

SCITUATE PLANNING BOARD MINUTES December 17, 2015

Members Present: William Limbacher, Vice Chairman; Robert Vogel, Robert Greene and Ann Burbine, Alternate member.

Members Absent: Stephen Pritchard, Chairman; Richard Taylor, Clerk.

Others Present: Ms. Laura Harbottle, Town Planner.

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

Location of meeting: Scituate Maritime Center, 119 Edward Foster Road, Scituate.

Vice Chairman Limbacher called the meeting to order at 7:30 P.M. The meeting was being recorded for airing on local cable television. Mr. Vogel arrived at 7:32 P.M.

Documents

- 12/17/15 Planning Board Agenda

ACCEPTANCE OF AGENDA: Ms. Burbine moved to accept the agenda. Mr. Greene seconded the motion and the vote was unanimous in favor.

Public Hearing – Standard conditions for Accessory Dwelling Special Permit and Common Driveway Special Permits

Documents

- Standard conditions for Accessory Dwelling Special Permit and Common Driveway Special Permits

Vice Chairman Limbacher opened the public hearing for standard conditions for Accessory Dwelling Special Permits and Common Driveway Special Permits with Common Driveways being discussed first. Ms. Harbottle indicated that the standard conditions are based upon what the Board previously discussed and are intended to help speed the meetings up when the conditions are being read. These conditions are ones the Board has been imposing, some are requirements of the bylaw or special permits based on state law and policies of the Selectmen i.e. irrigation. She indicated there are requirements for pre-construction, construction and inspections.

Mr. Limbacher said he thought the conditions were well done. Mr. Vogel asked if the conditions would be provided to the applicants. Ms. Harbottle said they can be part of the application package. The Board asked that the order of condition 7 and 8 be changed. Ms. Burbine moved to approve the Common Driveway Standard Conditions for common driveway special permits and site plans as modified. Mr. Greene seconded the motion. Motion was unanimously approved.

The Board moved onto the standard conditions for Accessory Dwelling Special Permits. Ms. Harbottle indicated that most of the conditions are from the bylaw or that the Board has used over the years. Ms. Harbottle reviewed the conditions and indicated that the last three are based on state law for special permits. Mr. Vogel questioned condition 7 on no on-street parking. He said he thought the condition was nebulous and the condition should reflect that two spaces are required for the primary dwelling and two for the accessory dwelling based on the bylaw. Ms. Harbottle said that this is to ensure that the spaces actually get built which is important in some of the congested areas. She indicated there could be situations where the kids use the accessory dwelling spaces forcing the

accessory dwelling occupants to park on the street, creating congestion. She said the condition protects the Board by helping to prevent excess parking on the streets to keep them open to emergency vehicles. Mr. Limbacher and Ms. Burbine indicated they would like to see the condition left in.

Joe Joyce indicated that he agreed with Mr. Vogel that the he thinks it will be hard to enforce and questioned if the special permit could be terminated per condition 11 if there was parking on the street. Ms. Harbottle said that parking for the accessory dwellings on site helps to make sure that they will fit into the neighborhood. She said the accessory unit is an additional dwelling unit on the lot and this helps ensure it fits in and the occupants are not hassled about parking on the street. Ms. Burbine moved the accessory dwelling standard conditions as written.

Joe Joyce also asked about condition 8. He asked why construction vehicles were being regulated for accessory dwellings when they weren't for other projects. Ms. Harbottle said the Board has this as a condition for other special permits and subdivisions so movement is not encumbered. Mr. Limbacher seconded Ms. Burbine's motion. The motion was unanimously approved. Ms. Burbine moved to close the public hearing. The motion was seconded by Mr. Greene. The motion was unanimously approved.

Accounting

Documents

- PO # 1604187 (\$1,186.00), PO # 1604301 (\$687.50), PO # 1604302 (\$437.50), PO # 1604303 (\$133.96), PO # 1604319 (\$1,600.00), PO # 1604339 (\$1,235.00)

Ms. Burbine moved to approve the requisition of \$1,186.00 to Chessia Consulting Services, LLC for construction inspections for The Glen, \$ 687.50 to Amory Engineers for engineering peer review for 4 Moorland Road Stormwater Permit, for \$ 437.50 to Amory Engineers for construction inspections for White Ash Farm, for \$133.96 to Amory Engineers for construction inspections for Benjamin Studley Farm, for \$1,600.00 to Amory Engineers to prepare a cost estimate for completion of Kimberly Estates and for \$1,235.00 to Merrill Corporation for engineering peer review for 179 Edward Foster Road. Mr. Greene seconded the motion. Motion was unanimously approved.

Minutes

Mr. Limbacher moved to approve the meeting minutes of 12/10/15. Ms. Burbine seconded the motion. Motion was unanimously approved.

Town Planner Report

Ms. Harbottle indicated that the Town is applying for DLTA funds from MAPC for the Open Space Plan. She said that the plan must be in place for the Town to receive grants. She said this is valuable for ballfield uses, recreation improvements and CPC requests. Ms. Harbottle said some of the plan was done, but there were insufficient funds to complete it. Mr. Limbacher offered to talk to the CPC if needed. Ms. Harbottle said the budget requests were received pretty well. She indicated that construction has commenced for the Stormwater Permit for 4 Moorland Road and paving has occurred at The Glen.

Liaison Reports

Ms. Burbine indicated that the EDC's presentation of the wayfinding signs to the Selectmen was well received. She said that the EDC is meeting on Tuesday on the Winterfest. She said she was not sure that this was within the EDC's purview. She said the South Shore Coalition is planning their agenda for next year with transportation being a key topic. She said that they will be encouraging people to use the train on the weekends for fear that if it is not used they will discontinue service. She said that the Chamber of Commerce is concerned with the number of vacancies on Front Street.

Discussion – Water Conservation Plan – Becky Malamut, Water Resources Committee

Documents

- Scituate Water Resources committee Conservation Plan prepared by Caroline Keefe, Student Intern at Villanova University with assistance from the Scituate Water Resources Committee

Becky Malamut was present for the Water Resources Committee (WRC). She said the WRC has put together a Water Conservation Plan to help guide their work over the next few years and they are bringing the plan to Boards to get their support prior to bringing it to the Selectmen. Mr. Limbacher said he read the plan and it was well put together. He said he was unclear on how and if the water banking would work. Ms. Malamut said that NSRWA asked for it to be included. She indicated it could be done in subdivisions based on square footage or a percentage of area. She said it is similar to wetland banking where one does something in one location for a trade off in another location. She said hopefully the water usage in a subdivision would be set off with high efficiency plumbing fixtures and cisterns to capture roof runoff. Ms. Harbottle asked if any town had this water banking in a bylaw. Ms. Malamut said the WRC is going to look into that, but Weymouth has done it. She indicated that was their goal for 2016. Ms. Harbottle said she would talk to MAPC as it seems like a really good idea.

Mr. Greene asked if there was any way to quantify the amount of water that is not being lost as the water lines are replaced and have it count toward the water banking. Ms. Malamut said there would be a decrease in unaccounted for water which helps the Town. She said the new pipes will have many intangible measures. Ms. Burbine remarked that the plan was well written, but thought that using potable water for lawn watering does not make sense. She also commented that it is all well and good that people have signs indicating they have private wells, but the water all comes from the same aquifer. Ms. Malamut said the Board of Health is working on private well regulations and may try to push for no irrigation wells, but that is unlikely. She said she hoped private wells will have some restrictions.

Ms. Burbine said that Jim DeBarros has previously said that the water leaving the sewer treatment plant is clear and asked if it could be used for filling water trucks or irrigating the golf course instead of going straight to the Herring Brook. Ms. Malamut said she believes having a hydrant closer to Go Green was discussed, but it may have been quite costly. She indicated that Kevin Cafferty also said that having a pump from the sewer plant to the Go Green site was also a cost issue. Mr. Greene said that the discharge requirement for the water from the Wastewater Treatment Plant is often better than its discharge location. He said in Kingston, their wastewater goes to irrigate the golf course. Ms. Harbottle said that Yarmouth also does the same thing. Ms. Burbine offered that Scituate Country Club is close by too. Mr. Limbacher said that Widow's Walk takes water from Hatherly Pond for irrigation.

Mr. Limbacher read the draft letter to the Selectmen from the Board. He moved to adopt the Water Conservation Plan and send the Selectmen an endorsement letter for the Plan and recommend they adopt it too. Ms. Burbine seconded the motion. Motion was unanimously approved.

Discussion – Stormwater Bylaw

Documents

- Draft revised Stormwater bylaw dated 12/16/15

Ms. Harbottle indicated that there have been three meetings with the Stormwater working group. She said that misters Bjorklund, Winchester, Morse, Gallivan and herself have been at all three meeting and Josh Bows from Merrill has been at two and Frank Snow has been to one. She indicated they have been charged to listen to the developer's needs and wants with the bylaw while keeping the environment safe and protecting neighbors. She said it has been an exercise in compromise. She said she has asked for space on the warrant for the general bylaw and for changes for non-criminal disposition so that there can be fines. She indicated that items including application fees, enforcement and specifics on plans have been incorporated. She said enforcement provisions are new as people don't always want to abide by the permit conditions. Mr. Vogel asked if the Town Administrator was on board with the changes. Ms. Harbottle indicated that she wanted provisions for land subject to coastal storm flowage and for it to be clear that the Conservation Commission will review the application if it is subject to their jurisdiction. Ms. Burbine questioned what the difference was in Section 3A and Section 4G. Ms. Harbottle said that 3A pertains to the whole bylaw and 4G pertains to what the Planner can administer. She indicated she will be providing it to the Board in the near future. She said all stormwater permits to the Planner go out for engineering review. She indicated that the fee structure may be a flat fee for a single family home. She said the Town of Millis does this. She explained the process will be more cut and dry and if all the material is not there, the project will be denied.

Mr. Vogel asked the question if there would be problems with the peer engineers saying that they wouldn't do it that way versus that it won't work. Ms. Harbottle said there still could be disagreements, but this will be minimized by having the applicants provide what is required. The working group wants the information to be cut and dry so that disagreements should not occur.

Mr. Vogel asked if the drainage area referred to in 3.A.3 all has to be on the same site under consideration. Ms. Harbottle said it can be on an adjacent lot, whatever the natural watershed drainage area is. Mr. Vogel said offsite area is then required to determine the watershed. Ms. Burbine asked about the 15,000 sq. ft. of disturbance. Ms. Harbottle said she will be working on refining the area based on discussions earlier in the day with the working group. She said that there will be a couple of thresholds – i.e. 20,000 sq. ft. of clearing for a 40,000 sq. ft. lot and 15,000 sq. ft. for the other lots. Mr. Vogel then confirmed that on a 10,000 sq. ft. lot, the 25% impervious cover is what would trigger a stormwater permit. Ms. Harbottle said the working group would like to change this to 25% impervious on a vacant lot and an increase of 25% on an existing lot in the R3 zoning district. She said the applicants would be responsible for providing calculations. Ms. Harbottle said she will probably add a table for clarity. Mr. Vogel said on smaller lots, stormwater will be harder to address. Ms. Harbottle said that lots in a subdivision approved after 2010 are exempt as they are already undergoing stormwater review. Mr. Limbacher said he would like to see a time limit on lots in a subdivision in the event regulations change. Ms. Harbottle said the covenant says three years. The Board agreed to stick with that. Mr. Limbacher asked about the language in 6.C "to the extent

practicable”. Ms. Harbottle said it comes from the state and the consulting engineer likes the standard. She said she will get something to the Board and the NSRWA and WRC soon.

Old Business and New Business

Documents

- Email to Board dated 12/16 /15 from Laura Harbottle with draft Stormwater Bylaw
- Email to Board dated 12/16/15 from Karen Joseph with Accessory Dwelling and Common Driveway proposed standard conditions, Water Conservation Plan, meeting minutes from 12-10-15 and construction report from The Glen 12/2015

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 8:39 p.m. Mr. Greene seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk
1-14-2016
Date Approved