

SCITUATE PLANNING BOARD MINUTES December 11, 2014

Members Present: William Limbacher, Chairman; Stephen Pritchard, Vice Chairman; Richard Taylor, Clerk; Robert Vogel, Robert Greene and Ann Burbine, Alternate member.

Members Absent: None.

Others Present: Ms. Laura Harbottle, Town Planner.

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

Location of meeting: Scituate Harbor Community Building, 44 Jericho Road Scituate, MA.

Chairman Limbacher called the meeting to order at 7:30.M. The meeting was being recorded for airing on local cable television.

Documents

- 12/11/14 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Taylor moved to accept the agenda. Mr. Pritchard seconded the motion and the vote was unanimous in favor.

Continued Public Hearing – Definitive Subdivision Plan – 50 Country Way Assessor’s Map/Block/Lot 53-5-3 and 3B Applicant/Owner: 50 Country Way Trust, C. Christopher Ford Trustee

Documents

- 11-19-14 Definitive Subdivision Plan “Greenbush Park” 50 Country Way Sheets 1-12 by Morse Engineering Co., Inc.
- Stormwater Report and Calculations for “Greenbush Park” Definitive Subdivision Plan by Morse Engineering Co., Inc. dated 11-19-14 with Watershed Plan
- 11-19-14 Response letter from Morse Engineering Co., Inc. on 50 Country Way Definitive Plan
- Lot closure calculations dated 11/19/14
- 11/20/14 Transmittal to Town Departments
- 12/4/14 email from John Clarkeson of the Water Resource Committee
- 12/5/14 response to Clarkeson email from Greg Morse
- 12/16/14 Supplemental Engineering Review for 50 Country Way Definitive Plan by Chessia Consulting Services
- Draft conditions dated 12/9/14
- 50 Country Way summary of issues from Chessia consulting dated 12/11/14
- Email from Greg Morse dated 12/11/14 on redevelopment condition

Continued Public Hearing – Mixed Use Special Permit in the Village Business Overlay District - 50 Country Way Assessor’s Map/Block/Lot 53-5-3 and 3B Applicant/Owner: 50 Country Way Trust, C. Christopher Ford Trustee

Documents

- 7/17/14 Supplemental Engineering Review for 50 Country Way Definitive Plan by Chessia Consulting Services

- 6/26/14 memo to the Planning Board from the Water Resources Committee

Greg Morse, Steven Guard and Chris Ford were present for the applicant. Consulting Engineer, John Chessia, was present for the Town. Mr. Morse indicated he filed a revised set of plans for the Definitive Subdivision based on Mr. Chessia's previous comments. He indicated that the comments from the DPW were addressed and he submitted plans to the Fire Chief to obtain input on the hydrant location and the waiver for the radii at the right of way. He also indicated that he provided Morning Glories with conditions for use for the shared access and utility easement for the Definitive and Special Permit Plans. He said he had not heard from the Chief nor does he have anything written from Morning Glories despite Morning Glories saying they have no objections to the proposed conditions. Mr. Morse said they are requesting no changes on the draft conditions and Mr. Chessia's latest comments are incorporated in the conditions.

Mr. Chessia said the definitive plan is not likely to be built, but it could be. He indicated that the redevelopment provision for the leaching pits would be considered redevelopment under the local regulations. He indicated that under the DEP provisions that he has previously talked about with Tom Maguire of DEP, any area not currently impervious does not fall under the partial redevelopment category. He indicated that Mr. Morse's write up is what he would have said prior to taking with Mr. Maguire. He indicated that the Board should decide if a waiver is necessary from the Stormwater Bylaw to allow the applicant to take redevelopment credits for the project. He indicated there were minor issues with the emergency spillway for the basin and the erosion control needs sizing for the basin. Mr. Chessia also indicated that a waiver is being requested for lot development drainage calculations as they are not incorporated now. He said the leaching pit is tight to get all of the volume to fit.

Ms. Harbottle indicated that a lot of progress has been made. She indicated that nothing written has been received from Morning Glories, but conditions with good controls have been worked out that could impact them. She indicated that for work in the access and utility easement, Morning Glories would need to be notified and documentation provided. She said the plan anticipates two uses – office and a single family home. She said screening has been added in as a condition for the house. She said that several minor changes can be added to the plans prior to endorsement. Ms. Harbottle said she recommends a waiver for the TSS for redevelopment in case it is needed down the road. She said the applicant did try to reduce the impervious area and get the stormwater out of the Zone A as much as was possible. She said a draft decision was in the packets.

Mr. Taylor said that as long as the Town was covered, he was amenable to a waiver for the TSS for redevelopment. Mr. Vogel said the concern is with the public water supply and he wants to make sure it's covered. Chairman Limbacher said he thought that the Water Resources Committee (WRC) said that it would not have a negative impact on the water supply. Mr. Morse said that there is the same amount of impervious surface going to the leaching pit, but the water quality will be better as they are adding deep sump catch basins and a particle separator. Ms. Harbottle said that the WRC said that the water quality was going to be improved. Mr. Pritchard read the letter from the WRC and concurred that they find the solution acceptable as long as the applicant maintains the drainage structures. Chairman Limbacher asked if the Board was okay with the waiver. The Board indicated they were.

Chairman Limbacher said the agreement with Morning Glories is lingering and that is key. Attorney Guard said that any work on the definitive plan is on the 50 Country Way property and they have the right to improve the easement for utilities. He said that if there is a condition for maintenance of the

drainage on the Morning Glories property, it could be done prior to construction. Ms. Harbottle said that she has included conditions in the draft approval. Mr. Taylor moved to approve the Definitive Subdivision Plan of Greenbush Park at 50 Country Way based on the following criteria:

1. Completeness and technical adequacy of all submissions;
2. Determination that development at this location does not entail unwarranted hazards to safety, health and convenience of future residents of this development or of others;
3. Conformity with the requirements of Section 6.0 and 7.0 of the Town of Scituate Subdivision Rules and Regulations, except as specifically waived by the Planning Board and the Zoning Bylaw;
4. Determination that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

And subject to the following conditions (wherever a condition refers to “the applicant” this shall include his successors or assigns as applicable):

General Requirements

1. All construction work shall be done in accordance with the plans submitted by Morse Engineering Company, Inc. entitled Definitive Subdivision Plan “Greenbush Park” 50 Country Way (Assessor’s Parcels: 53-5-3 & 53-5-3B) Scituate, Massachusetts, dated February 9, 2014, as revised through November 19, 2014, together with any additional revisions needed to conform to the conditions contained herein (the "Definitive Subdivision Plan").
2. Where this Definitive Subdivision Plan requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board’s (the "Planning Board" or the "Board") approval of this Definitive Subdivision Plan, including but not limited to the Planning Board’s approval of work in the public right-of-way of Country Way.
3. Construction of the Definitive Subdivision shall meet all requirements of the Scituate Subdivision Rules and Regulations dated August 13, 2010 except as otherwise specifically waived and recorded herein by the Planning Board. All such conditions of approval and waivers granted by the Planning Board shall be inscribed on the Definitive Subdivision Plan prior to endorsement by the Board.
4. The applicant shall mean the current applicant and all its successors in interest (the “Applicant”). The Applicant shall complete the construction of all ways and municipal services within three years of the date of endorsement of the Definitive Subdivision Plan. The Board may extend said period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which request shall provide a detailed description of the good cause necessitating an extension.
5. The total number of residential dwelling units on the site shall not exceed one (1) per lot, except for permitted accessory dwellings. No lot in the Definitive Subdivision may be further divided or subdivided to create additional building lots.
6. The Applicant shall construct streets and complete all other work specified on the Definitive Subdivision Plan or required under the Scituate Subdivision Rules and Regulations except those sections specifically waived by the Planning Board, meet all relevant provisions of the

Scituate Zoning Bylaws and other local bylaws, including but not limited to the installation of all required utilities in such subdivision and off-site, and all work incidental thereto, such as grading of lots to provide drainage, construction of walkways, retaining walls and other details, and installation of water main connecting to Country Way as outlined in Section 7.0 of these Rules and Regulations and as specifically required by the Planning Board, within three years of the date of endorsement of the Definitive Subdivision Plan.

The Applicant shall maintain all streets and utilities including the system of stormwater management, with the exception of water service, within the subdivision until such time as maintenance is performed by the Property Owner's Association. Unless and until a street within the Definitive Subdivision is accepted by Town Meeting as a public way, all streets, those portions of drainage systems within the street layout and other improvements within the street layout and/or within the Definitive Subdivision shall be operated and maintained by the Applicant or a duly authorized Property Owner's Association made up of residents of the subdivision or their representatives.

The Applicant shall inform the Planning Board in writing within seven (7) days of the date that his/her maintenance responsibilities are assumed by the Property Owner's Association. Such written notification shall also identify the officers of the Property Owner's Association and the name, phone no. and e-mail of the Property Owner's Association's contact person.

7. The Applicant shall grant to the Town of Scituate, a right and easement to construct, repair, replace, extend, operate, use and forever maintain all streets, water mains and the stormwater management system including all surface and subsurface stormwater drains in, through or under the streets and easements as indicated on the Definitive Subdivision Plan. The above shall not be construed to relieve the Applicant, and his successors in title, to the ownership of a portion of the land or any street within the subdivision or the stormwater management system which is generally not accepted by the Town, nor diminish in any way, the Applicant's responsibility to complete all construction as required by the Applicant's agreements with the Town and to thereafter maintain all streets and utilities in satisfactory condition unless or until they are accepted by the Town.

Easements shall be provided: i) to allow the Property Owner's Association's access to drainage and stormwater management systems in order to allow the Property Owner's Association to privately inspect, maintain and repair; and ii) to allow the Town of Scituate similar access in case of an emergency or to test water quality if this is deemed in the public interest.

8. The Applicant shall consent to allow members and employees of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. As a condition of subdivision approval by the Planning Board, the applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in the Applicant's subdivision are satisfactory and conform to the Definitive Subdivision Plan, the Town specifications and the requirements of the Planning Board.
9. Any modification of this Definitive Subdivision Plan, other than as authorized by Massachusetts G. L. c. 41, s. 81O, shall require modification by the Planning Board in accordance with G. L. c. 41, s. 81W. Failure to comply with this requirement will result in rescission of the Planning Board's approval.

Required Prior to Board Endorsement of Definitive Subdivision Plan

10. All conditions of approval and waivers granted shall be inscribed upon the Definitive Subdivision Plan prior to endorsement by the Board.
11. Prior to endorsement of the Definitive Plan, the following additions or changes shall be made to the Definitive Plan. All items associated with drainage or stormwater management shall be reviewed by the Planning Board's consulting engineer prior to endorsement:
 - a. The symbol for bounds shall be darkened or additional bounds shall be added as per the recommendation of the Planning Board's consulting engineer.
 - b. Notes indicating stormwater from the roadway could be discharged to the basin shall be changed or removed.
 - c. A method of protecting the detention basin shall be added and reviewed and approved by the Planning Board's consulting engineer.
 - d. A Note indicating No silt should be pumped to the basin shall be added.
 - e. On Sheet 5, Roadway Plan & Profile, suitable screening of the residential lot by such means as wood fences and dense, native evergreen hedges of five feet or more at time of planting shall be added with a Note that Screening shall be installed prior to a Certificate of Occupancy being granted.
 - f. On Sheet 6, Erosion Control Plan:
 1. The proposed dimensions and size of temporary sediment basins.
 2. A plan and details for protection of pipe outlets.
 3. Planting times for plantings to protect disturbed land from erosion.
 - g. On Sheets showing the Stormwater Management System:
 1. An emergency spillway for the detention basin
 2. Access to all sides of the detention basin for maintenance
 3. A low level drain for maintenance of the detention basin consistent with DEP standards.
 4. Current watershed maps corresponding with the proposed stormwater management system.
 5. Information on the size of existing leaching pits and adjacent grading, and requirements to upgrade.
 6. Quantification of stormwater flow for a 100 year storm from the front and rear catchbasins and proposed accommodation of said flow accounting for tailwater.
12. The Applicant shall obtain the endorsement of the Planning Board upon the Definitive Subdivision Plan within 180 days of the date of approval by the Board and termination of the appeal period of the such approval. Failure to obtain such endorsement shall result in the automatic rescission of the approval of such plan.

13. A covenant or other form of surety, as provided in MGL. c. 41, s. 81U, shall be provided to guarantee construction of the road, drainage improvements and any additional on or off site improvements agreed to by the Applicant (the "Covenant"). The Covenant shall be provided to the Planning Board by the owners of record of the land in the subdivision prior to endorsement of the Definitive Subdivision Plan. This Covenant shall run with the land and be binding upon the owner(s) and their successors in interest. Upon approval of the Covenant by the Planning Board, reference thereto shall be inscribed upon the Definitive Subdivision Plan and which shall be recorded along with the Covenant at the expense of the Applicant. The Town Planner shall assist the Applicant in all required filings at the registry of deeds to ensure documents are recorded and the Town is provided recorded copies of decisions, drawings and covenants.
14. In addition to the Covenant required to secure the construction of ways and installation of municipal services, the Applicant shall, prior to the endorsement of the Definitive Subdivision Plan, submit a supplemental covenant containing those conditions of approval that are intended to survive the release of the Covenant (the "Supplemental Covenant"). The Supplemental Covenant shall be approved as to form by the Planning Board's legal counsel. The Supplemental Covenant shall be executed and duly recorded by the owner(s) of record of the land, and shall run with the land. The Supplemental Covenant shall be referenced on the Definitive Subdivision Plan prior to recording the plan in the Registry of Deeds. The Applicant shall promptly, after recording, send a copy of the Supplemental Covenant, showing book and page number to the Board.
15. All storm drains on the site shall be Class 52 Ductile iron with a minimum of 1.5 feet of cover over the top of the pipes. The Definitive Subdivision Plan shall be amended and submitted to the Board to reflect this condition prior to endorsement.

Required Prior to Pre-Construction Conference

16. Following the Board's endorsement, the Applicant shall, within six (6) months of such endorsement, file the Definitive Subdivision Plan with the Plymouth County Registry of Deeds, and shall transmit: i) one (1) mylar reproducible of the recorded Definitive Subdivision Plan, for to the Planning Board's files ; and ii) five paper copies of the recorded Definitive Subdivision Plan to the Planning Board, for distribution to the DPW Engineering Division, the DPW Water Division, the Building Department, the Planning Board's consulting engineer and the Planning Board. All plans in the Definitive Subdivision Plan drawing set must be recorded at the Registry of Deeds.
17. Prior to the pre-construction conference, the following information shall be provided to the Planning Board. All items associated with drainage or stormwater management shall be reviewed and approved by the Planning Board's consulting engineer.
 - a. A Memo from the Fire Chief indicating his approval of the proposed fire hydrant location.
 - b. Soils data for the existing leaching pits proposed to be reused and current watershed maps.
 - c. Documentation of the Access and Utility Easement.
18. All additional information and changes to plans required prior to endorsement or the pre-construction conference shall be reviewed by the Town Planner and Planning Board's

consulting engineer. If further waivers or approvals are required, the Board shall review and approve same prior to the pre-construction conference.

19. The Applicant shall provide a draft Property Owner's Association Agreement and sufficient funds for review by Town Counsel prior to a pre-construction meeting. Following review and approval by the Board, the Property Owner's Association Agreement shall be recorded at the Registry of Deeds prior to the Town Building Department's issuance of any occupancy permit. The Property Owner's Association Agreement shall include the operation and maintenance plan approved by the Planning Board's consulting engineer and shall be written to include the owner(s) of the proposed single family home and the office building (the "Operation and Maintenance Agreement").
20. Documentation that the owners of 52 Country Way (presently occupied by Morning Glories bakery) agree to: i) the Applicant's installation of approximately 130' of vertical granite curb; and ii) the on-going and perpetual maintenance of a manhole and two leaching catch basins in the access and utility easement on their property, initially by the Applicant and ultimately by the Property Owner's Association of 50 Country Way
21. Prior to the pre-construction conference, the Applicant shall provide the Planning Board with a copy of the recorded Definitive Subdivision Plan on disk in CAD (.dwg format).
22. Prior to the pre-construction conference, the Applicant shall provide to the Planning Board:
 - a. Copies of the NPDES Permit including its Stormwater Pollution Prevention Plan.
 - b. A check to cover cost of inspections by the Town's consulting engineer. The specific amount shall be determined by the Planning Department based on the consulting engineer's estimate, such estimate shall be subject to amendment from time to time and shall be supplemented by the Applicant as requested by the Town Planning Department.
 - c. A construction schedule including approximate dates for items in the Subdivision Rules and Regulations 9.1.3.

Required Prior to the Start of Construction

23. A pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, the Planning Board's consulting engineer and other representatives of the Town as the Board feels are necessary. A pre-construction conference will not be scheduled until Conditions 18 and 22 are complete. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board and the DPW. At least one telephone contact shall be available 24 hours per day in the event of an emergency.
24. Prior to the start of construction, a street sign shall be erected in accordance with the US DOT Manual on Uniform Traffic Control Devices 2009 Edition, Ch D3-1, Sheet 1 of 3 (copies are available at the Planning Board office.) The name of the street shall be approved by the Police Department and Planning Board.

Required During Construction

25. Construction work shall not begin prior to 7:00 AM weekdays and 8:00 AM on Saturday and shall cease no later than 7:00 PM or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays.

26. The stabilized construction entrance per the Definitive Subdivision Plan must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing. Construction vehicles and equipment shall not use the existing shared access and utility easement with Morning Glories except during construction within the easement. **Access to Morning Glories' driveway, parking area, building and property must be maintained at all times.**
27. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures per the Definitive Subdivision Plan and approved by the Town Planner are in place. Such control measures shall remain in place until the Board's consulting engineer determines after consultation with the Town Planner, that the danger of erosion or sedimentation no longer exists.
28. Except for clearing, grubbing, road construction and paving, the subdivision road shall be kept clear and passable at all times. No equipment shall be parked or stored so as to render the street impassable. No portion of the subdivision road or cul-de-sac shall be used as a staging area. No parking or unloading on Country Way shall be permitted during construction.
29. The Applicant shall notify the owner of Morning Glories (52 Country Way) a minimum of three business days prior to the installation of the vertical granite curb to be placed at the edge of the Access and Utility Easement. This curb installation work shall not occur before 9:00 a.m. or within 4 days of Easter, Valentine's Day, Thanksgiving or Christmas Day or any four holidays defined by the owner of Morning Glories.
30. Inspections and observations made according to the Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Board within 48 hours after the inspections. The Board reserves the right to require the consulting engineer visit the site weekly during times when required construction inspections are further apart.
31. The property line between #50 and #52 Country Way and boundary of the limit of clearing shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of three business days prior to the start of construction.
32. Construction of the proposed subdivision road and proposed drainage system shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board and DPW at completion that the proposed subdivision roads and drainage system were constructed in accordance with the approved Definitive Subdivision Plan. This certification shall be accompanied by as-built plans, signed and stamped by a professional land surveyor and the supervising professional engineer.

Prior to Application for Building Permits

33. Before application for building permits for construction of a building other than a single family or two-family home on either lot, the applicant shall submit plans for a Site Plan Review in accordance with Section 770 of the Scituate Zoning Bylaw. The Board reserves the right to require a Stormwater Permit prior to construction on either lot and/or a full traffic analysis for any commercial use proposed.
34. No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water in accordance with the policy made effective by the Board of Selectmen on October 8, 2014. All irrigation systems installed in

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

35. Interim As-Built Plans shall be prepared for all drainage or detention basins, rain gardens and infiltration structures and the roadway system, and be provided to the Planning Board for approval before any building permits for new structures or buildings are issued.

Interim As-Built Plans shall confirm that the roadway and drainage basins are properly constructed, stabilized, located in the approved location and properly sized, so that the required storage capacity is available and no upland necessary for adjacent lots has been used. The location of the drainage basin and all drainage easements shall be confirmed by setting a minimum of two bounds and shall be tied to at least two bounds of the subdivision way and to the Mass. State Plane coordinate system. Interim As-Built Plans shall be signed and stamped by a Registered Professional Engineer and Professional Land Surveyor.

Prior to Application for Occupancy Permits

36. Prior to application for occupancy permits, the sewer line connections and grading will be reviewed with the DPW Sewer Division to make sure it conforms to the approved plans and to assure that the sewer will not interfere with drainage either within the development or onto abutting properties.
37. Prior to issuance of any occupancy permit, a registered professional engineer shall inspect the lot and certify with his signature and stamp to the Planning Board and Building Commissioner that any variation in grade from the original plan is insignificant and does not in any way alter the drainage calculations, the function of the stormwater management system or the rate or volume of stormwater flow onto abutting properties.

Acceptance of Street as a Town Way

38. Approval of the Definitive Subdivision Plan does not constitute the laying out or acceptance by the Town of the streets shown on the Plan. For additional clarity, the subdivision street shall remain a private way, the operations and maintenance of which remain the sole responsibility of the Applicant and subsequently the Property Owner's Association, unless or until such streets are accepted by the Town.

Ongoing

39. A certification of compliance with the Operations and Maintenance Plan shall be provided to the Planning Board on or before January 31 of every calendar year.

And to waive compliance with the following Sections of the Town of Scituate Subdivision Rules and Regulations:

Section 7.3.1.2.d. Design Basis and Method

To waive the requirement for stormwater calculations to assume the lots to be fully developed. Stormwater calculations for the individual lots will be provided prior to lot development as part of the Site Plan Review.

Section 7.3.1.3

Homeowner's Association

To waive the requirement for a draft Homeowner's Association document with the submittal and require it prior to a pre-construction meeting and recorded prior to the first occupancy permit.

And to waive compliance with the following Sections of the Town of Scituate Stormwater Regulations:

To waive the requirement of Section 9 Stormwater Management Performance Standards, Paragraph 4, that for redevelopment projects within the Water Resource Protection District, a 90% removal rate (of Total Suspended Solids) (by source controls, pollution prevention measures and best management practices) shall be required.

Conditions 1- 9 were moved and read by Mr. Taylor, Conditions 10 – 15 were read by Mr. Pritchard, Conditions 16 – 22 were read by Mr. Vogel, Conditions 23 – 35 were read by Mr. Greene and Conditions 36 – waivers were read by Ms. Burbine although she was not a voting member. Mr. Pritchard seconded the motion. On further discussion Condition 33 was changed to add that the Board reserves the right to require Stormwater Permits for either lot as well as a traffic study for commercial uses, Homeowner's Association is changed to Property Owner's Association, residents are changed to occupants, condition 36 requires review of the sewer by the DPW Sewer Division, condition 23 changes the conditions mentioned to 18 and 22 and condition 5 should say 1 per lots for residential dwellings. Mr. Limbacher, Mr. Pritchard, Mr. Taylor, Mr. Vogel and Mr. Greene voted unanimously in favor of the motion.

Mr. Taylor moved to accept the applicant's request to continue the public hearing for the for the Mixed Use Special Permit in the Village Business Overlay District for 50 Country Way until December 18, 2014 at 8:30 p.m. in the WPA Building at 7 Henry Turner Bailey Road in Scituate. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Presentation/Discussion on Chapter 40 R for business and property owners with Matt Smith, Senior Regional Planner, MAPC

Ms. Harbottle gave a brief overview of the EDC Market Study for Scituate and indicated that one of the recommendations is to implement 40 R Zoning. She indicated that it is proposed around the Greenbush MBTA Station and other Towns including Plymouth, Kingston, Andover and Salem have 40 R districts. She said they are mixed use districts similar to Scituate's Village Business Overlay District (VBOD). Ms. Harbottle said the Market Study done by MAPC is on the EDC webpage and that Matt Smith, from MAPC will be providing a quick overview of the study and the benefits of a 40 R district.

Mr. Smith said Scituate's population is aging and its households are growing at a higher rate. He said the Town's population lives in mostly owner occupied single family homes with a high median price. He said there are not enough rental units in town and the study indicated there will be a demand for 700 new units over the next 15 – 20 years including senior housing and entry level housing.

Mr. Smith said that the Harbor and Greenbush have the most potential for mixed use development. He indicated there is a small economy in Scituate with education, healthcare and food service is where most of the jobs are. He said that Scituate exports many of its workers. He said the study found there is opportunity for economic development in 5 sectors including maritime, tourism, retail, office and housing. He indicated in Greenbush there is opportunity for growth in retail, small

regional chain stores and multifamily and mixed use housing. He said there are growth possibilities for medical offices, second offices for lawyers or similar professionals and a hotel.

Mr. Smith said the recommendations from the study include improving Scituate's marketing both locally and regionally, expanding tourism year round, expanding the maritime sector, growing the healthcare cluster and identifying additional revenue sources to reduce reliance on the residential tax base i.e. meals tax and occupancy tax and to maximize benefits of geographic locations in village centers and public transit. He said that the Greenbush village currently has sewer and North Scituate does not. He indicated that train service is being restored on the weekends shortly which could benefit future development. He suggested studying the potential for additional development at Widow's Walk.

The study did an economic opportunity analysis and looked at sites with the greatest potential. Mr. Smith offered that Greenbush has the most potential to generate revenue with mixed use development providing more projected revenue than just commercial development. He said that Greenbush has no real center so one would need to be created east of the train. He indicated that the area on Country Way could be less dense with mixed units and higher densities on Driftway around the train. He said the visibility from Route 3A is a great resource.

Mr. Smith offered the zoning approaches to creating growth in Greenbush. He said the Town currently has the VBOD which requires 15% affordable housing, height of 3.5 stories or 40' and public benefits for increased densities. He indicated another option is 40 R Smart Growth Zoning for dense residential and mixed use growth around a transit center. He said land in Greenbush is available with infrastructure and without single family homes lending itself to this zoning. He said many communities are adopting 40 R. He indicated that the requirements include mixed income housing, 20% affordable housing, incentive payments to the Town for adopting the zoning and when units are built and the zoning is by right. He said there can be subdistricts within the 40 R district. He said that a concern of Towns is that there will be a rise in the number of school children, but that 40 S automatically provides an insurance policy to provide payment to the Town if too many school age children reside in the 40 R district. He said that mixed used developments generally attract fewer children and there has never been insufficient money in the fund to provide payments to Towns. Mr. Smith indicated that because it is by right, design standards are incorporated. He said that the Town already has requirements in the VBOD Zoning that could be incorporated into the guidelines. Mr. Smith said that the incentives for the Town are diverse housing options, financial incentives, local control with flexibility and the ability to upgrade underutilized sites. He said that the property owner motivation is that it provides predictability via density and infrastructure addressed up front and a shorter permitting process. He said that 40 R should replace the VBOD.

Ms. Harbottle indicated that if 40 R is going to town meeting in the spring, the subdistrict areas need to be decided soon. She said she was disappointed more property owners didn't come tonight as they were notified. Mr. Smith said that the walkability around the Greenbush transit station would be great for the 40 R district. Jim Trenz asked if there were any plans for fields. Mr. Smith said there would be open space, but no fields. The Board discussed that the Jacob Hatch site and the Driftway Medical site should be added to the district. Mr. Pritchard inquired if modifications to roads need to be done for a district. Mr. Smith said that there can be requirements for internal circulation within the design guidelines. Ms. Harbottle said that a masterplan for the area would be worth exploring and it may be possible to have street trees and a boulevard after the rotary. Mr. Pritchard said we want to create guidelines for something we expect. Mr. Vogel asked if the 40 R idea points a positive attitude toward development that is rosier than exists due to the proximity of

the water resources. Ms. Harbottle said the development estimates are conservative and that requirements of 400 feet from the reservoir and 150 feet from a tributary still must be met. Mr. Smith said that the developer still has to determine if the land is developable. Ms. Harbottle said the process would provide more predictability for developers. Mr. Pritchard said that connecting to sewer is not a right if there is no capacity. Ms. Harbottle said that the application to the state requires a letter from DPW indicating there is sufficient capacity for the district. Mr. Taylor said the Board previously discussed leaving the VBOD as another option. Mr. Smith indicated that it could be confusing as if potential development meets the parameters of a 40 R it will be more efficient.

Mr. Vogel inquired how long some towns have had this zoning and if results are visible. Mr. Smith said that Reading has had the zoning since 2010 and a 4 story building with retail has helped add vitality to the area. Mr. Pritchard asked how much work was done beforehand to layout the district. Mr. Smith indicated that the area has capacity and the train station is active. He said parcel size will limit the number of units. Chairman Limbacher asked for a copy of the presentation. Mr. Pritchard asked Mr. Smith to follow up with Reading to see what work they did before town meeting. Mr. Smith said he would ask the Town of Sharon too. Ms. Harbottle asked about having a visioning piece for just a couple of parcels. Mr. Smith said that communities include pictures of what they like in other communities for their guidelines. Ms. Burbine suggested a road trip to Reading, Sharon, Plymouth and Belmont to obtain information on how they came up with their standards and what was presented to their town meetings.

Mr. Trenz said that if 40 R really is easier to process and the height is 40 feet then it is beneficial. Sharon Harrington of Jenkins Place said she likes the idea of more affordable housing and housing by the train, but doesn't want to be forced out of Jenkins Place. She said she liked the idea of subdistricts. Mr. Norton asked how parcels are put together. Ms. Harbottle said the affordability requirement applies to over 13 units. She said it immediately would open options for duplexes and have more options for owners of smaller and larger lots. Ms. Harbottle said that Jenkins Place did come up when the VBOD zoning was enacted. She said maybe it doesn't belong in the district. Mr. Smith said that many design elements can be used to make an area appear less dense like pitched roofs, dormers and articulation which is why the guidelines are so important..

Public Hearing – Accessory Dwelling Special Permit – 253 Hatherly Road
Assessor's Map/Block/Lot: 28-20-1
Applicants/Owner: Diane M. Downs

Documents

- Application for Accessory Dwelling Special Permit including deed, notarized letter, Building Location Plan 253 Hatherly Road dated 6/6/14 by Environmental Engineering Technologies, Inc. and architectural drawings A2, A3 and A4 by Rockwood Design, Inc. for 253 Hatherly Road showing Elevations, First Floor Plan and Existing Second Floor Plan dated 8/5/2014
- Transmittal to departments dated 11/13/14
- 2 emails from Diane Downs dated 11/13/14
- Comment from the Conservation Commission dated 11/18/14
- ZBA Section 6 Finding
- 4 pictures of the driveway submitted by the applicant on 12/5/14

Brian Marcella indicated he was representing Diane Downs who was also present at the hearing. He indicated that she would like to build an accessory dwelling for her mother within an addition that is

currently being constructed. He indicated the addition is 25' x 29' with a cut out of 6' x 7' for approximately 650 sq. ft. He said the unit is accessible from the inside and from the rear on the outside. Ms. Harbottle said that the size was below 750 sq. ft. and there was parking for both units. She indicated that the property was on town sewer. Mr. Vogel indicated that the accessory dwelling is proposed for one of the reasons specified in the bylaw – to provide for the owner's relative. Ms. Burbine asked if there was going to be a new water meter and if the applicant needed to pay the \$6,500 fee mentioned on the application. Ms. Harbottle said it was up to the Water Department and that the verbiage is on the application so that applicants are not surprised when and if the fee is imposed. Ms. Burbine said that the purpose of an accessory dwelling is to aid the homeowner and doesn't see how a large fee aids them. Ms. Harbottle said the fee was not the Planning Board's jurisdiction, but she would look into the matter.

Mr. Taylor moved to make the following Findings of Fact concerning the accessory dwelling at 253 Hatherly Road:

1. According to Town of Scituate Assessor's records, the property at 253 Hatherly Road is owned by Diane M. Downs Trustee. The property is located in the Residential R-3 zoning district on a lot of 10,000 sq. ft.
2. On November 12, 2014, Diane M. Downs applied for a special permit for an accessory dwelling within a single family house on property at 253 Hatherly Road.
3. According to the plan, the floor area of the primary dwelling is 1,496 sq. ft. The floor area of the accessory dwelling as shown on the plan dated August 5, 2014 is less than 750 sq. ft. It meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.
4. The accessory dwelling will blend with the architectural style and is of similar materials to the existing primary dwelling.
5. The accessory dwelling is under 750 sq. ft. in size and has one bedroom. It is subordinate to the primary dwelling.
6. The proposed plan shows the dwelling to have a 1 car garage. Outside the garage there is room for 3 parking spaces in the driveway. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.
7. The applicant has submitted a signed, notarized statement that she will live on the property. The special permit will be recorded. Any future new owner will need to file an affidavit with the Planning Board that he or she occupies the property.
8. The property is on town sewer.
9. One accessory dwelling unit is contained on the lot in a single family house. It will be a separate housekeeping unit.
10. There are no new exterior stairs.
11. The application meets the standards of Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Mr. Pritchard seconded the motion. Motion was unanimously approved.

Decision: Mr. Taylor moved to approve the Accessory Dwelling Special Permit for 253 Hatherly Rd. with the following conditions:

1. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department and other town agencies.
2. Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Downs Residence 253 Hatherly Road Scituate, MA 02066 dated August 5, 2014: Elevations, First Floor Plan and Existing Second Floor Plan as well as the Building Location Plan for 253 Hatherly Road dated June 6, 2014.
3. The property at 253 Hatherly Road shall contain a maximum of two dwelling units, the primary dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage of the accessory dwelling shall not be increased without prior approval of the Planning Board. The number of bedrooms in the accessory dwelling is limited to one, in the location and size indicated on the first floor plan submitted with the application and attached to this decision.
4. A plot plan shall be submitted to the Planning Board prior to obtaining a building permit to verify that the square footage of the accessory dwelling will be less than 750 sq. ft. as shown on the architectural plans.
5. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy from any new owner shall be completed at the closing of the sale of the house and a copy provided to the Planning Board within seven days.
6. The Planning Board will require an on-site inspection for conformance to the approved plans and these conditions prior to a Certificate of Occupancy being issued for the accessory dwelling.
7. No on-street parking shall be permitted at any time.
8. This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The owner shall provide proof of this recording to the Planning Board.
9. This Special Permit shall lapse within two years from date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.
10. The Planning Board reserves the right to review compliance with this special permit at any time. At the request of the Planning Board, an affidavit shall be provided that either the primary or accessory unit is owner occupied.

11. At each transfer of ownership of the property, a new affidavit that the owner resides on the property shall be provided to the Planning Board within seven days of the closing of the sale of the house.
12. This Special permit shall terminate if the use is not in accordance with this decision and its conditions.

Mr. Pritchard seconded the motion. Motion was unanimously approved.

**Form A – 179 Edward Foster Road
Assessor's Map/Block/Lot 51/3/23-A
Applicant/Owner: Ryan D. Whitney**

Documents

- Application for Form A
- Transmittal to departments dated 12/5/14

Paul Mirabito was present on behalf of the applicant. He indicated that the land at the ocean, parcels C-1 and C-2 were just acquired by deed by the applicant and he would like them to go with each of the lots previously approved by the Board. He indicated that this is unregistered land and the Land Court only decrees to the high water mark, so the deed to the unregistered land was forgotten.

Mr. Taylor moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in the Town of Scituate, MA located at 179 Edward Foster Road prepared by Ross Engineering Co. Inc. for Ryan D. Whitney dated December 4, 2014 as the division of the tract of land shown is not a subdivision because it shows a proposed conveyance or change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Accounting

Documents

- PO # 1503899 (\$46.99)

Mr. Taylor moved to approve the requisition of \$46.99 to WB Mason for office supplies. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Minutes

Mr. Taylor voted to approve the meeting minutes of 11/6/14 and 11/26/14. Mr. Vogel seconded the motion. Motion was unanimously approved.

Town Planner Report

Ms. Harbottle indicated that she did several site visits due to the rain event of December 9. She indicated that she went to 48 Whittier Drive as the new owner was complaining that her basement was flooded due to Blanchard Farms. She indicated that a plug was supposed to have been put in the basin, but was not in place. She said that a trench was dug on the 48 Whittier property during the rain event to help address the situation. Ms. Harbottle said that she visited 232 Clapp Road in

response to a complaint about the detention basin wall being breached at 214 Clapp Road. She indicated that the basin had not been breached, but additional storage is needed on site during construction to keep all the water on site. Ms. Harbottle gave the Board the final version of the proposed budget for FY 16. She asked if the Board was interested in having her write a grant application for the Town's Hazard Mitigation Plan. The Board indicated they were.

Old Business and New Business

Documents

- Email to Board dated 12-5-14 for 12-11-14 meeting
- Planning Board Waivers 2014
- TC filed decision 2-3-14 214 Clapp
- TC filed decision 5-30-14 Colonel Mansfield
- TC filed DSP decision 5-12-14 BFE
- White Ash Farm DSP decision w registry format
- 11-4-14 50 CW DSP vote of waivers
- Site inspection email from Amory Engineers dated 12-11-14
- Email from Town Planner to Board on Blanchard Farms dated 12-11-14

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 10:40 p.m. Mr. Greene seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk
1-8-2015
Date Approved