

SCITUATE PLANNING BOARD MINUTES December 15, 2022

Members Present: Patricia Lambert; Ann Burbine, Clerk; Stephen Pritchard; Rebecca Lewis and Bob MacLean, Alternate

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

Members absent: Benjamin Bornstein, Vice Chair

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

Location of meeting: Emergency Operations Center, 800 C J Cushing Highway, Scituate.

Chair Lambert called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television. Remote access was not available for this meeting.

Documents

- 12/15/22 Planning Board Amended Agenda

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

Continued - Public Hearing – Site Plan Administrative Review and Special Permit for Mixed-Use Building, Multi-Family Building and Stormwater Permit in the VCN- GDG-GVC and GWB – 33 New Driftway and 7 MacDonald Terrace
Assessor's Map/Block/Lot 53-05-19 and 53-5-20A
Applicant/Owner: Saoirse, LLC

Documents

- PDF 7 MacDonald Terrace Architectural Narrative
- PDF 15-436-33 New Driftway – Architectural Plans
- PDF 15-436-33 New Driftway – Letter of Authorization
- PDF 15-436-33 New Driftway – Locus Deeds
- PDF 15-436-33 New Driftway – Planning Board Applications & Narrative
- PDF 15-436-33 New Driftway – Site Plan
- PDF 15-436-33 New Driftway – Stormwater Permit Application
- PDF 15-436-33 New Driftway – Traffic Impact Study
- Email dated 8.22.22 with comments from the Sewer Department
- Email dated 8.2.22 with comments from Board of Health
- PDF 33 New Driftway DPW Memo
- Email dated 8.8.22 with comments from Board of Health
- PDF Mixed Use Project at 7 MacDonald Terrace Design 8-3
- Email dated 10.7.22 with comments from the Water Department
- DOC REV 1
- DOC Rev Transmittal 7 Mac-33ND SPAR-SP-SW
- DOC Summary of Issues 12-15-2022
- PDF TC filed Posting 7 MacDonald Terrace – 33 New Driftway

- DOC Transmittal 7 Mac-33 ND SPAR-SP-SW
- PDF 2292 Review Letter 111122
- DOC Draft Motion 2nd Continuance

Attendees: Bill Ohrenberger, Attorney; John Sullivan, Property Owner; Greg Morse, Morse Engineering; Jamie Kelliher, Architect; John Chessia, Town's Consulting Engineering; Kirstin Braun, Town's Consulting Traffic Engineer

Ms. Lambert indicated that several department comments have been received and will be referred to during tonight's discussion.

Mr. Ohrenberger introduced the team with him and provided some background on the project; he noted their Traffic Engineer was unable to attend tonight's meeting.

- Property has been in the Sullivan family for over 50 years
- Site of Mr. Sullivan's Law practice and his brother's landscaping/hardscaping/contracting business
- Met with Conservation on December 1st and going back on January 23rd

Mr. Morse gave an overview of the site plans.

- Existing site is made up of 2 Assessor's Parcels
 - Total just over an acre, 47,047 sq. ft.
 - All upland area
 - Some wetlands extend offsite, down by the Herring River
 - 200' buffer to the River extends onto the site
 - Small portion of the site extends into the FEMA Flood Plain associated with the river at elevation 16
 - High point is at elevation 20 just behind the current law office
 - Low point is at elevation 15/16 where the proposed entrance is located on New Driftway
 - Property is located in the GWB and GVC districts
 - Property is not located in a civic overlay zone, a pedestrian frontage zone, or a transitional buffer zone
 - Soil testing done
 - Well-draining gravelly soils
 - Groundwater generally 8' or deeper below grade
 - Not located in the WRPD or any DEP Zone A's or Zone II
 - Utilities existing water, gas, electric and sewer available on MacDonald Terrace cul-de-sac and New Driftway
 - Location of property
 - Across the street from Herring Brook Mall
 - Dunkin Donuts across the street as well
 - Pathway between the property and the MBTA
- Proposed site plan
 - Building A – Mixed use building
 - 3,485 sq. ft. commercial space
 - 14 Residential units
 - Building B – Multi-family building
 - 6 Residential units

- Total of 20 residential units throughout the site
- Requesting Special Permit for the Density of the site
 - Allowed 12 units/acre, with special permit allowed 24 units/acre
- New parking lot to support the buildings
 - Enter in with one-way circulation between the buildings
 - Tandem spaces along the back, 4 indoor garage spaces
 - Total of 38 spaces provided, 35 are required
- 17 New Driftway Property – Rivershed/CP's Pizza/Duval Dance Studio
 - Proposing to close off the current entrance to the property and re-direct through the 33 New Driftway site, providing a 90-degree right hand turn
 - Intersection designed to line up with the traffic light (flashing light) already in place on New Driftway
 - A turning lane would be extended down from the Gas Station to this location
- Pedestrian Access
 - Existing sidewalk along New Driftway, providing crosswalk at their intersection
 - Providing connecting walkway along side of the building across the parking lot to MacDonald Terrace
 - Connects at the back of the property in multiple locations and connects to the MBTA pathway
 - Would be able to walk over to 50 Country Way property, Gunther Tooties, Driftway Park
- Amenity Spaces
 - Garden area along the back of the multi-family building
 - Community park areas in the larger open areas
 - Bike racks provided
- Utilities – both buildings would connect to municipal water and sewer
- Both buildings would be fully sprinklered
- Drainage provided by subsurface chamber system, similar to what is at Untold Brewing
 - Water collected through series of catch basins, directing to particle separators and recharging it under the parking lot in Cultec chambers
 - Soil is very good for infiltration

Mr. Kelliher provided an overview of the architecture of the building.

- Building A
 - 2 ½ story building broken up by different materials
 - Brick at commercial level
 - Traditional clapboard with gable style dormer for residential level
 - Areas for landscaping between the buildings
 - Awnings depicted
- Landscape wall along the sidewalk is not shown on the architectural plans, but it is noted on the site plans
 - Wall needs to be added to the renderings to provide clear picture of what the site will look like
- Floor plans – Building A
 - 2 Commercial spaces

- 14 Residential units
- 2,500 sq. ft. for Mr. Sullivan's law office and 1,000 sq. ft. commercial space with visibility to the road
- 2 residential units and 4 garage spots on ground level
- Each level around 7,800 sq. ft., total building area around 23,400 sq. ft.
- 2nd and 3rd levels fairly identical layouts
 - 5 two-bedroom units
 - Some have balconies
 - 1 one-bedroom unit
 - 2 egresses as required
 - Elevator, only accessible to residence
- Building height – tried to keep modest
 - 2 ½ story look
 - Building height to mid-point is 31'4" and to peak is 38'
 - Height to the main eave line is 23'11" and requirements would be 25'
 - Tried to keep levels from getting too massive and breaking up dormers
- Building B- Multi-family
 - Sitting on MacDonald Terrace
 - 2 ½ story with empty attic space
 - 3 units on each level
 - 2 two-bedrooms
 - 1 one-bedroom
 - Floors basically identical layout
 - Building meant to have more residential feel
 - Gable style with dormers – New England Style
 - Matches front building, but smaller scale

Ms. Braun gave an overview of the review of the traffic impact study; initial review letter was submitted on November 11, 2022 with several outstanding comments.

- Study focused on the site driveway intersection with New Driftway
 - Suggest: Applicant include the intersection of Old and New Driftway due to the amount of development going on in the area
- Traffic counts for study done in February 2022
 - Suggest: Applicant collect new traffic data and compare to data already collected as traffic has seemed to normalize
- Study included various background developments
 - 247 New Driftway, 48-52 New Driftway
 - Suggest: Several other developments should be included as part of the analysis.
 - 7 New Driftway, 61 New Driftway, 18 Ford Place, 6 MacDonald Terrace
 - Applicant should reach out to the Town for any other new development that should be included
- Site generated traffic figures, total volume of entering and exiting traffic was not equal to the total traffic being generated by the site
 - Figures need to be looked at and adjusted

- Sight distances measured at the site driveway
 - Suggest: applicant should create a sight line plan to show the retaining wall will fall outside of the sight triangle. Landscaping and signage could also be noted if there is any impediment to sight distances
- Recommend the site provide a 15' wide entering and exiting travel lanes
 - Ensures vehicles won't be in direct sight line conflict with each other
- Crosswalk proposed across the site driveway
 - Suggest: ADA compliant wheel chair ramps with detectable warning panels be installed on the crosswalk
 - Stop line should be placed 4' back from the crosswalk
 - Stop sign should be placed adjacent
 - Recommend same thing at the internal crosswalk north of the parking area
 - Stop line should be placed 4' back from the crosswalk
 - Stop sign should be placed adjacent
- Noted area of confusion for motorist
 - Do Not Enter sign opposite the Stop sign entering the internal driveway
 - Suggest: removal of the "Do Not Enter" sign and just use striping for the one-way counterclockwise circulation around the parking lot
 - Double yellow center line from parking island end cap to the stop arch
 - May help motorist know they can pull up into the driveway and make a right-hand turn
- Recommend the site driveway provide 20' minimum curb radii entering the site, since there is a commercial component
- Recommend the applicant show the changes in striping, etc. that will be happening at 17 New Driftway for entering the site
- Recommend turning analysis be included
 - Show fire truck movements through the site, how they will access the site, move around the site, access the buildings
 - Show trash truck and delivery vehicles
- Plan proposes to extend the center two-way turn lane on New Driftway beyond the proposed driveway to the project
 - Center turn lane is only 10', MassDOT standards suggest it should be 13' wide, ideally between 14'-16' wide
 - Recommend the turn lane be widened
 - Or, retain the existing left turn lane into Herring Brook and develop an opposite left turn lane into the site
 - Applicant would need to prove a left turn lane is warranted into the site
- Site Driveway offset west from Herring Brook driveway
 - Issue with left turns, left turns from either site will be in direct conflict with each other
 - Suggest: driveway be re-aligned slightly east to make sure left turn lanes are not in conflict with each other
- Recommend applicant perform a traffic monitoring study within 6 months of achieving 90% occupancy of both the commercial and residential components of the site
 - Recommendation was not included in initial review letter

- Traffic study should include
 - Traffic counts at the intersection of New and Old Driftway
 - Counts should be done during the weekday morning and evening peak periods
 - If traffic study under estimated traffic applicant should commit to performing some improvements in the area at the signal, i.e. phasing, timing improvements.
 - If improvements are needed they should be completed within 6 months after the traffic monitoring study

Ms. Joseph said she thinks the Board has to decide if they want an expanded traffic study; the light at New Driftway and Driftway should be incorporated because it affects all the development in the area. She also said there have been some reports of an unmitigated traffic issue from the Gas Station that the Owner is looking into; traffic is backing up coming from the east when trying to make a left hand turn into the station sometimes blocking the intersection. It is being studied right now. Ms. Joseph said this is the last project in in this corridor and all unmitigated traffic impacts have to be addressed in all the traffic studies. She also said the light timing is going to have to be evaluated after every new project in this area and will be a condition. She said EV charging stations will also be a condition of this and every project coming in.

The Board wanted to hear from the applicant's Traffic Engineer, who was not in attendance.

Mr. Pritchard asked about the traffic entering the site and going to the Rivershed property. Mr. Morse pointed out on the plan how a car maneuvers pulling into the property and taking a hard 90-degree turn and pointed out some additional parking spaces that would be built. Mr. Pritchard opined it is a "torture" for everyone going into that property and there will be a bottleneck going in and out. He asked Ms. Braun's opinion. Ms. Braun said she would have to take another look at the analysis regarding the queue lengths for people exiting the site and if they are going to be blocking the driveway that goes to 17 New Driftway.

Mr. Pritchard said 17 New Driftway is a nightmare now and his gut reaction is this is going to make it even worse.

Mr. MacLean said he would like to hear from the applicants engineer, there are a lot of new cuts going in and a lot of trafficking, there are other ways to do it and discussed some other properties that should also look at traffic. He said he likes the idea of the building, but the traffic should be looked at further.

Ms. Burbine agreed with Mr. Pritchard and said parking to the left is really an issue, but would like to wait and here from their Traffic Engineer.

Mr. Pritchard asked for the traffic flow to be shown on the 17 New Driftway property. He opined it might be better to leave the current entrance to that property and make a right turn into this new property. Mr. Pritchard expressed concern over the center turn lane being at 10'. Ms. Braun commented again that MassDOT minimum standard is 13'; whatever happens with the traffic it is tight.

Mr. Pritchard asked if getting to the 13' would require widening the roadway; Ms. Braun said she leaves that up to the site engineers. Mr. Morse said the roadway would have to be widened; the pinch point is the bridge which could not be widened.

Ms. Lambert commented the traffic is horrific on the weekends as well, not just the weekdays.

Ms. Burbine asked what the purpose of the extra spaces is on the Rivershed property. Mr. Ohrenberger said that Mr. Burwick is here tonight, but it is a pre-existing condition and they thought it would be a benefit to align these things for safety. Mr. Ohrenberger also said that the property is a pre-existing non-conforming use and the parking needs to be maintained or it would be in violation of the zoning and there are existing constraints with the buildings on the site; it is in a very sensitive environmental area with pervious and impervious surface. He said they matched what was there and Conservation has accepted the situation. He said they could put an entrance on their property, but they were told this is compelling; it has been a great cost and expense for the Sullivan's to do this. He said they are lifelong residents they want this to be nice it is where they work and live. He said an objective person would see that they have achieved that from a design standpoint. He said in terms of traffic his business has been there for 30 years and the thrust for the last 60 years is this is the "gateway district" if "we" don't want traffic it should not be a "gateway" district. He referenced the development going up across from the train station and the gas station and said if a traffic problem comes along it is not fair to make it the next developments problem. He said from a traffic standpoint they will look at it and do whatever possible. He said they have frontage on MacDonald Terrace they could pull their traffic from there, but it is a residential area there are new buildings; he opined this is a very thoughtful design and has been worked on for years. He said it can always be tweaked to make it better, but comments about changing other properties, those are rights people have. He said all these things are pre-existing and from a zoning standpoint there is nothing they can do about it other than fully comply. He opined this integrates very well, subject to the traffic. He also discussed the fact that when there was a zoning change, several parcels were frozen and the Sullivan's said they did not want to do that.

Ms. Burbine asked if there is sufficient parking for Mr. Burwick and why 5 extra parking spaces are being added. Mr. Ohrenberger said there isn't because they are eliminating parking spaces.

Ms. Joseph asked that the parking spaces being eliminated be shown on the plan to help make it clear to the Board.

Mr. Pritchard asked if there was consideration made for leaving the entrance to the Rivershed alone and putting an entrance on this property. Mr. Ohrenberger said it is at a steep angle now and the grade changes. Mr. Pritchard asked why change the Rivershed entrance; Mr. Morse said they saw this as a good option. He said there are 2 glaring issues with the Rivershed parking lot: one is if traveling from the Harbor and pulling into the Rivershed parking lot one can essentially veer off without slowing down, and two when exiting the Rivershed property turning right it is an extremely sharp turn and cars probably encroach into the oncoming traffic lane. He said this proposal with some tweaks re-aligns with the light and creates a perfect 90-degree intersection with a dedicated turning lane in either direction. He pointed out the traffic flow on the plan and said there is probably enough room for 3 cars for queuing. Mr. Pritchard said he is just thinking about how many cars queue up getting out of the dance place, etc. He opined it seems like there is a better way rather than having people make so many turns.

Ms. Burbine said years ago you could exit out behind what is now called Crust onto Ford Place and the applicant may want to figure that into the proposal. It would be one-way out.

The Board said something needs to be done to make it all work. Ms. Lambert indicated that the Board will be taking on traffic study for the area.

Mr. MacLean opined that with there will be other changes to entrances that will have to happen to make it all work, not because of this building, but because of all the development and there being more traffic than originally thought adjusting some of the entrances and exits to some of the existing buildings is going to have to happen. He said he does like the combined driveway/entrance with the Rivershed and this new project.

Ms. Lambert did agree with Mr. Morse that coming from the Harbor is dangerous as is taking a right turnout of the parking lot because you can't necessarily see. She said "we" have just lived with it for forever. She said the Board really needs to hear from the applicant's Traffic Engineer.

Mr. Ohrenberger said coming out behind Crust is not an option, these are all private property rights and it is a very narrow spot. But, he said they have been working on this for three years talking with every department and they should just revisit this proposal. He said if the Board wants them to come off MacDonald Terrace they can do that, but they were told that was not the preference.

Ms. Joseph said that is not the preference; MacDonald Terrace is a very narrow private residential street and major traffic should not be coming in off of MacDonald Terrace. She said there are already a lot of problems up that way.

Mr. Ohrenberger said access could be accommodated to the 6-unit building from MacDonald Terrace there is no difference whatsoever with what has just been developed across the street. He said he is frustrated; they could be ready to go and use the existing entrance and put in an entrance, but it happens that Mr. Burwick recognized he has some issues and they worked together and thought this was for the greater good, but if it is not there are many things they can do.

Ms. Burbine opined the Board needs to wait for the applicant's Traffic Engineer.

Ms. Lambert said it is not that the Board doesn't like it; she would not want to see two entrance when there could only be one. This is new to the Board and the Board needs to chew on this, it is a funky place because of the river, etc. so these projects are a little harder, this is a hard part of Town to do business in. The Board is going to take its time and do it right to make sure it comes out well. Ms. Lambert said the Board will revisit this when the applicant's engineer can attend.

Mr. Chessia presented his review to the Board; the project is complicated and one reason is because there is a lot of discretion within the regulations themselves. There are a lot of things the Board needs to make decisions on and recommends they be made as soon as they can so the applicant knows where to go.

- Special Permit needed for the Flood Plain required from Zoning
 - Similar to 7 New Driftway
- Board may want similar information on earthwork as was provided by 7 New Driftway
- Density Bonus – Board needs to comment on

- Screening, planting and landscaping
- Truck turning analysis as mentioned by Ms. Braun
 - No loading/unloading space is provided
 - How would it be accommodated
 - Board did require it on 7 New Driftway
 - Will the Board require it here – applicant should know so they can adjust
- Parking
 - How does it affect the abutting site?
 - Need to show enough of the abutting site to see how they all inter-relate
 - Not really enough information on this plan to understand
 - Special Permit needed for Tandem Parking
 - Board needs to tell applicant how they feel about it
 - It is allowed, but it is discretionary – Board needs to decide
 - Should be based on the gross floor area, project uses the net floor area
 - Have residential and the rest of it would be the basis for commercial parking
 - More trees needed
- Walkways – different sizes in different locations, Board should review
- Retaining wall in front of the building along the road
 - Rendering does not depict accurately
 - Should the walkway extend given that it is connecting with the abutter; would be appropriate for some sort of walkway
- Low Impact Design Standards – Section 751
 - Only doing subsurface systems
 - Impervious area in the front yard - need to understand how it is calculated
- Access Drive allowed to be 24' by the regulations
 - Proposal is for 30' because of left hand turning lane
 - Regulations do encourage shared access
 - Board needs to review
- Amenity Space
 - Amenity space listed basically walkways
 - Not sure it all adds up to what is required
- Public Realm space in front of the building
 - Not much on the side with the wall
 - Does it look like what the Board wants?
- No street trees are proposed
- Affordable Housing component – not a lot of specifics, Board will need more information
- Surrounding area
 - MBTA pathway
 - North is uphill
 - MacDonald Terrace runs down into the property
 - Water from MacDonald Terrace goes into the site
 - More area needed to show the general surroundings, requirement of the site plan review
- Comments from DPW
 - Issues need to be addressed with the plan

- Stormwater comments
 - Some missing information or not included
 - Incomplete with information with the runoff coming into the site
 - Low area in the center part of the site, noted on the plan
 - Mr. Chessia witnessed it holding water on site visit
 - Some divides might be off for the modeling of the stormwater
 - Off-site flow into the site needs to be addressed
 - Most likely there is good sand in the area
 - Some details need to be worked on
 - In a critical area because the river is tributary to the clam flats
 - But, it is not in the Zone II of the water supply
 - Higher treatment standards
 - Not clear how it is being done, more information needed
 - Runoff during construction, erosion controls can become more of a challenge in a dense area

Mr. Ohrenberger agreed with Mr. Chessia that some things need to be addressed, but opined it is discouraging when the report received accepts nothing. He said it is very discouraging they thought they had a good project and said Mr. Morse will respond in writing. Mr. Ohrenberger commented that the adoption of the zoning was to give the Board flexibility.

Mr. Ohrenberger went on to discuss the width of the driveway at 24' and said they concur with the Town's Consultant that it is not safe and commended her on her commentary saying these are safety issues they will have to deal with. Mr. Ohrenberger then discussed the Scituate Floodplain Bylaw and the construction of structures not putting in our improving a roadway. He said the red herring flood thing has no bearing and he has already talked to Zoning. He went on to say the project is in a hub at the end of the train; if the Town wants apartments so the State does not stop DOT funding. He also said the applicant is not asking for any waivers. He said that tandem spots are a good thing, because there are extra spots. He said the project abuts the MBTA and to be beaten up about no tandem spots is nuts.

Ms. Lambert said she does not have an issue with tandem parking, but her issue with this tandem parking is there is only one-way out, you can only backout. There was discussion if the person in the front needs to wait for the person in the back to get out. Mr. Morse explained the spaces would be controlled by the same apartment, i.e. a two-bedroom apartment would have both the front and back space assigned to the unit. Some units in the front building will be assigned tandem spaces. Ms. Lambert said that was not clear, she thought some might be public parking.

Mr. Ohrenberger went back to discussing the 24' width of the driveway. There was discussion whether or not the Board could waive the requirement. Ms. Joseph to confirm if the Board can waive the width for a special permit to be over 24' per the bylaw.

Mr. Ohrenberger said there are two other things they would like clarification on, one they became aware for from the Tedeschi property regarding apartments on the first floor. This project is proposing 2 apartments on the ground floor. He said COVID has killed the retail business, but home offices have blossomed. He said it would give someone who wants to operate a home office, i.e. accountant, chiropractor the ability to do that, but they need to know that; that was the thought process behind this. He said the alternative is to have a fourth floor and step it back.

Ms. Burbine said she was involved with the zoning and opined a mixed-use building has retail and/or offices on the first floor; she feels very strongly about that. She said people that have businesses in North Scituate are busy as can be and people will come if there is something they want. She said the Harbor is going to change over the next few years because it is going to have to because it is flooding; this is an opportunity for someone to move to Greenbush from the Harbor. She opined she would like to see commercial/retail/office on the main floor.

Mr. Ohrenberger referenced 50 Country Way and said most of those buildings have residences on the first floor. Ms. Burbine said it was a different project and Ms. Joseph added that it was done under a different Zoning Bylaw. There was disagreement over whether the bylaw mattered or not. Mr. Ohrenberger said they want direction if they need to put a fourth floor on the building.

Ms. Burbine questioned why it needs to be so big and suggested it be scaled back, maybe there are fewer apartments and there is no fourth floor and handled that way.

Mr. Ohrenberger said it has to do with finances.

Ms. Lambert said the market will dictate what happens. She opined the spirit of the zoning was that all commercial would go on the first floor in a mixed-use building; maybe that is the Board's mistake.

There was discussion about when the project would be continued to. Mr. Ohrenberger asked if they can leave the building design and address the other traffic issues and asked about the access from MacDonald Terrace. Ms. Lambert said the Board does not want access from MacDonald Terrace. She opined the applicant could kill two birds with one stone if they can figure out the driveway; part of the reason for the zoning is that Scituate Harbor is not going to be here much longer and when businesses want to go the applicant will have a ready-made place for people to go. She said this is a nice starting point.

The Board referred the project to the Design Review Committee (DRC). Mr. Pritchard said he does not see any major revision that would stop the project from going to DRC and he would appreciate getting their feedback sooner rather than later.

Ms. Burbine also noted that no construction vehicles should come down Ford Place and MacDonald Terrace and traffic needs to come in off the Driftway.

There was discussion that if the market dictated that someone wanted to convert one of the apartments on the ground floor to commercial what the process would be; is it possible to convert the units. Ms. Joseph said she could ask the water and sewer departments if there could be a flexible kind of space.

Mr. Ohrenberger said water and sewer have nothing to do with it; he said the Board can condition it and it is within their prevue to allow for a flex space.

Public Comment:

Mr. Burwick property owner of 17 New Driftway commented on the common entrance. He said it is a tough in and out situation especially with traffic coming from the Harbor. Pulling out of the Rivershed entrance/exit can be tough. He opined the re-alignment as presented tonight is a terrific

remedy to a tough situation; there is only a flashing yellow light now and would be replaced by an operating light that would control the entrance from the Rivershed property. He said the issue of backup on the property would be improved, the only time there is a bottleneck is when the dance school lets out, the longer people have to queue up at the light is an improvement and better traffic flow than having them at the shorter distance to where the entrance is now. He opined it would be a huge improvement. He said the more entrances and more curb cuts that are in the area the more disastrous it will be for traffic; it is a perfect solution to the problem and will be good for both properties.

Motion:

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for a Mixed-Use Building and Multi-family Building and Stormwater Permit in the Village Center and Neighborhood District – Greenbush Gateway District – Greenbush Village Center Subdistrict and Gateway Business District (VCN-GDG-GVC and GWB) until March 9, 2023 at 6:30 pm and to continue the time for action for filing with the Town Clerk until April 28, 2023.

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

**Public Hearing – Stormwater – Laurelwood Drive Lots 3 (#5), 4 (#7), and 5 (#9)
Assessor's Map/Block/Lot 30-2-22C and 30-1-6C for Lot 3, 30-2-22D and 30-1-6D for Lot 4,
30-2-22E and 30-1-6E for Lot 5
Applicant: Mary E. MacKay
Owner: Mary E. MacKay et. al., Trustees**

Documents

- PDF 4065-SWA-Lot 3- WS
- PDF Laurelwood Drive Stormwater Lots 3, 4, 5
- PDF Lot 3 Laurelwood Drive – Site Plan
- PDF Lot 3 Stormwater Application
- PDF Lot 3 Stormwater Report
- PDF Signed Cover Letter
- PDF TC filed Legal Posting – Laurelwood Lot 3, 4,5
- PDF Transmittal Lot 3 - #5 Laurelwood
- PDF 4065 – SWA – Lot 4-WS-stamped
- PD Laurelwood Lot 4 - Site plan – stamped
- PDF Lot 4 Cover Letter
- PDF Lot 4 Stormwater Application
- PDF Lot 4 Stormwater Report
- PDF Transmittal Lot 4 - #7 Laurelwood
- PDF 4065-SWA – Lot 5 – stamped
- PDF 4065-SWA -Lot 5- WS (Post) – stamped
- PDF 4065-SWA-Lot 5-WS (Pre) – stamped
- PDF Lot 5 Response Cover Letter
- PDF Lot 5 Stormwater Report Response

- PDF Response to Comments
- PDF Transmittal Lot 5 - #9
- PDF ZBA Decision 3.11.20
- PDF T1241.03 – Peer Review #1
- PDF T1241.04 – Peer Review #1
- PDF T1241.05 – Peer Review #1
- DOC Draft Motion Form 1st Continuance

Attendees: Bill Ohrenberger, Attorney; Gabriel Padilla, Grady Engineering; Peter Ellison, Town's Consulting Engineer

Ms. Burbine read the legal posting into the record.

Mr. Ohrenberger provided some background on the project.

- 3 Form A lots in existence
- Septic systems have been approved by the Board of Health (BOH)
- Three new homes to be built pending this hearing; waiting on building permits
- Ms. MacKay still owns a portion of the land that will come back to the Board to divide into another 2 lots
 - Will require a common drive special permit
 - Board is not discussing that tonight

Mr. Padilla provided an overview of the plan for the Board; he noted peer review comments were received about a week ago, so there could be some changes to the plans that Board has not seen yet.

- Site is in the WRPD – Water Resource Protection District
- All single-family home lots
- Zoning requires all lots be at least an acre
- Lot #3
 - 3-acre lot
 - Wetlands in the back of the lot
 - Driveway is paved driveway
 - Sand filters on both sides
 - Proposing Cultec system and rain garden for treatment of stormwater
 - Addition of the rain garden is from peer review comments
 - Rain garden is the best method to treat rainwater to meet the requirements
 - Septic system has been moved from the back to the front
 - 6' drop right off the road, will require significant cut for the driveway at some point they will meet the existing elevation where it meets the house
- Similar design across all lots
- Street is the low point
- Water is being brought in from Norwell
- No change in volume or velocity for stormwater on any lot
 - Tweaking some final details from the peer review comments
- Lot #5
 - Porkchop shaped lot
 - Long driveway to house in the back

- Cutting in the beginning of the lot for access
- Septic system is already approved
- Cultec system will be under the roadway

Mr. Ellison gave a high-level review of the peer review comments for the project; three review letters were submitted. Three letters are all fairly similar in comments, he opined the system is setup to eventually meet the regulations. There are comments that question the preparation of the documents, looking for additional information in some areas, some tweaks of the design. He said it sounds like they are already on their way, with the change on Lot #3 to a rain garden from an underground Cultec system. He said there are some details to be ironed out and has not reviewed the drawings being presented tonight.

Mr. Pritchard asked about the constructability of the project; the Board finds that people say the system will work when it is finished, but there are problems while it is being built. Mr. Ellison said there are comments in the letters about constructability; comment was made about placing the underground Cultecs under the driveways because if there is ever an issue in the future it will cut off access to the house and will be very costly to fix. He said they were looking for additional erosion controls around the perimeter of the site to make sure there is not a mess on abutters or the street. He said some of the questions they have are related to the street itself; this portion of Laurelwood Drive was never accepted by the Town of Scituate so it is under private ownership. He said if water is being added to the roadway they want to make sure the system in the roadway can handle it and it has been maintained.

Mr. Pritchard said by design no more water should be going to the street; Mr. Ellison agreed. Mr. Pritchard said if the applicant is touching the street they would likely have to talk to whoever owns the street. Ms. Joseph confirmed it is not a Town street, that it is private and believes Mr. Simeone owns the street.

Ms. Joseph said there is more work to do, ultimately, they will need a NPDES permit and recommended all those requirements should be conditioned in the Board's decision. She said that goes to the issue of constructability and if temporary sumps are needed they should be on plan. She also said it is glacial till soil, it is dense, there is a perched water table and there likely could be issues during construction.

There was discussion about the ground water; Mr. Padilla said that is why they had to move the rain garden further from the street to allow for the separation. He noted the roof drains are being connected directly to the sand filters which will outfall into the rain garden.

Ms. Joseph asked if there has been onsite testing in the areas of all the new BMP's. Mr. Padilla said yes and they did additional test pits for the septic system.

Public Comments:

Mr. Buckley resident at 50 Vernon Road said he reviewed the old plans and was not familiar with what a rain garden is. Mr. Padilla explained it is like a divot with specific plantings that will treat the water and needs to draw down within 72 hours. Mr. Buckley asked about mosquitos; it was explained that water must infiltrate within 72 hours., the plantings will work to suck up the water so there will not be time for mosquitos, the water will not be standing for more than a day or two. Mr. Padilla also said the way it is designed there is separation to the ground water.

Mr. Padilla said the system is designed to handle the 100 year storm.

Ms. Lambert said there will be an O&M Plan so people are not encouraged to fill in the area and it needs to stay intact. The new homeowners will have to abide by the stormwater permit.

Mr. Buckley discussed the use of sand filters and said normally they work very well, but questioned how they work with fertilizers. He said he knows they are not very effective with nitrate and phosphorus. Mr. Padilla said there are two trains of treatment because it is in the WRPD which provide additional treatment so it is not just the sand filters.

Mr. Pritchard said it is just TSS which is higher because of the WRPD; Mr. Padilla said there are some BMP's that are not as effective with nitrogen.

Mr. Buckley said the TSS is very good it is about 90%, but the nitrogen is about 20-405 and the phosphorus is 10-505 and it is a serious issue with fertilizers, etc. Mr. Pritchard said it is a serious issue everywhere.

Mr. Buckley also addressed the wetlands near the site particular to Lot 5. Mr. Padilla pointed out they are working outside the 100'buffer. Mr. Buckley asked about Title 5 setbacks; Mr. Padilla said that is a comment they are reviewing.

Mr. Buckley indicated there is a stream and pointed it out on the plan that is tributary to the water supply and said he has concerns about what is going into. He said it is an active waterway.

Mr. Buckley also asked if there is a combined plan of the watershed for the before and after. Ms. Burbine said these are all one big parcel and asked to see the whole thing at one time, the Board needs to see all of it, where it is all going, where the stream is; there needs to be more information so the Board can make an informed decision.

Mr. Buckley said he did not know what glacial till soil meant; the Board said not good. He explained that back in 1998 when a house was going in next to his he was assured it was not going to change his water, it did and he had to put in a \$14,000 system in his basement to get the water out; he has concerns.

Ms. Burbine asked for the abutters to be shown on the plan.

Mr. Webber resident at 16 Laurelwood Drive in Norwell said he represents several of the Norwell residents and said the issue is really the upkeep of the road since it was never accepted by Scituate. He said they are worried who will upkeep the road during the construction phase; the road was damaged when the septic systems were being tested and the road had to be fixed. He said there are potholes and cracks in the road and sees them getting worse during the construction phase. He questioned if the new homeowners know that it is a private road, they may have expectations that Scituate is going to fix it. He said before any construction is done the issues with the current road need to be addressed.

There was discussion that all three of the lots access off the private road. Mr. Pritchard asked if they become part of the HOA that has common control over it. Ms. Joseph said there is access in Scituate and there is the Norwell part of Laurelwood Drive that is a public road in Norwell; it was accepted back in 2012. Those residents have their own septic system and HOA. Ms. Joseph opined Mr.

Simeone, the Developer, is the owner of the road in Scituate. Mr. Pritchard asked if the homeowners use of the private road for access requires they get permission. Ms. Joseph said the Board does not adjudicate property rights.

Mr. Ohrenberger said information was submitted over a year ago and reviewed by Town Counsel; if you abut a road you own to the mid-point of the road. Mr. Pritchard asked if they then have responsibility for maintaining the road. Mr. Ohrenberger said there is a long history here and the Town has been holding money and nothing has been done. Ms. Joseph said the road was never completed, there is a punch list from 2007 that would have to be re-evaluated.

Mr. Webber said if the homeowners own to the mid-point, do they know they need to fix it, plow it, etc. He said the illusion might be that it is a public road, because you come off a public road and go to a public road. He also said tons of water pools all along the side of the road with some frequency, and some people's back yards flood; he does not know if this will have any additional affect to that. He thinks there should be a better understanding of the water. He said the road is going to get more destroyed, the current owner does not do anything to it and he does not know how that gets addressed in this; it is only going to get worse with three new houses.

Ms. Lambert asked Mr. Ohrenberger if he knew of any remedy as an Attorney to fix the situation. He said he would have to think about it, but it has nothing to do with this application. He said the engineers will have to look, but the applicant has already paid \$200K to Norwell for the water line and the plans have been approved by the Town. He said the Town of Scituate does not want to supply water to this and strongly encouraged the applicant to go to Norwell which is what they did. He said the resolution to the other issues they will take a look at.

Ms. Joseph said the disturbance for the water lines needs to be factored into the permits; the plans do not show the waterlines. The Town wants to see where the disturbance is if the waterline is coming up through Scituate from the Norwell town line. Based off the peer review it does not seem likely the water line will fit along the side of the road as proposed because of the guard rail and the wall. The Town wants to know it has been thought about; the Scituate Planning Board has jurisdiction over that aspect.

Ms. Maratea resident at 19 Laurelwood Drive in Norwell said she appreciates that the Board is willing to look at the road matter as part of something else in terms of the private way, but with the drainage and rodents, etc. she asked what happens to all the rainwater while the houses are being built. She said the bus stop is at the end of the street so what happens with all the water, mud, debris every time it rains if something isn't in place.

Ms. Lambert said that is part of the conditioning; it is a big concern. Ms. Joseph said if water and sediment go out into the roadway there will be a problem, the applicant will be notified and probably shut down until it is remedied. She said they design temporary measures during construction so those issues are addressed.

Ms. Maratea also said since the street is the lowest part of the property that if there are any issues during construction or afterward water will be coming down to the street and the few drains that are there and then to the basin which is right across the street she assumes the current/new owners would also be responsible for cleaning up the basin.

Ms. Joseph said the applicant says the water will not be leaving the site so it should not be going into the basin at the top of the roadway. She said there will be a stormwater permit from the Board, but the applicant will also need a NPDES permit and all that stuff will be factored into the permits.

Ms. Pritchard further tried to clarify, that the Board as often seen that once the stormwater is designed and finished it works as intended. He said the problem the Board runs across is the transitioning from construction to getting to the permanent; the applicant is not allowed to violate the stormwater permit during construction they have to take measures to manage the stormwater no matter what stage of construction they are in. The applicant is doing that, identifying erosion controls and other kinds of management so there are not issues, but if it does happen the Board will act to stop it and address it.

Mr. MacLean commented that during construction there are additional mitigation measures put in place, i.e. silt socks, etc. that are used to lock down the site from having stormwater leave the site during construction until the final mitigation measures are complete.

Ms. Joseph asked how much cut will be done coming in from Laurelwood Drive. Mr. Padilla said in some areas 4'-5'. Ms. Joseph asked if they have considered underdrains for the water coming down the slope after it has been cut post construction. Mr. Padilla said the sand filters are aligned and it is a permeable sand filter so no water will hit it; they are not discharging any untreated stormwater before it gets to the rain garden. She asked if they looked at it so there is not water weeping uncontrollably out of the ground. She said it happened during the roadway construction of Laurelwood Driveway itself. Mr. Padilla said in the test pits they did they did not see any weeping only modeling.

Mr. Webber asked again about the ownership of the road and if everyone is aware if the new homes will own to the midpoint and will need to fill the potholes, etc.; is there a document being signed that everyone agrees.

Ms. Joseph said it is not part of the stormwater permit; the Planning Board does not adjudicate property rights. She opined at some point it will have to be addressed, but it is not part of this process.

There was discussion about when to continue the meeting to and the timeline of when materials need to be submitted.

Motion:

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for Stormwater Permit for Laurelwood Drive Lot 3 (#5), Laurelwood Drive Lot 4 (#7) and Laurelwood Drive Lot 5 (#9) until January 26, 2023 at 7:30 pm and to continue the time for action for filing with the Town Clerk until March 24, 2023.

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

Public Meeting – Site Plan Waiver – Board 143 – 770-780 Country Way
Assessor's Map/Block/Lot 12-5-14
Applicant: Mark and Kerri Curreri
Owner: Trustees PBM&M

Documents

- PDF HPCAN-202212205170228198-2022-12-05-170839934
- DOC Transmittal Letter Board 143
- DOC DRAFT Motion Form 1st Continuance

Motion:

Ms. Burbine moved to accept the applicant's request to continue the public meeting for the Site Plan Waiver for Board 143, located at 770 – 780 Country Way until January 26, 2023 at 7:00 pm and to continue the time for action for filing with the Town Clerk until February 10, 2023.

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

Minutes

Documents

- Meeting Minutes 12.8.22

Ms. Burbine moved to approve the meeting minutes for December 8, 2022.

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

Accounting

Documents

No Accounting.

Liaison Reports:

Select Board Meeting – reported by Ms. Lambert and Ms. Burbine:

- Beautification Committee discussed working on some areas that under Planning Board mitigation, i.e. park by Dunkin' Donuts.
 - Mitigation from 18 Ford Place was to make the area more handicapped accessible and that has already been done and completed
 - Golf Course also discussed
 - Need to review decision to see if plantings were part of it
- Class 3 License for garage in the West End
 - Mr. Burbine opined it is a mess and it is in the Water Resource Protection District
 - Told she was the first person to complain about in 5 years
 - She opined it looks a mess
 - Select Board going to look at before re-issuing the license
- Town Counsel – Cindy Amara moving on at the end of the year
 - RFP for a new Town Counsel

Community Preservation Committee – reported by Ms. Burbine:

- Pier 44 - committee for turning area into a park
 - Requesting \$300K to tear down the building
 - Approximately \$300K left in mitigation funds from the MBTA
 - Ongoing project with many public hearings to come
 - Push back from the Harbor Merchants regarding the relocation of the Gazebo to the new park
- Jenkins School playground and Wampatuck inclusive playground
 - \$1.0M Request from School Committee
- Mordecai Lincoln Driveway and Parking
 - Request for \$150K
- Doug Smith leaving CPC, but will stay on Historical Commission
- CPC approved windows for Wheeler park - \$500K
- Train Canopy at North Scituate additional funds approved
- Approved beach signage
- Pickle Ball courts request for \$500K has been put off

Traffic Rules and Regulations– reported by Ms. Burbine:

- Comments on Driftway properties have been sent to the Board

Planning and Development – reported by Ms. Joseph:

There was discussion about when the projects are being referred to DRC; it is after the Board has reviewed it and referred a project.

- Application for a stormwater permit for 7 Cold Brook for a pool
 - Board wants to hear at a meeting
 - Peer Review will be required
- No update on the Traffic Study in Greenbush
- MBTA Compliance
 - Working with GIS
 - Town is not in compliance with the 2 districts - NDTV and North Scituate Outer Village
 - Potential to change the NRN – North River Neighborhood District
 - Could come up with 1,235 units
 - Question on the acreage
 - Testing the GVC District
 - Would like to not make changes to the GWB District
 - Parcels cannot be split and currently parcels are split in the district
 - 7 New Driftway, Herring Brook Mall, portion of 33 New Driftway
 - Scheduled to discuss with the Select Board on January 10, 2023
 - Need to submit action plan by January 31, 2023
 - Don't want a model submitted if it does not comply
 - Questions into the State
 - About Density Denominator and District Acreage
 - Minimum versus Maximum units
 - Current Districts
 - North Scituate – Outer Village – 465 units
 - NDTV – 165 units

- Half of what is required
 - Only have 600 plus units, which is half of what is required
 - Acreage is maybe half of the required 50 acres, but working on it
- Adjacent and non-adjacent communities also have to have a proposal for units and zoning
- No way out, it is an unfunded mandate
 - Don't know the unintended consequences if a Town does not comply
- Will update the Board as we get information
- Ms. Joseph will send the Board the cheat sheet she is providing to the Select Board

Documents

- Email to the Board from Shari Young dated 12.9.22 with agenda for 12.15.22
- Email to the Board from Karen Joseph dated 12.9.22 with meeting materials for 33 New Driftway/7MacDonald Terrace, Laurelwood Drive Lots 3, 4 and 5, and Board 143.
- Email to the Board from Shari Young dated 12.12.22 with AMENDED agenda for 12.15.22
- Email to the Board from Shari Young dated 12.12.22 with DRAFT Minutes from 12.8.22

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 8:59 p.m. Mr. Pritchard seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Clerk
Date Approved: January 12, 2023