board do their own traffic study in the area from Widows Walk to the rotary.

Mr. Thornton indicated they reacted to the peer review comments where they identified the locations to study; he said they will take a look at the other intersection.

Ms. Lewis asked how wide the sidewalk is on the other side of the wall; the sidewalk is 5'- 6' and the highest point of the wall is about 30".

*Public Comment regarding traffic:*

Mr. Bjorklund, local Developer, asked when the Zoning was changed for the area why a traffic study wasn't done for the area and the intersections; knowing the density and the number of units and amount of area down there one of the most important things would have been traffic. He opined before the density was created traffic should have been looked at for all the projects that could happen in the area. He said a good consultant would have said that. He is curious if there were any studies of these intersections. Ms. Lambert said it was probably not looked at as extensively as it should have been.

Discussion moved on to the site design.

Mr. Guard reiterated that Mr. Morse opined he would be able to move the driveway and look at the 25' landing area as requested.

Ms. Lambert commented that it appears the stairs go down into the public way and that is not acceptable and asked how that would be addressed. Mr. Morse pointed out the retaining wall and stairs and said the stairs could be pulled back closer to the building; he will have to look at the retaining wall, but it can run along the lot line and there would be a small grass strip that would be between the wall and the sidewalk. He said he saw it in the comments and feels it can be revised.

Ms. Lambert also commented that the landscape plan needs more work; it is unimaginative and the on the backside between this project and the Drew project one row of trees does not suffice.

Mr. Chessia provided a summary of his review. He said the Board has a lot of discretion and has to make a lot of decisions.

- Requested waivers
  - Section 751.3.E – allow greater than 25% impervious in the front yard
    - Applicant is at 48.2%
  - Section 751.3.H – planting buffer required to be 15'
    - Applicant is proposing a 5' buffer
  - Section 753.3.J - 10' crosswalk is required
    - Applicant proposing 6' crosswalk, but most of the sidewalks in the area are not 10' wide so does not make sense to have a 10' crosswalk
  - Section 750.5.G – survey to extend 50' to surrounding area
    - Applicant asking for that not to be required
    - May not need the full 50', but there is some are the Board seem to want.
      - Area around Old Driftway and the proposed driveway
      - Area around the corner with abutting properties
      - Important to show driveways completely on the opposite side of the road.
      - Board could waive a portion, but should decide what they want
  - Section 753.3.H.4 – Street trees, requirement for 10
    - Applicant proposing 8 and proposing to give 2 trees to the DPW for placement
- Special Permits
  - Section 580.4.C – higher density of the units permitted by right
    - 12 units allowed by right up to 28 by special permit
      - Applicant proposing 22 units
  - Section 750.5.B.2.D – building elevation over 100' in length
    - Applicant proposing building at 108' in length along New Driftway
  - Section 750.8.D.1 – allow parking that is not behind the front façade of the building.

Mr. Chessia said these are important for the Board to opine on so the applicant can go back and work on the design if the Board is not going to grant them relief.

- Board needs to decide on ground floor residential uses
- Board needs to discuss what is proposed for a density bonus
- Landscaping plan and screening needs to be reviewed
  - Mr. Chessia opined 2 of the street trees are too close to the sight lines, the 2 closest to the curb cut, the trees need to be given room to grow.
- No loading spot is designated
  - Other projects have required a loading spot, i.e. 7 New Driftway
    - Deliveries for both commercial and residential
- Does the Board want a turning analysis, was required on 7 New Driftway
- Parking requirements
  - Parking requirements inconsistently calculated for the gross floor area for the non-residential use, but does appear there are enough spaces
    - Numbers should be corrected
- Amenity Space
  - More information is needed
    - Safety
    - What is really going proposed on the top floor
  - Front of the building has a dining terrace, but not sure if there is any food service provided, Board should think about
- Public Realm standards
  - Review of furnishings is needed
- Affordability
- Height of the building needs clarity
  - Different numbers on different things; Architect should correct
- Sewer and DPW issues need to be addressed
  - Connections already there, so no need to cut into the road
- Drainage
  - Good material
  - Some issues have already been corrected
  - Steep downhill slope coming into a catch basin, the grate capacity should be checked for stuff flowing down the gutter
    - Need to make sure the grates catch it
  - Some information on the proprietary units needed
  - More information needed on the construction phase
    - Not a lot of room to park, staging, etc.
  - Snow removal needs to be shown

Ms. Lambert opined the building is overall too big; the infringement on the right of way shows the building is too big and the top floor is a big concern for her. She said the renderings do not match the site plans and the drawings say there is a kitchen on the top floor that she does not agree with; there are a lot of safety issues. She asked for more clarification on what is going on the top floor and also said that she does not think people will go to the front walkway and eat. She said it is a big building there is a lot happening on the top floor and the first floor has a lot of issues with living and businesses.

Ms. Lewis said it really needs to be decided what is happening on the roof; nothing can come down from that roof, would people be allowed to barbeque? Mr. Guard said grills had not been contemplated; it is really just open space for lounging and allowing people to get together and be outdoors. He said it is a generally open recreational space, but if they need to come up with something specific they will discuss that. He opined he does not think there will be a court up there. Mr. Guard gave an example of the new apartment buildings that have gone up in Marina Bay where the tops of the buildings have amenity spaces with outdoor areas with pergolas, covered spaces and plantings. He said COVID has taught us that people want to get outside. He said they will develop a plan with what is allowed up on the roof, maybe they say what can't be done, i.e. no open flames. He said with the sidewalk he agrees, it is not his vibe, but look at Galley with the open doors and people sitting on the sidewalk people seem to enjoy it and if you ever lived in the city that was the way to get outside to just sit there. He opined that is what this village type overlay is supposed to be, to simulate that closeness to a convenient store or coffee shop where people walk by their neighbors and say hello.

Ms. Lewis asked about what the retail/commercial space is planned to be; the applicant does not know at this time.

Mr. Pritchard asked the applicant to explain why the impervious area in the front yard needs to be so much beyond what is allowed and why the buffer is proposed as it is. Mr. Morse said he was actually looking for more information, but had not yet reached out for what the definition of the "front yard" is, he said there is no definition. He asked if it is the space from the building to the front property line or is it from the front yard setback to the right-of-way line and does it go across the entire property or just the front of the building; he is looking for some definition of what it is. He said the way they calculated it was across the entire property not just in front of the building, but he said it was unclear in the bylaw and the number maybe a little exaggerated depending on how it is interpreted.

Mr. Chessia said he used the applicant's numbers, but his understanding is that it is the whole frontage that is how it was done at the gas station.

Ms. Lambert asked about the seating outside in the front; Mr. Morse said the definition of a sidewalk dining terrace does not require a food service in the building as opposed to a café dining terrace which requires there be a food establishment in the bylaw; they are clearly defined and they were going for the one that does not require a food establishment, it is just space for people to sit outside.

The Board did not feel there were answers as to why the impervious area had to be almost double what is allowed or why there was only 5' of buffer versus 15' of buffer. The Board is looking for a clear explanation of why those can't be met. Mr. Morse said with the planting buffer they are trying to accommodate parking up along the street; they could look at consolidating it or moving it back on the site, but they would lose a couple of spaces.

Mr. Pritchard said there is a lot of hardscape.

Mr. Guard said they would like to put together a couple of paragraphs about why they are asking for the waivers. He said he does not feel they are prepared to answer them tonight. The applicant will give more of a position statement for the first two waivers.



The Board discussed the waiver of the crosswalk going from 6' sidewalk to 10' crosswalk and thought it was reasonable to not be 10'.

Mr. Pritchard asked about moving the trees back from the curb cut as Mr. Chessia had addressed in his comments; Mr. Morse indicated they would look at moving the trees.

The Board discussed the reduction of street trees from 10 to 8 and determined the applicant needs to find a place on site for the trees; 10 trees are required.

The Board discussed the density from 12 to 22 units with 5 affordable units. Ms. Joseph said the density bonus would be for 10 units. Typically, the Board has taken cash or something for an accepted project per the Zoning bylaw. Ms. Lambert proposed \$17,500/unit; the rest of the Board agreed. Mr. Guard said the applicant was thinking more of a public amenity project; Ms. Lambert advised the applicant to look at the Open Space Plan and Master Plan to see what is in the works for an approved project. Ms. Joseph reminded the applicant to review the specific section of the bylaw, because it requires information on permitting of a project, etc., she also said the Board is not obligated to grant a density bonus.

Ms. Burbine said based on the comments, the building is too big and there is too much impervious, she questioned whether the building could be telescoped down and pushed back to give more room in the front. She said the building is too big, it is being maximized and they may need to lose a couple of units. She also said she feels very strongly that in this district mixed-use is commercial/retail on the first floor in its entirety not condominiums or apartments. She opined she cannot vote for this at all if there are condominiums or apartments on the first floor; the applicant does not have her vote. She said if you look the harbor there is no residential on the first floor and that is the same thing that is happening in Greenbush. She said they do not have her vote if #1 it can't be scaled back and #2 if they don't have commercial on the first floor and finally, she cannot subscribe to what is being done on the roof. She said it is nice to have a patio up there, but smaller and lose the fifth floor.

Mr. Bornstein said he is conflicted as a member of the Board and member who worked on getting the new Greenbush Zoning passed as a form-based zoning to create a look and feel for the area; he said the building is not really what the zoning was going for, it is close, but it is not really hitting the mark. He said the building mass and scale and the look and feel doesn't really fit the design intent he had in mind for the area or fit with the look and scale of other projects coming through. He said in terms of the site design and low impact development there is a lot of hardscape, it is a very austere site design and is not very naturalistic at all. He said if all projects come in and ask for these kinds of waivers the form-based zoning would go out the window. He said it is an interesting project, he likes some of the things being done, but it is pushing the envelope and he does not know if he could go for the waivers around the impervious surface and the buffers. He said as far as the outdoor amenity spaces he could go for both of them, but he is not clear on the height of the structure on the roof and does not feel comfortable having structures exceed height requirements in the district for an outdoor space; he does not want to set precedent.

Ms. Lambert added the top structure is substantial.

Mr. MacLean said he does not have a problem with the concept because of what is going on in the area, a multi-story structure off the rotary, looking at a project near the icehouse/Rivershed, gas backwards on the other side of the street. He said this has more depth to it than any other buildings

on that side of the street or on the other side of the street. He said the area will become like a gauntlet, but he does not see how this is any different and does not see it as inconsistent with what is being put in any other location.

Ms. Joseph opined the Board needs to give the applicant more direction; is the Board happy that most of the amenity space is on the roof. She said penthouses are not allowed in Scituate anymore, the stairwell can extend above and the bathroom has to be handicapped accessible, but the extended structure is too much and the kitchenette in the stairwell is too much. The Board needs to say if they are okay with the amenity space; the Board will have to decide if the project should be referred to the Design Review Committee (DRC) tonight, if not then it will not go. The Board referred the project to DRC.

Ms. Lambert said the roof really needs more consideration, there is not a fence up there that she could tell from the drawing.

Mr. Kelliher spoke to some of the design concerns. He said he is confused when hearing the building is too big; the eve line is considerably lower than any other three level or two-story building. From his perspective it does not look like a massive building but a 2.5 story structure and the fourth floor is fairly hidden; there is a taller element to breakup the one side of the building and create a feature on that side coming down the Driftway. This is the second hearing for this building and opined the comments tonight would have been more helpful in the last meeting. He said from the last meeting they felt like they needed to adjust the building, but the comments tonight are telling him they need a complete redesign, i.e. pushing the façade back 12' from where it is now may not even meet the zoning requirement which says it needs to be 5'- 15'. He would like clarification tonight if that is what they are being asked to do, they don't have room on the site to move the building back; it is a complete redesign if that is what they are being asked to; he can't make the configuration work by just making a smaller/narrower building. He is leaning towards a complete redesign with comments been said tonight; they thought they were massaging this and the design in itself was sort of acceptable. He said the fourth-story is to meet the stepback requirement and other design criteria, it is very hard to see it from the ground, it disappears. He said the access pavilion was something from the last meeting that was talked about and would be entertained with the next concept. He said it is being done in a way that is unobtrusive; they have to provide an elevator stop and they want to provide access to the top level. They cannot just provide a stairway with a little hatch with a full elevator, 2 stair egresses and a bathroom are needed; the roof of the headhouse/access has to be tall enough to accommodate the elevator which is around 12'-13' so they created the hip roof structure. He said he can assure the Board it will not be visible from anywhere on the sidewalk, there is nothing smaller that could be done; there is no other way to provide access to the roof. He said they do not have to provide the covered area and could pull the roof back, but there is nothing smaller they could do and the kitchen could go away. He said before they get a recommendation to go to DRC they need to know if the concept is something they should move forward with; they keep pushing so hard on it, it may just need a new design. He said he really doesn't understand the comments about the size; it is a very modest looking building from this approach. It is a true perspective from the computer models, this is the best they can do and meet all the requirements. If the general response is this is too much and it is too big then they need guidelines in the future of this is what you have to do, this is what you must adhere to, otherwise they are designing something without knowing what the response will be.

Ms. Joseph said she did talk to the Building Commissioner about the elevator shaft; he did confirm that it does have to be the way it was designed with the exception of the kitchenette and there could

be a cantilever over the door so that there would be some cover, but the pavilion part was just a little too big. She said there are building setbacks and this building is towards the front of the setback, maybe the Board is suggesting it go more towards the further part of the setback.

Mr. MacLean commented if there is not going to be a designated area for people to barbeque on the first floor, it will either have to be on the roof or on the individual balconies; he opined the roof would be the best place to do it unless it is a security monitored building, barbeques are going to start showing up on all the balconies. He said that is why he brought up the idea of a concrete pad or something, because a grill is going to show up somewhere. The kitchenette will signify this is the area where residents should do their cooking if they choose to do so outdoors.

Ms. Lewis said a lot of newer buildings especially in Boston have that kind of concept on the roof; there are a lot of smaller condominiums and bigger shared spaces. She said of course the roof deck would have to have railings or they couldn't build it. Ms. Lewis said she has no problem with it.

Ms. Lambert indicated in terms of the project moving forward, it is a little industrial in the front and needs to be softened up, the structure on the roof is too big and needs to be made less substantial, there needs to be more trees; the comments from tonight's meeting need to be taken to DRC.

Ms. Burbine asked for a point of clarification on how the fourth-floor amenity space and the rooftop space are related to each other. The applicant said it is terraced. Mr. Kelliher said there are hipped roofs around the area so it is hidden and there has to be a guardrail which is a 3'6" height for anything up that high and often times they go higher. He said there is an outside stair to get from the top level to the next level; there has to be two means of egress.

Mr. Tedeschi commented on the residential units on the first floor noting that at the Drew project 4 of the buildings are 100% residential on the first floor and the massing of the new buildings directly next-door tower over this building. He opined those buildings do not have anywhere near the architectural design that Mr. Kelliher has put into this building.

Mr. Guard clarified the comment about "industrial"; Ms. Lambert said it is with regards to the landscaping, not the building.

*Public Comment:*

Mr. Bjorklund opined the building is gorgeous compared to what is down there in the Driftway area, but if there is no direction on the waivers the applicant is chasing their tail, there is no reason to go to DRC. He said taking the building out of it, it is on Mr. Morse to see if the site can work, but direction should be given on the waivers, especially with regards to the impervious surface. Is the Board willing to give them something maybe not double, but what would be acceptable so the footprint can be designed.

Mr. Pritchard said he does not understand why the applicant can't hit the 25% of impervious. He said no one has explained why the standard can't be met.

Mr. Bjorklund asked would the Board be open to 10%, 15% is there a number that would be palatable, or is the Board going to hold them to the standard of 25% then the building is gone and needs to be redesigned.

Mr. Pritchard said he can't answer that because no one has explained it, the applicant is looking to double it and plant only 1/3 of the required buffer. He said if someone can explain it and it seems reasonable then it is worth discussing, but that has not been answered. Why is the standard not attainable?

Mr. Guard asked about the buffer on the Drew project; there will be 2 buffers. He said the reason the 5' buffer may work is because they have 10' so there could be a 15' buffer. He said is the Board expecting a 30' buffer between buildings on each side because that would be huge.

Mr. Pritchard asked for the rationale why the standards are not being met.

Ms. Joseph said the Board is referring the project to DRC on January 24<sup>th</sup> and then discussed options for a continuance date.

Ms. Burbine again said it is a hard stop for her with residences on the first floor; Mr. Guard said they will address that to the best of their ability.

*Motion:*

Ms. Burbine moved to accept the applicant's request to continue the public hearing for Site Plan Administrative Review and Special Permit for a Mixed-Use Building and Stormwater Permit in the Village Center and Neighborhood District – Greenbush Gateway District- New Driftway Transit Village Subdistrict (VCN-GDG-NDTV) until March 23, 2023 at 6:30 pm and to continue the time for action for filing with the Town Clerk until May 26, 2023.

Mr. Pritchard seconded the motion as amended, a vote was taken and was unanimously in favor.

**Public Hearing – Stormwater Permit – Central Field – 90' Baseball Field**  
**Assessor's Map/Block/Lot 38-1-2**  
**Applicant: Scituate Little League**  
**Owner: Town of Scituate**

**Documents**

- PDF 2022-11-22 Scituate SW Memo
- PDF 22102 – 2<sup>nd</sup> Peer Review – Central field
- DOC DRAFT Motion SW Permit Central Field

Attendees: Mark Novak, Activitas; Janet Bernardo, Town's Consulting Engineer Horsley Witten

Mr. Novak indicated since the last meeting the plan has largely remained unchanged. He said bid documents have been prepared to include water sense controllers and a rain gauge; they did the best they could to comply with comments from the Water Resources Committee. He said the project is out to bid for base bid of the 90' baseball field on the southern portion of the site, alternate #1 involves the softball field on Branch Street, alternate #2 for protective netting and associated chain-link fence on Central Park Drive and alternate #3 is to explore the 2 score boards.

Ms. Joseph indicated at the last meeting the Peer Review had been satisfied, but a draft decision was not ready. She noted a comment came in from Mr. Greg Morse on Tuesday evening and the Town's Peer Review Engineer is here to address the comments.

Mr. Novak apologized that the Civil Engineer of the project could not be here due to business travel.

Ms. Bernardo said they conducted the peer review for the project; in their last letter they were satisfied with the stormwater design. She indicated she discussed the comments from Mr. Morse with Ms. Joseph and would be happy to answer any questions the Board wants clarified. She said some of the comments he noted were noted on the first review letter and were subsequently addressed. One comment was if the soil evaluation was performed by an engineer and the applicant has confirmed the engineer did conduct the evaluation; it is Horsley Witten's (HW) standard practice that if a professional soil evaluator or competent soil evaluator conducts a test pit they look at it and accept it. She said there were some explanations about the test done and HW found them to be reasonable and accepted the values listed and provided in the calculations. She said there are 14 comments and she could go through them individually if the Board likes.

Mr. Pritchard opined the comments seem very detailed, but said he would defer to Ms. Bernardo that she went through them and got answers that were satisfactory. Ms. Bernardo said nothing jumped out at her as something that they had not previously commented on and the applicant responded to and found the applicant's design to be acceptable.

Ms. Bernardo spoke to the test pit results, indicating a more conservative value was used then needed, when something is more conservative HW does not recommend that something less conservative be used. She said there is an elevation showing a cross-section that shows the top of the hill, the top of the basin, showing the elevation closest to the field and then the bottom of the basin and the lowest high point is marked; there are 2 points, there are 2 elevations. She indicated there are 2 basins being reused and adjusted; HW asked if they were deep sump catch basins and the applicant indicated they are; the basins discharge to the municipal system, they do not discharge to a wetland or another resource area, HW had made that comment. There is question regarding street sweeping and the applicant taking credit for it even though there are no streets in the area draining to the basin, HW discussed that with the applicants engineer; because the impervious cover is walkways and not roadways it was the applicant's thought to bring the walkways to the same level as a roadway. Ms. Bernardo said with roadways the worry is the suspended solids coming off it because of cars, sediment and oils, but when it is a walkway there needs to be some treatment, but not as much. The applicant took the credit of the walkway to bring it to the same place as a swept road; she opined it was an interesting way to do it, but it made sense. She indicated the applicant was asked to put the time of concentration flow path on the plan, which the applicant did. She said frequently there is a direct entry of six minutes for smaller areas, HW accepted it as 6 minutes is the standard. She said there are many different comments and HW did review them all and she is confident that the design is appropriate. She indicated there is an existing infiltration basin that the applicant is reusing, it has been functioning there have not been concerns with the basin over time and it will continue to function in a very similar manner.

Mr. Pritchard asked Ms. Bernardo to explain item #2 from Mr. Morse's email. Ms. Bernardo indicated that originally HW had asked for a test pit in the existing footprint of the basin. The test pit was done and showed some mottling at 29", mottling frequently indicates there maybe groundwater. The soil evaluator added a comment in the soil evaluation about the 29" and why it was believed that mottling actually did not indicate groundwater, but rather it is a small perched area; it is an

infiltration basin with water going into all the time and HW accepted the applicant's evaluation. Ms. Bernardo explained the applicant did go deeper and there was not mottling all the way through and indicted there was a photo in the report that showed the mottling, but it did not ripple all the way down and usually the mottling would be seen all the way through; it is very obvious if there is ground water.

Mr. Pritchard asked if the hole was dug deep enough to even reach ground water. Ms. Bernardo said the applicant dug deeper, but the applicant looked at the 29" and felt it did not indicate ground water at the location. She further explained it was a perched water table that happens with the soil type and when the applicant went deeper down it was not evident and the bottom of the hole may have become the elevation that provided the 4' separation to groundwater.

Mr. Pritchard said there is a comment about emergency overflow and opined it does seem like there should be emergency overflow. Ms. Bernardo said that is something to think about; the basin does not have an emergency overflow, there are 2 existing catch basins within the bottom of the system and to create the emergency overflow a swale or ditch would have to be excavated to go to the street. She opined it could be done, but the contours are funny in the area. She noted the 100-year storm does come close to the top of the basin it does not come all the way to the top, but the 2 catch basins will be acting constantly as overflows and the idea of having a foot of freeboard, another comment from Mr. Morse, is over the recharge volume. She said you don't take the 100-year and then go another foot, you take the recharge volume and have a foot of freeboard over that, which the applicant does have. She said the 10, 25 and 100 year maybe higher than the recharge volume number and is always higher. She said the applicant could give some thoughts on how to create the overflow, but it would require some type of grading, ditch/swale going towards the street. She said there are 2 catch basins and it has not failed for however long that infiltration basin has been there. She said if people were saying that it has water on a regular basis she would have more of a concern, but not comments have been made over the years.

*Public Comments:*

Mr. Morse resident of 167 Tack Factory said this is an awesome project and is in full support of the project. He said he was surprised by some of the design features as compared to standards applied to other projects in town. He said he is a licensed soil evaluator for over 15 years and has done thousands of test pits in the town, he said this Board and the Town of Scituate have always required mottling to be considered estimated seasonal high ground water, that is what the DEP Handbook says. He said mottling was found at 29" and one test pit was performed; he said it was not within the confines of the detention basin. He said if there was a question about the groundwater table why wasn't a second test pit done to confirm. He said the person that did it is not listed as a soil evaluator with the DEP, although he does recognize that the person is a PE. He said the mottling and the test pit "irked" him and was surprised to see it was accepted. He said looking at drainage calculations it is unknown if the catch basins are designed to handle the 100-year storm event, where do they discharge to and is the piping designed to handle the 100-year storm event; he opined that has not been analyzed. He said there is no emergency overflow the Board has required an emergency overflow on every project/system that has been approved; treatment of the walkways there is no pre-treatment and does not feel that would be accepted on any of the projects he has been involved with; the 100-year storm event is 2" from the water surface to the top of the detention basin and said it is not enough of a safety factor, he said that has never been allowed before and the DEP standard is 12". He opined while he is in support he thinks this is setting a dangerous precedent if the Board approves this. He said the mottling is his biggest concern, he has done test pits in the

area and the ground water is approximately 2'-3' deep, the soil is tight and there will be issues similar to what has happened at Curtis Farm with the detention basin. The mottling dictates where the ground water table is, this doesn't comply with the mounding analysis, it doesn't comply with the 2' separation from the basin to the groundwater table.

Ms. Joseph said she supports all of the Town's Consulting Engineers on every project, they are the professionals they are hired for their expertise and we support our Professional Engineer's judgment.

Ms. Lambert said the Board takes all the comments into consideration.

Ms. Bernardo did say the Board and many towns do request multiple test pits when a second test pit hasn't been done immediately; frequently a Board may condition that to be done during construction to confirm that there is ample separation and if it is not there the applicant will need to come back and show a redesign. She said that is an option for the Board to consider.

Mr. Bjorklund, local Developer, said he has done numerous stormwater permits in the area that have been reviewed by the town's consulting engineers, he spoke about a project on Country Way where 17 test holes were done to confirm all the ground water issues. He said this project with one test hole and the engineer says it is "not mottling" will the Board accept it if his engineer comes in and says that the groundwater is not at the mottling, but it is 5' lower. He said he assumes the Board would accept that from a private developer as much as if it is a Town project. He said he is in support of the project. He said he believes in equal treatment under the laws; he said if he can have 2" of freeboard on his projects and not meet the DEP requirement he is happy with that and hopes HW reviews all his projects like that and that he is held to the same standard as this particular project. He said his question to the Board is will they accept a single test pit for a detention basin on a stormwater site, will the Board accept 2" of freeboard on a detention basin, will the Board accept no emergency overflow. He said he just wants to be treated the same on his projects as the Town is doing with their own project. He said it must be okay, because the consultant said it was okay and Ms. Joseph said the consultant is the professional. He said if the Board agrees with what the consultant is saying then the Board has to change their thinking.

Ms. Joseph said there are different peer review consultants on each job and she supports each one individually for the job they are on. She said Mr. Bjorklund is trying to create a standard and say the Town is held to a different standard. She opined that is not the subject of the stormwater permit.

Mr. Bjorklund said this is another Town project where another review agent didn't get because the Town will never hire that gentleman to review a town project saying "he" would never let this stuff fly. He said everyone knows it and there is absolutely a different standard on this project.

Ms. Lambert said she stands by the peer review engineer and any other peer review engineer that the Board has to hire. The Board understands that he disagrees with what is being said tonight, but the Board is not setting a precedent.

Mr. Pritchard said he does not have objection to a condition that another test pit be done if there is concern over the actual ground water level. There was discussion over the 2" of freeboard; Ms. Bernardo clarified that the requirement is 1' of freeboard over the recharge volume elevation. The recharge volume elevation for the project is below 100.82 and the top of the basin is at 101.8, there is a foot of freeboard over the recharge volume, there is not a foot of freeboard over the 100-year storm. She said the image in the infiltration basin in the DEP Stormwater Handbook Volume 2

chapter 2 illustrates the cross-section and illustrates the freeboard that is required over the recharge volume. A foot over the 100-year storm is not a requirement per MassDEP. If the basin fills up in the 100-year storm it is within 2" of the top of the rim.

Mr. Pritchard opined that an emergency overflow seems like it would be needed.

Ms. Bernardo does agree emergency overflows are nice, when they can be done; she is not sure how the applicant will be able to design it for this project because of how the basin sits in relation to the street.

Mr. Pritchard said he does not want to be setting any precedent here, so the Board should deal with any issues, i.e. the mottling and the need for another test pit.

Mr. Novak said they would agree to the condition of another test pit and if there proves to be an issue they will have to come back with a new design.

Ms. Burbine said she is fine, we have dueling engineers and that is unfortunate and it is truly unfortunate that the comments came in late on Tuesday night.

*Motion:*

Ms. Burbine moved based on the information submitted by the applicant and reviewed by the Board and consulting engineer and the testimony presented at the Public Hearing, I move to approve the Stormwater Permit for Central Field with the following conditions:

1. Construction shall comply with the Stormwater Permit Application Plan dated November 2, 2022 with revisions through peer review comments dated December 1, 2022 and Stormwater Report dated October 28, 2022 with revisions through peer review comments dated December 1, 2022 by Megan Buczynski, P.E. of Activitas and the Operation and Maintenance Plan for Scituate JV Baseball Field latest revision except as they may be modified to conform to the conditions below. Any or all owners of the property or site contractors for grading, site work, and installation of utilities, site amenities, and/or walkways shall be advised of this approval and these conditions. A copy of the approved plan and conditions shall be kept on the site at all times during construction.
2. Any plan changes or changes from the proposed materials shall be submitted to the Planning Office to determine if the changes are insignificant or require a permit modification approved by the Town Planner. The stormwater management system including the detention basin and swales, grading, drainage and field components shall not be changed or expanded without the prior written approval of the issuing authority. Expansion includes additional pavement areas. Failure to obtain written approval is a violation of the Town of Scituate General Bylaw and subject to fines.
3. Copies of this approval and the approved Stormwater Permit Plan and Conditions shall be provided to all owners who shall be advised of the need for periodic maintenance of the stormwater system and the need to retain the grading of the lot as approved. Prior any transfer of the property, the owner shall provide to the subsequent owner and the Planning



Office an inspection report certified by a Professional Engineer showing compliance with the Operation and Maintenance Plan. **The Planning Office must receive written notification at least one week prior to any change in the ownership of the property occurring during construction.**

4. Where this Stormwater Permit requires approval, permitting or licensing from any local, state or federal agency, such permitting or licensing is deemed a condition of this Stormwater Permit. All necessary permits and approvals must be received prior to commencement of construction.
5. A SWPPP must be submitted to the Planning Office two weeks prior to construction commencing. The SWPPP must be found in compliance with the Stormwater Permit. The activated NPDES Permit shall be provided with the SWPPP. All operators are to be advised that the SWPPP and Stormwater Permits must be adhered to during construction.
6. The Applicant shall consent to allow members and Town officials from the Planning Board and other persons acting under the Planning Board or its agents, to enter upon any lands and carry out such inspections as may be deemed necessary. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their effort to verify that the layout, design and construction work for the Stormwater Permit are satisfactory and conform to Town specifications and requirements of the Board.
7. This Stormwater Permit must be recorded at the Registry of Deeds with proof furnished to the Planning Office prior to construction. Failure to record the Stormwater Permit is a violation of the permit and subject to fines included in the Town of Scituate General Bylaws.
8. *A second test pit performed by a licensed soil evaluator and witnessed by the Town's consulting engineer, shall be conducted at the beginning of construction to confirm the groundwater elevation in the detention basin. If results vary, design corrections will be necessary.*
9. The detention basin shall be installed to have the bottom elevation a minimum of two feet above seasonal high groundwater elevations. Stormwater during construction as well as after construction is not allowed to increase in rate or volume to adjacent properties, the street or offsite.
10. No clearing beyond the limit of work/limit of clearing/erosion control line as shown on the plan is allowed. The limit of clearing shall be staked in the field prior to construction commencing and shall be maintained throughout the construction phase. Snow fencing shall be placed around a majority of the site to clearly delineate the limit of work.
11. Construction work shall not begin prior to 7:00 AM on 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 state and/or federal holidays. Construction work includes any operation of machinery and idling of vehicles. No truck

idling on the site or on adjacent streets is allowed.

12. A stand-alone copy of the signed and sealed copy of Operation and Maintenance Plan must be provided to the Planning Office for inclusion with the Stormwater Permit to be filed at the Registry of Deeds.
13. The detention basin must be retained and maintained as designed as it is a component of the stormwater management system. Maintenance must be per the approved Operation and Maintenance Plan and is required in perpetuity.
14. **A Stabilized construction entrance shall be installed prior to any work on the site and shall be maintained throughout construction to prevent dirt tracking on to the road.**
15. Prior to any land disturbance, erosion control shall be installed and inspected by the Town Planner or approved agent. At ~~this~~*that* time the site shall also be staked to show the fields and drainage improvements. All stockpiles shall be surrounded by an erosion control barrier. Additional erosion control, such as silt fence, silt sock and/or haybales placed **prior** to a precipitation event, may be needed to prevent sediment from reaching the road or adjacent properties during construction. **All erosion control shall be installed per the plan and shall be maintained in good working condition throughout construction.** The Applicant is responsible for maintaining and managing stormwater on-site throughout the construction period and during the transition to fully functional operations and maintenance. Construction approval in no way relieves the Applicant from its obligation to ensure stormwater does not impact the abutting properties and the Applicant shall take all necessary steps to prevent such occurrences.
16. **The Town Planner shall be notified when installation of the construction entrance and erosion control are complete. If any permit inspection is being requested this notification shall occur 48 hours in advance of an inspection.**
17. No on-street parking or loading or unloading of construction equipment or vehicles shall be permitted during construction unless a police detail is provided if warranted as determined by the Police Department. Noise mitigation and proper dust controls shall be used.
18. All disturbed areas associated with this Stormwater Permit shall be loamed and seeded with 6" of loam.
19. No staging or stockpiling is allowed within the detention basin.
20. A pre-construction conference will be required on site to verify the contractor is aware of the Stormwater Permit conditions and required inspections. Attendees to the preconstruction conference shall include the design engineer, owner, contractor, Town Planner and any other town officials deemed necessary. Recording of the permit must occur prior to the pre-construction conference with proof of recording furnished to the Planning Office.
21. Construction inspections will be provided as follows:

- a. All inspections for the Town shall be performed by the **Town Planner or a designated representative of the Planning Department or Planning Board and by the record design engineer.** All inspections shall be documented with written reports that describe compliance with the approved plan(s) and supporting application documents and construction specifications. Any variations shall be noted.
- b. The Town Planner and record design engineering firm must be notified 48 hours prior to:
  - i. Installation of construction entrance and erosion control, and staking of corners of the fields, limit of work, and the drainage improvements;
  - ii. Bottom of the detention basin;
  - iii. *Conducting the second test pit excavation per Condition 8;*
  - iv. Installation of detention basin and swales;
  - v. Rough grading of site including both fields to verify grades are as designed;
  - vi. Finish grading of the detention basin including the inlet and outlet elevations with the elevations submitted to the Town Planner and design engineer for verification;
  - vii. Inspection of site and site amenities including loamed & seeded or sodded areas;
  - viii. Inspection of final completion of site work including cleanup to determine compliance with the conditions prior to issuing a Certificate of Completion (COC). All landscaping must be installed and grass growing.

**Work shall be subject to removal if necessary inspections are not requested. If the property is sold prior to completion of the work, the Planning Board reserves the right to inform the buyer that the Stormwater Management System is incomplete.** Spot grades shall be performed during rough grading and finish grading to insure any swales will drain and no standing water will be present.

22. The Property Owner shall be responsible for the proper maintenance and operation of the stormwater control system. A best management practices inspection schedule and maintenance checklist and plan is attached and shall serve as a guide for the proper maintenance of the system which is required in perpetuity.
23. Construction of the proposed stormwater management system, site utilities, site amenities and grading shall be supervised by a registered professional engineer who shall certify to the Planning Board that the site was constructed according to the approved plans. The certification shall be accompanied by an As-Built Plan stamped by a registered surveyor and the registered professional engineer who designed the system and shall be submitted to the Planning Office within ten days of completion of the work. This plan shall include the construction conditions of the stormwater management system including top and bottom elevations and inverts, spot grades as necessary, grading, site amenities and walks. ~~Prior to application for a Certificate of Occupancy, an interim As-Built must be submitted to the Planning Office for verification that the stormwater management system and grading is following the design.~~ The final As-Built Plan must be submitted prior to obtaining a Certificate of Completion for the Stormwater Permit and all work must be found in

compliance with the approved permit. All grading and landscaping must be complete prior to the final as-built submittal.

24. If the drainage system is not performing as designed and *is* conditioned *here in* or stormwater is observed going to abutting properties or the street, the Stormwater Authority can request necessary mitigation to remedy the situation. This includes the bioretention basin; all plants must be living at all times in perpetuity.
25. New underground irrigation systems are prohibited from connecting to the town's water distribution system or in any manner using municipal water. All new irrigation systems installed must be supplied by on-site sources at the expense of the property owner. Violations of this policy shall result in a fine to the property owner, with an equal fine levied on the installer of the system.
26. A water meter shall be installed if one is not already present and water meter readings shall be taken and reported on annual basis to the Planning Board.

Ms. Lambert seconded the motion as amended; a vote was taken and was unanimously in favor.

*Motion:*

Ms. Burbine moved to close the public hearing for the Stormwater Permit at Central Field.

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

## **Discussion – MBTA Communities**

### **Documents**

- PDF Greenbush Gateway Map
- PDF North Scituate Map
- PDF Presentation MBTA Communities 1-2023

Ms. Joseph informed the Board that she, Ms. Lambert, Ms. Young and Ms. Miles were before the Select Board providing an update on where the Town stands with MBTA Communities compliance.

- Originally before the Select Board on March 15, 2022
- If Town does not comply will not be eligible for certain funds
  - Housing Choice Initiative, Local Capital Project Fund or MassWorks Infrastructure Program grants
- Submitted required form for 2022 for compliance
- Action plan to be submitted by January 31, 2023
- Full compliance by December 31, 2024
- Compliance model requires testing of multi-family district
- Scituate required to have 1,239 units and 50 acres
- NDTV District
  - 16 units/acre by right and 36 by special permit
  - 12.7-acres, unit capacity of 145

- North Scituate Outer Village
  - 15 units/acre by right and 24 by special permit
  - 21.5 acres, unit capacity of 465 units
- Total of two districts – 34.2 acres, unit capacity of 610 units
  - Awaiting confirmation of numbers
- Town will need to do zoning changes to achieve the acreage and unit capacity
- Tested other areas for compliance
  - NRN District - adds 625 units, 32.1 acres
  - GVC District – adds 341 units
  - GWB District – adds 438 units
  - North Scituate Center – does not allow multi-family
    - Want to keep district as is, mixed-use, create more vibrance
    - If North Scituate has be changed to allow for multi-family may be ways to incentivize Mixed-use development
- Recommendation is to work with changes for NRN District
  - Change zoning to 15 units by right, currently zoned for 12 units by right
    - Only adding 3 units
  - Not tearing down anything to achieve these numbers
    - Just zoning for units, does not mean they have to built
  - Ultimately up to the Town to decide
    - Three Town Meetings to get passed
  - Working with MAPC
    - MAPC running the compliance model for Scituate
- Towns can lose State subsidy for Housing Authorities if they do not comply
- Action plan can change
  - Currently, planning to propose NRN change in the action plan

Mr. MacLean asked if the State is going to give the Town anything for doing this; could the State help with a water hookup for the MWRA. He asked should people be talking to the State Representatives.

Mr. Pritchard said when the compliance model is submitted to the State it needs to be made clear that there is no infrastructure to support the building of these units in the Town. He said this is paper housing.

Mr. Bornstein said the State has not put out any kind of boilerplate zoning, so the Town could put in design standards or stringent zoning requirements for these multi-family units. Ms. Joseph said yes and the Town seems to be ahead of the game; the Town has already established standards specific to the Town.

Mr. Pritchard said we can zone for whatever we want, but the Town does not have the resources to support them.

Ms. Joseph said she is going to reach out to Kingston and Cohasset; Kingston has an approved plan and Cohasset has submitted. She said there will be more information coming.

Mr. Pritchard said he agrees with Mr. MacLean that the Town should get a hookup to MWRA from the State for doing this. He said the Town cannot make this happen without the resources, otherwise this is a paper exercise.

Ms. Joseph indicated people have pointed out that they don't have the resources, water and sewer, and the answer has been treatment plants could be done. All the Town is doing right now is zoning for it.

Joint meeting with Select Board February 9<sup>th</sup> at 6:30

- Agenda items should be provided to Ms. Joseph

Ms. Joseph also let the Board know that at the meeting with the Select Board several other things were discussed.

- 2024 Budget
- Priorities for upcoming year
  - Accessory Dwelling Bylaw
    - Has to be primary residence
  - MBTA Compliance
- Planning office is meeting all deadlines

### **Minutes**

### **Documents**

- Meeting Minutes 12.15.22

Ms. Burbine moved to approve the meeting minutes for December 15, 2022.

Ms. Lewis seconded the motion; a vote was taken, and was unanimously in favor.

Mr. Bornstein did not vote as he was not present at the December 15, 2022 meeting.

### **Accounting**

### **Documents**

PO #2315953 (\$450.00), PO #2315940 (\$1,847.20), PO #2315745 (\$233.85), PO #2315650 (\$130.48), PO #2315480 (\$2,330.00), PO #2315461 (\$6,282.50), PO # 2315386 (\$4,985.00), PO # 2315385 (\$3,297.50)

Ms. Burbine moved to approve the requisition of \$3,297. 50 to Chessia Consulting for peer review services for 33 New Driftway/7 MacDonald Terrace, for \$4,985.00 to Chessia Consulting for peer review services for 61 New Driftway, for \$6,282.50 to TEC Inc. for peer review services for Laurelwood Lots 3, 4, 5, for \$2,330.00 to TEC Inc. for peer review services for 556 First Parish Road, for \$130.48 to Gatehouse Media for legal ads, for \$233.85 to Karen Joseph for mileage, for \$1,847.20 to Horsley Witten for peer review services for Seaside at Scituate, for \$450.00 to Merrill Corp. for peer review services for 23 Neal Gate Street.

Mr. Pritchard seconded the motion; a vote was taken, and was unanimously in favor.

### **Liaison Reports:**

#### **Zoning Board of Appeals – reported by Ms. Lambert:**

- Asking Ms. Joseph to write a comment to the ZBA

- Changed the traffic from circular roadways
  - 2 Common Driveways with 4 houses on each
  - Ms. Lambert has concerns over fire truck access even though it has been approved by the Fire Department
  - 40B does not have to follow same zoning
    - Only have to listen to state mandates
- Meeting continued to March
- No basements, because it is very wet
- She opined the design is very nice, looks like farm houses
- ZBA being very careful, so does not have same situation as 3A
  - ZBA making sure it fits in to the neighborhood

**Community Preservation Committee – reported by Ms. Burbine:**

- Approved \$300K for first phase of Pier 44 project
- Approved \$82K for Cudworth House Renovations
- Approved Dinosaur Playground
- Pickle Ball Court has been put on hold
- Cole Parkway Gazebo on hold
- Approved \$150K for driveway at Mordecai Lincoln Property
  - Antiques inside the main house being evaluated for auction
- Property on First Cliff - MacDonald Property still having issues

**Planning and Development – reported by Ms. Joseph:**

- Next meeting will busy
- Couple of withdrawals of applications
  - Board 143
- Accessory Dwellings
- 7 Cold Brook swimming pool

**Documents**

- Email to the Board from Shari Young dated 1.6.23 with agenda for 1.12.23 and DRAFT minutes 12.15.22.
- Email to the Board from Karen Joseph dated 1.6.23 with meeting materials for 61 New Driftway and Central Field
- Email to the Board from Karen Joseph dated 1.11.23 with meeting materials for 61 New Driftway.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 9:22 p.m. Mr. Pritchard seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Ann Burbine, Clerk  
Date Approved: January 26, 2023