

SCITUATE PLANNING BOARD MINUTES December 10, 2020

Members Present: Ann Burbine, Chairman; Benjamin Bornstein, Vice Chairman; Patricia Lambert, Clerk; Stephen Pritchard, Rebecca Lewis and Bob MacLean, Alternate.

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

Members absent:

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

Location of meeting: Selectmen's Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chairman Burbine called the meeting to order at 7:00 P.M. The meeting was conducted in compliance with the Governor's executive order modifying the Open Meeting Law regulations for remote participation during the COVID-19 health pandemic. The meeting was being recorded for airing on local cable television.

Documents

- 12/10/20 Planning Board Agenda

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

Roll Call to call the meeting to order:

A roll call vote was taken to open the meeting.

Ms. Burbine - yes
Mr. Pritchard – yes
Ms. Lambert – yes
Mr. Bornstein - yes
Ms. Lewis – yes
Mr. MacLean - yes

**Continued - Public Hearing – Site Plan Administrative Review and Special Permit for Gas Backwards Building and on additional Commercial Space in the Village Center and Neighborhood District, Greenbush-Driftway Gateway District – New Driftway Transit Village Subdistrict – VCN-GDG-NDTV – 48-52 New Driftway
Assessor's Map/Block/Lot 53-3-9 and 53-3-10F
Applicant: Petro Realty Corp
Owner: New Driftway 4852 LLC**

Documents

- Doc 20.11.10SPLA.PLanningDeptMemo
- PDF 20-571 Site Plan Review Set Revised 11-3-2020
- PDF 100 year storm flow computations
- PDF 100 year storm pipe sizing

- PDF 2020.11.10_LANDSCAPE PLAN submitted
- Doc DRAFT Motion 48-52 VCN SP
- Doc REV 3
- PDF Sheet 12 (Revised)
- PDF Stormwater pollution prevention plan
- PDF Submission letter (11-10-2020)
- PDF TSS removal calculations
- Email from Abutter at 60 New Driftway dated 12.10.20
- PDF Spillpreventioncontainerplan311.26.20

Attendees: Aaron Cutler, Petro Realty; Walter Sullivan Jr., Attorney; Kathleen Keen, VHB Traffic Engineer; Hal Choubah, Project Engineer; John Chessia, Town Consulting Engineer

Ms. Burbine indicated that self-serve gas stations are not allowed in Scituate according the bylaws. One attendant is needed for every 4 gas dispensing hoses, two attendants will be needed for this gas station as there are 8 gas dispensing hoses.

Ms. Burbine read comments from DPW dated December 8th into the record:

- Will the existing turning lane on New Driftway be extended between the existing light at Old Driftway and 28 New Driftway;
- The proposed wall along the southwesterly side of the property averages 5'-6'in height will there be fencing along the top of the wall; a permit will be required;
- The restaurant is proposed to be on the westerly side of the building and the grease trap is proposed be on the easterly; consideration should be made to relocate the grease trap in closer proximity to the kitchen flows understanding routine maintenance requirements;
- A hydrant is located at the entrance to the site, will any hydrants be located within the site?;
- Prior to construction confirmation with Scituate Water Department shall be made prior to making connections to the existing 6" water main as alternatives maybe available to a newer and larger supply line in New Driftway;
- All new or repaired curb ramps located on and off the site shall meet ADA requirements;
- Bollards at the building should be located to prevent a vehicle from entering the building;
- All utility trench connections located in New Driftway shall be back filled with controlled density fill.

Ms. Burbine also read a comment letter from an abutter at 60 New Driftway into the record.

Karen,

I wanted to send you a note regarding the gas station ahead of the planning board meeting tonight. While I understand why the town would prefer the pumps be located behind the building for the look but I feel that will cause more problems.

1) lighting and noise is the major concern I think most owners would prefer the pumps be located out front so the noise and lighting would be blocked by the building

2) traffic will be an issue. Exiting our driveway if you're trying to take a left is currently an issue as people stopped at the traffic light heading toward the rotary block the drive exit sometimes you must sit through two or three lights before you can take a left. Also pre Co-vid in the morning rush to get to the train the left hand turn lane typically is backed up outside the length of the lane which I believe is where the planned

entrance is. If we turn this lane into a turn either way lane it will cause problems when traffic patterns return to normal

3) with the rear pumps needing to circle around to exit I can see people with boats fueling up causing issues trying loop around and exit. I think the only way to address this is to have a one-way flow in an out of the station which this would be able if the pumps were in the front or the exit could go through the medical buildings lot

In the end I'm all for supporting businesses but I think the size of this lot is just too small for a rear facing gas station.

Thanks

*John Morrissey
60 New Driftway Unit 19*

Mr. Sullivan inquired about where in the bylaw it is mentioned no self-serve gas stations. He opined that there had to be one attendant for 4 pumps, but they did not need to assist in the dispensing of the gasoline.

Ms. Joseph indicated it is in the general bylaw Section 32010 and she read from the bylaw. Mr. Sullivan said they understood that from the last meeting and plan to have 2 attendants on the site at all times, but were not under the understanding that the attendants needed to pump the gas. Ms. Joseph said she will have to get an opinion from Town Counsel. Mr. Pritchard opined it sounds like it is making an exception if there are attendants on site. The Board said they will ask Town Counsel.

Mr. Choubah reviewed the changes made since the last meeting.

- A Landscape Architect has been hired and a plan has been submitted
- Site layout has not changed much
- Adjusted the parking data to reflect Table 1 requirements
 - 28 Total Parking Spaces
 - Convenience Store 4,000 sq. ft. – 1 space/200 sq. ft. – total 20 spaces
 - Restaurant – 1 space/4 seats - 20 seats – total 5 spaces
 - Storage – 2 parking spaces
 - Office Space – 1 parking space
 - Total spaces required is 28; they are providing 28 spaces
- Width of concrete rumble strip has been decreased from 10' to 6' per request from peer review
- Drainage and Grading – no changes to the concept of the drainage
 - All drainage on the site is collect by a closed drainage system, treated and discharged into an on-site infiltration system that will contain all runoff on site for the 100 yrs. storm
 - Reducing the runoff from the site by 100%
 - In the process of addressing all comments from Mr. Chessia's latest review
 - Relocated the infiltration in the back - pushed it in the southerly direction to provide 10' minimum separation between the infiltration system and the footings for the canopy and provide 10' clearance from the retaining wall to the drainage system

- Changed piping from plastic to Reinforced Concrete Pipe (RCP)
- Utility Plans – minor changes
 - Two separate water connections as requested by the Water Department
 - Service to the restaurant
 - Service to the convenient store
 - 6” pipe for fire protection and a hydrant located along the northwest corner of the building
 - Grease trap – looked at comment from DPW
 - Located it along east side of building, because west side of the building has 2 entrances and seating areas
 - It is easily accessible from the back parking lot
 - Lighting Plan - lessen the intensity
 - Revised to less than one-foot candle along the property line
 - Intensity over the sidewalk is 2-3 foot candles – beneficial for pedestrian use
 - Opined there is no glare from the lighting to adjacent properties
 - Adjusted the canopy lighting
 - Increased the shielding by 6”
 - Lights are 12” from the bottom of the roof line
- Landscape plan
 - Shows the 10% amenity space required

Mr. Choubah said they have no issue addressing the comments from the DPW prior to the next Planning Board meeting.

Mr. Cutler indicated they have tried to address the concerns from the neighbors, the Board and the Peer Reviewers.

Mr. Chessia provided comments from his last review.

- Section 760.4 and 753.3.h.3 – he has been asking for how the interior landscaping was determined in the parking lot.
 - Difficult to quantify, however a plan can be provided to show the exterior limit. Assuming the canopy is part of the parking lot and where the islands are.
 - Mr. Chessia’s calculations are different from the applicants on what is needed to meet the interior landscape requirement
 - Ms. Joseph agreed with Mr. Chessia, the applicant is considering the canopy as part of the parking area and the islands sticking into the parking count towards the 5%.
 - Her rough calculation is the applicant is almost at 5%, but the numbers are needed to confirm. She also said to make the 5% a tree is needed in the back island.
 - Mr. Choubah said this will be shown on the next submission
- Section 760.7.d and in stormwater
 - Front walkway is called a pervious walkway
 - If pervious pavement will need to comply with the DEP details
- Section 751.3.C limit of work and 770.5.G
 - Mr. Choubah shared the plan for all to view

○ Grading Plan

- There was a question about a tree remaining; the grading should be moved to help save the tree.
 - Mr. Choubah said the grading will be adjusted to keep the tree
- Mr. Chessia discussed a 25 contour off the building and a 24 contour to the south with a 6" curb, he said the 25 contour needs to close around the building
 - Mr. Choubah indicated the 25 contour does extend around the building and they did do spot grades. He indicated they would make the adjustment to meet Mr. Chessia's concern
- Roof pitches to the front and the rear; if the gutter does not have capacity for the 100 year storm there need to be enough downspouts;
 - There is a calculation for the gutter capacity which can be conditioned with the Building permit. His recommendation is it be included by the Board.
 - The backside is okay because it will go into the drainage system, but the front side would go into the road
 - Mr. Choubah indicated they will address the issue
- The wall in the back is very close to a steep slope, DEP handbook says systems that infiltrate should be a distance away. He recommends the applicant demonstrate that if there is a mound effect that it won't breakout out on the slope by the wall; it is just a simple calculations.
 - Mr. Choubah indicated it is all sandy material in the area and tried to accommodate at least 10' away from the wall; there was discussion about a barrier.
 - Mr. Chessia recommended doing the hand touched mounding analysis; if the applicant can demonstrate it is not an issue that would be fine

Mr. Chessia indicated he has been asking for proof that the applicant has the equivalent to an oil grit separator, the stormceptors are a swirl chamber that will re-suspend in the event of a spill. He said typically there would be an oil grit separator sized for the biggest tank, 3,500 gallons larger enough to catch any spill. He said the catch basins don't provide much, a 6" hood that is 47 gallons float and the rest of it would go out the pipe. He said he does not know the capacity of the stormceptor or whatever proprietary unit is used, but it must be proven to have an equivalent for API Standards, there is a velocity so a cross-sectional area is needed to separate the gas from the water. He opined the easiest way and likely least expensive is to have an oil grit separator for the 3 catch basins; it just needs to be big enough to hold in case of a spill; that is Mr. Chessia's recommendation to the Board.

Mr. Choubah and Mr. Chessia discussed that addition of a 2,000-gallon oil water separator structure before the stormceptor. Mr. Chessia opined it would be in place of the stormceptor, both are not necessary. He said the oil grit separator still gives pre-treatment and there is still the valve to shut it down; there would be the catch basin for 25%, oil grit separator 25%, there would be 44% pre-treatment and the stormceptor would not be needed, but an extra manhole would be needed because the oil grit separator has to be an offline unit, the valve should be at the final manhole where they

connect. A manhole with a weir may need to be added and then a manhole with valve inside and there could be an inline valve with ductile line pipe with a regular gate box that is labeled as an option too. Mr. Chessia said this is what other gas stations have done that he has worked on and that is what he recommends to the Board.

- Stormwater Pollution Prevention Plan is required; recommendation that it could be conditioned, but the Board would not want to issue any permits until it has been approved
- O&M plan did not include the manufacture's manuals, but that can be conditioned to be included in the O&M and is a separate document that all parties have

Ms. Joseph asked what the Board wants; a separate oil grit separator with the capacity of 3,500 gallons. The Board deferred to the Expert; if that is what he recommends that is what the Board wants.

Ms. Joseph continued with her list of issues.

- Outdoor amenity space, 10% of the lot is required, 4,718 sq. ft.
 - Outdoor dining area has been increased in size and there are benches along the front of the building, 1,740 sq. ft.
 - Grass area in back with benches and trees – classified as a pocket park, area is 1,800 sq. ft.
 - Landscaped open area in the setback around the site
 - Ms. Joseph opined the applicant has met the requirement
 - The Board agreed
- Landscaping plan is acceptable with the addition of a tree in the back island, the meadow is at the limit of work, note added that 10 native cedar trees can be added at the Town's discretion to mitigate any potential light spillage in the back that is unknown at this time
 - Discussed plantings with Landscape Architect plants need to work, they may not all be native
 - Mr. Bornstein commented a seeded meadow takes 3-5 yrs. to establish properly. He opined the meadow cannot just be seeded and let go.
 - Mr. Bornstein to work on a condition to be incorporated in the final decision
 - The Board agreed
- Signage – Design Review Committee to review prior to implementation
 - Sign is not internally lit
 - Sign is a two-sided sign, lights on both sides
 - Projected height is 15'2" with stonewall at the bottom
 - Board objected to the green color
 - Mr. Cutler said they are open to changing it and anticipate tenants will want to have their own colors
 - Lights on during hours of darkness, dependent on hours of operation
 - White light projecting down, contained to the area of the sign, no spillage of light to the street or adjacent properties
 - Board agreed it should go to DRC – to be conditioned
 - Mr. Cutler walked the Board through the signage on the building
 - The Board was okay with the placement of signage on the building

- Materials would be carved composite sign, but final selection has not been determined
- Projected hours of operation
 - Applicant request to be 5AM-12AM
 - Ms. Burbine opined they should be 6AM-10PM
 - Mr. Pritchard thought 10PM might be too early
 - The Board discussed the train schedule
 - Other gas stations in town are not the same as this proposal because there is no convenient store attached
 - Mr. Pritchard, Ms. Lewis, Mr. MacLean did not object to the proposed hours, 5AM-12AM
 - The Board opined 5AM-12AM for the first DRAFT of conditions
 - Ms. Lewis said if the applicant wants to change their hours because there is no business at 12AM that can be done; it could be their choice to close earlier
- Snow storage – no snow storage in a traveled way, conditioned if snow cannot be accommodated it will have to be removed.
 - Salt and Sand – all stormwater being captured on site
- Access – Board agreed to waive the secondary means of access
 - One lane in, two lanes out
 - Traffic Engineer, Vanasse & Associates, finds the plan reflects all comments from peer review
- Parking minimally visible from Driftway, requires a waiver from the Board
 - Board agreed to the waiver
- Surety will be conditioned – landscaping, drainage, signage, conditions of approval – also the public amenities
- Light spillover – has been addressed
 - Some spill over on to the road and is appropriate with the sidewalk
 - Board requested the lights be at the warm end of the spectrum not the blue end
- Electric charging station
 - Mr. Cutler indicated they are going to fit it for electric charging, but not sure a gas station is where someone would charge up.
 - Technology moving so fast, not sure they can get the type of charger in they would like immediately, but will be able to do in the future
- Wall along back is over 4' tall will need a building permit and likely a fence on top for the lower portion to prevent any accidents
- Bollards need to be located to prevent a car from entering the building
- Front yard – need to be able calculate what is pervious versus impervious
 - More than 25% pavement in the front yard it is required to be pervious
 - Mr. Choubah will provide table – everything in front yard will be pervious
- Mitigation
 - Stripping in New Driftway down to 28 New Driftway
 - Additional left turn lane
 - 10' sidewalk in front
 - Sidewalk is concrete, needs to be confirmed with DPW

- Sidewalk is public right of way, but will have all ADA curb cuts and ramps and will be located with DPW approval
- Board feels there should be more mitigation with this project
 - Mr. Pritchard opined the Board is creating an entry way into Greenbush, this is the first thing to really come, is there a way to make it seem integrated to the area, i.e. sidewalks, lights, perhaps there is mitigation money that could go to creating something for the common good of the area
 - Ideas need to be provided to Ms. Joseph by the first week of January

Public Comment:

Ms. Claire Hannafin resident at 60 New Driftway, Unit 9, asked about the hours of operation; some units have direct view the building there now, the hours and lighting have been covered. She asked if there will be sound at the pumps, i.e. music, ads, how loud would it be. She said it is very quiet and sound travels. She also asked if Mr. Cutler and his people have come down to their property to see how it might affect some of the condominium owners who have direct views.

Mr. Cutler indicated he has been down several times, but has not entered any of the condominium units. He said they have spoken and emailed in depth with Attorney Ingber who represents some of the other condominium members; but they are doing as much as they can. He said the canopy lights go directly down, understanding the Riverway is at a lower elevation and may possibly look up and see some glare; the lights have been recessed another 6” into the canopy versus what would normally be done; he spoke to the spillover of lights and as discussed at the town’s discretion more trees to be planted to help shield any glare if needed.

Ms. Hannafin said she appreciates what the applicant is trying to do, but she does not want to look out her window and see a gas station.

Mr. Cutler said they will do as much as they can to take care of the view.

Mr. Cutler indicated there must be some sound at the pumps, there needs to be a two-way system into the gas station itself. He said generally there would be some music, etc., but if it is too loud they could turn it down or turn it off.

Ms. Joseph indicated she was proposing a condition to not have music, etc. Ms. Burbine agreed and said there would be no music or ads.

Mr. Bob Hawk resident at 60 New Driftway, Unit 7, said it sounds like this project is moving ahead and asked if any one lives near it; his big concern is once the project moves forward will there be any conditions that any violations, any spillover any deficiencies shall be rectified after the fact not “maybe”. Ms. Burbine said that goes without saying, the project will be closely monitored.

Mr. Hawk also said he has driven past the new Cumberland Farms being built on the corner of Route 53 and 3 and said the gasoline pad is enormous and asked if this one will be the same size. Mr. Cutler said he does not think so, he said that is a massive place and will be much busier, he thinks they will be having 6-8 dispensers and his proposal is for only 4 dispensers. Mr. Hawk said it looked like only 4 islands to him. He said he is concerned about the light corona that is emitted from

a canopy that size. Mr. Cutler said that has been an issue for a lot of people, but there has been a lot of mitigation in light technology where there is zero spillover especially from the canopy; the canopy is well within the confines of the yard, there will not be any light spillover all the lights go straight down. Mr. Cutler said when they are closed there will likely be yard lights on for safety, canopy lights will be off. Mr. Choubah said the safety lights can be controlled and will be less intense, there will not be any light signs our canopy lights.

Ms. Jennifer Kuhn resident at 20 Carrie Litchfield Lane asked how any violations of the conditions should be reported and what is the procedure for enforcing conditions, i.e. fines, shut down, there could be a lot of safety issues. She provided an example with the Senior Center and the side walk. She hopes the condition will be enforced and the procedure of reporting those violations.

Ms. Joseph said the Board enforces the conditions to the best of their ability during and after construction; the Board will be enforcing the conditions.

Mr. Robert Kirschner with Fulcrum Harbor, LLC, owner of 56 New Driftway the abutting property, commented there has been a lot of work on this project and this has been great discussion tonight; they are excited about the enhancements this is going to bring to the site and the area overall, he thanked everyone for all the work that has been done.

Motion:

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Site Plan Review and Special Permit for a Gas Backwards Building with additional Commercial Space in the Village Center & Neighborhood District – Greenbush Gateway District – New Driftway Transit Village Subdistrict (VCN-GDG-NDTV) for property located at 48-52 New Driftway until January 28, 2021 at 6:30 pm and continue the time for action until February 26, 2021.

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

Ms. Burbine - yes
Mr. Pritchard – yes
Ms. Lambert – yes
Mr. Bornstein - yes
Ms. Lewis – yes

Minutes

Documents

- Meeting minutes 12.3.20

Ms. Lambert moved to approve the meeting minutes for December 3, 2020.

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

Ms. Burbine - yes
Mr. Pritchard – yes
Ms. Lambert – yes
Mr. Bornstein - yes

Ms. Lewis – yes

Accounting
Documents

PO #2104857 (\$125.00), PO #2104850 (\$1,563.60)

Ms. Lambert moved to approve the requisition of \$125.00 to Ockers Company for annual service contract for typewriter maintenance, for \$1,563.60 to Horsley Witten Group for peer review services for Seaside at Scituate Phase 2.

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

Ms. Burbine - yes
Mr. Pritchard – yes
Ms. Lambert – yes
Mr. Bornstein – yes
Ms. Lewis – yes

Liaison Reports:

CPC – reported by Ms. Burbine:

- Meeting Monday – number of things to be discussed
- Consideration of the town to purchase the property at 443-461 Chief Justice
 - Property above the reservoir

Planning and Development – reported by Ms. Joseph:

- Working on Zoning
- Please drive by Seaside at Scituate to view signs at the entrances
 - 50-55 units have occupancy permits
- ZBA – December 22nd meeting agenda has 0 Mann Hill Road, Terrell Property
 - Asking ZBA for two 50' Frontage lots and new lot shape design
 - Modifying lot structure to remove the common driveway
 - Currently in public hearing/meeting with the Planning Board for common driveway and stormwater permit
 - Board to send comment letter to the ZBA
- Board of Selectmen meeting will be Tuesday night to review Housing Production Plan

Discussion/Vote – Housing Production Plan

Documents

- DOC DRAFT Motion Form to approve 2020 Housing Production Plan
- PDF Scituate Housing Production Plan 2020(9)
- Email from Karen Sunnarborg to Karen Joseph dated 12.4.20

Ms. Joseph indicated the Town's plan expired on August 4, 2020; a new plan is needed to be in conformance with State law. Ms. Karen Sunnarborg, consultant, has finished the plan and Ms. Joseph has distributed the FINAL Plan to the Board. She said we are asking for approval for the plan to be submitted to the Board of Selectmen for approval and then to the State. Changes were made to emphasize that not a lot can happen without infrastructure to support housing units. The Board agreed and was glad it was addressed.

Ms. Joseph indicated that the priority one strategies still include 40R/40S which is not a possibility because infrastructure capacity cannot be certified, but it is a plan and the Town is already working on two other things that are in the priority one strategies. She recommends the Board approves the plan so that it can be sent to the State for Certification.

Mr. Pritchard asked if the infrastructure statement was also in the priority one; Ms. Joseph said no. The summary of housing strategies is a table, but there are several places that speak to infrastructure in the document, but it is not in the table because the table summarizes just the housing strategies.

Motion:

Ms. Burbine moved to approve the Town of Scituate Housing Production Plan dated November 2020 prepared by Karen Sunnarborg, Consultant with technical support from Karen Joseph, Town Planner and to forward it the Select Board for their approval prior to submission to the state for their approval.

Ms. Lewis seconded the motion, there was discussion.

Language added in letter to Select Board - that the Board supports the Housing Plan, but note that the primary objective in Housing Plan needs to address infrastructure and infrastructure capacity and upgrades.

Ms. Lewis seconded the motion as amended, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes
Mr. Pritchard – yes
Ms. Lambert – yes
Mr. Bornstein - yes
Ms. Lewis – yes

**Public Hearing - Modification Mixed Use Special Permit - 6 MacDonald Terrace
Assessor's Map/Block/Lot 53-5-21 and Parcel A
Applicant/Owner: RJB Development Company, Robert Burwick**

Documents

- PDF Amendment Request Letter
- PDF Architectural Plans
- PDF Site Plan Modification
- DOC DRAFT motion form modification SP

Attendees: Bob Burwick, Property Owner; Greg Morse, Morse Engineering

Mr. Morse indicated this is a request to modify a special permit from 2018 for property located at 6 MacDonald Terrace.

- Approved Mixed Use Building - 5 residential units and 1 commercial space
- Property a little over 12, 000 sq. ft.
- Located in the Greenbush Overlay District

Mr. Morse indicated that the Board has recently approved or has been hearing a project at the abutting property 18 Ford Place, owner Don McGill. He said Mr. McGill approached Mr. Burwick about doing a common driveway/shared driveway between the two properties; the applicant agrees with it and feels it makes sense. He indicated the applicant is seeking an amendment to the special permit for three things.

1. Allow the shared access with 18 Ford Place
 - a. Shared driveway straddles the lot line between 18 Ford Place and 6 MacDonald
 - b. Remains a 20' wide paved access way
2. Propose a shift in the building
 - a. Shift of the building with the driveway shift to the northeast about 6'
3. Interior of building
 - a. Originally proposed the office unit to be an end unit on the south
 - b. Proposing the office unit be centrally located

Mr. Morse indicated overall the changes do not have an impact on the site; there would be a reduction of 300 sq. ft. of impervious surface.

Ms. Joseph indicated the plans ask for the office unit to be relocated to the middle of the building, no issue; shifting the building 6' to the northeast is good, it provides more room to the property abutting Driftway; the shared driveway with 18 Ford Place was conditioned if a shared driveway to be done another plan would need to be submitted. She indicated a final easement that has been agreed upon has not been submitted, 18 Ford Place has the condition that enough spot grades be shown to show a minimum of 1% pitch. The proposal does eliminate a little bit of impervious area. The Village Center and Neighborhood District Bylaw encourages shared driveways. She opined it needs to be very clear that the location of the actual fire lane and no parking will have to be located in the field so that no one parks in the 20' wide driveway. She opined she does not see any reason not to grant the modification; she said she did not know how to write this decision.

The driveway is a "shared" driveway not a "common" driveway, both parties are equally responsible for the maintenance of the driveway. Ms. Joseph said she has not yet received a final easement document, it was conditioned on 18 Ford Place if moving forward with the "shared" driveway the Board needs to receive the final easement documents and it would not be subject to another public hearing.

Mr. Burwick indicated that Mr. McGill did send him a shared driveway agreement and the agreement stipulates that the expenses of maintaining the driveway would be shared equally between the two property owners.

Ms. Joseph indicated a final agreement needs to be filed with 18 Ford Place. Mr. Morse indicated the applicant can supply it prior to a building permit or as a condition of approval; Ms. Joseph said she did include it in the conditions.

Mr. Pritchard asked if there would be any modifications to stormwater. Mr. Morse indicated the stormwater on 6 MacDonald Terrace was not modified because there is a reduction; the stormwater at 6 MacDonald Terrace was peer reviewed and approved for the larger surface area. He said the grading is essentially the same, but they are putting a high point, crown in the driveway so the water will stay on the respective properties. He opined the drainage system for 6 MacDonald Terrace will handle this change.

Mr. Bornstein commented this change should be reflected in any condominium documents or Homeowners Association (HOA) documents for each property to make it clear about the shared responsibilities as well it should be indicated in any Operation and Maintenance Plan (O&M Plan). Mr. Morse said these changes can be made in all documents for 6 MacDonald Terrace.

Public Comments: No comments

Motion:

Ms. Burbine moved to accept Gregory J. Morse's, P.E. request on behalf of Robert Burwick of RJB Development Corporation to modify the Special Permit for a Mixed Use Development in the Village Business Overlay District for 6 MacDonald Terrace to include:

1. To relocate the office unit to the middle of the building instead of being an end unit as indicated on the architectural plans by Kelly Ennis Design Sheets A-100, A-101, A-102, A-200, A-201 and A-300 revised dated 4-14-20.
2. To shift the proposed building 6 feet to the northeast as shown on the Site Plan- Modification Sheet 1 of 1 for the Proposed Mixed Use Building 6 MacDonald Terrace Assessor's Parcels 53-5-21 & Parcel A Scituate, MA revised dated 10-20-20.
3. To allow a shared driveway access with 18 Ford Place owned by JB Scituate, LLC subject to JB Scituate LLC submitting a revised plan showing the common driveway easement and a final easement document signed by all parties provided and conditions required for 18 Ford Place related to the driveway grading. No Parking Fire Lane is also to be indicated for the full driveway width. Layout and grading shall be in substantial accordance with Site Plan 18 Ford Place revised dated 11/11/20 and stamped by Kevin S. Grady P.E., Timothy R. Bennett PLS and Bart Lipinski RLA Sheet 1 of 7 and Sheet 3 of 7.

Add language: revised condominium documents and Operation and Maintenance documents must be changed to reflect the shared driveway access.

4. All conditions of the original special permit are to remain intact.

Ms. Lewis seconded the motion for discussion.

There was discussion about the drawings submitted for the modification; they do not show the shared driveway, they show what was previously approved. The Board opined that before the applicant proceeds to construction the drawings need to reflect the changes of the shared driveway, building change, etc. The record needs to show for each parcel what the expected build condition is supposed be.

Mr. Morse said a revised plan was submitted on October 20, 2020 and shows the shared driveway, shifted building location and the updated grading, it also shows the final layout of the McGill property of the parking lot coming in.

Ms. Joseph indicated 18 Ford Place was conditioned that a revised plan is to be provided showing the grading with a 1% pitch. Mr. Morse opined that 6 MacDonald Terrace already complies and it is depicted on the plan. Ms. Joseph indicated the building was shown as moved and the driveway was shown in the general condition.

The Board added a condition – a final plan shall be submitted prior to a pre-construction conference and reflecting any changes from the final approved 18 Ford Place plan.

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

Ms. Burbine - yes
Mr. Pritchard – yes
Ms. Lambert – yes
Mr. Bornstein - yes
Ms. Lewis – yes

Discussion – Zoning Articles

Ms. Joseph reviewed 5 placeholders for the warrant for Annual Town Meeting.

1. Street Acceptance – Deer Common
2. Sign Bylaw
3. North Scituate Village Center Neighborhood Zoning
4. Revisions to Floodplain bylaw
5. Master Plan Acceptance

- Floodplain
 - Does not appear it will be a bylaw change now
 - New NFIP Floodplain maps coming out prior to July 2021 and they need to be incorporated to maintain the Town's CRS credibility
 - Currently using the 1972 Floodplain maps
 - New FEMA maps are not ready yet so it cannot become a part of Zoning
 - All information will go into the Conservation Commission's Regulations
 - DEP recommends putting in Conservation
 - Regulations will not supersede zoning
 - Regulates things in the Floodplain – i.e. paving, etc.
 - Approval needed by end of June to keep CRS rating
 - At later date may need to be added to Zoning as a new section
 - Will address after the maps are issued
- Signs
 - Town Counsel had comments on Version 9
 - Substantially the same as what the Board approved in the spring
 - Consultant working on incorporating comments from Town Counsel
 - Board will have final version in next few weeks

- North Scituate Village Center and Neighborhood (VCN) District
 - Working on for over a year
 - Proposal of a VCN district with an inner and outer subdistrict
 - Designed for Cottage Courts, live/work building, mixed use, commercial buildings in the center with 10% outdoor amenity space
 - Outer district will require 15% amenity space and allow multi-family, in addition to cottage courts, live work, mixed use, etc.
 - Similar to Greenbush for a more mixed use vibrant district
 - No specific step-back requirements, buildings allowed to go the property line as they do now
 - Density proposed same as Greenbush
 - 12 units by-right/43,560(acre)
 - 24 units by special permit with a density bonus
 - Harbor would remain denser
 - Uses and building types structured the same way as Greenbush
 - Parking will be required
 - VCN is a form-based district
 - MAPC has been the consultant
 - Final Draft early January
- Changes to the VCN district as result of work on two recent projects in the district
 - Change definition of Cottage Court
 - Eliminate all references to North Scituate in the Village Business Overlay District
 - Take out Commercial and Multi-family references
 - Take out references to HG and GB – only a business district is mapped
 - Design Standards and Guidelines being reorganized
 - Only thing that cannot be “waived” is height
 - Parking
 - Table 2 changed to restaurant is 1space/4 seats
 - Cleaning up some language so only comply with Table 1 or Table 2, cannot comply with both
- Changing Board of Selectmen to Select Board

There was discussion about when the Board will be able to see a redline version; there is concern that is might be overwhelming.

The Board discussed the Affordable Housing section of the bylaw. Ms. Joseph indicated the only way to change the number of affordable housing units is to change the bylaw Section 754.

- Currently has 7 or fewer units affordable housing unit is not need
- Item on the Housing Production Plan strategy list
- Inclusionary zoning does already essentially exist
- Could change to 5 or few units does not require affordable housing
- Could change to all housing developments over 5 units require affordable units
- Changes would never apply to Residential Compounds because they max out at 5
- This change would affect North Scituate, it would affect the Town

The Board opined to put placeholder on the warrant; change to 6 and that all housing developments over 5 units would need to provide affordable units. This would be a separate zoning article.

Ms. Joseph said at some point the Board still needs to address rattails, but not for this town meeting.

There will be a workshop in January and the first public hearing will be in February with an option for a continuance in February 25th, town meeting is potentially April 12th.

Board will begin meeting at 6:30 after the first of the year.

Documents

- Email to the Board from Shari Young dated 12.3.20 with meeting agenda for 12.10.20
- Email to the Board from Karen Joseph dated 12.7.20 with meeting materials for 48-52 New Driftway, 6 MacDonald Terrace and the Housing Production Plan.
- Email to the Board from Shari Young dated 12.9.20 with DRAFT meeting minutes 12.3.20
- Email to the Board from Karen Joseph dated 12.10.20 with meeting materials for 48-52 New Driftway

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 9:20 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Ms. Burbine - yes
Mr. Pritchard – yes
Ms. Lambert – yes
Mr. Bornstein – yes
Ms. Lewis -yes

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Chair

Date Approved: January 14, 2021