

SCITUATE PLANNING BOARD MINUTES December 19, 2019

Members Present: Ann Burbine, Chairman; Stephen Pritchard, Vice Chairman; Patricia Lambert, Clerk, Benjamin Bornstein, William Limbacher and alternate member Rebecca Lewis.

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

Members absent: None.

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

Location of meeting: Joseph P. Norton Emergency Operations Center, Public Safety Complex, 800 C J Cushing Highway, Scituate.

Chairman Burbine called the meeting to order at 7:00 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 12/19/19 Planning Board Agenda

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

Continued - Public Hearing – Special Permit – Common Driveway & Stormwater – 443 – 461 Chief Justice Cushing Highway
Assessor's Map/Block/Lot: 47-2-26A to 26J
Applicant: David MacCready
Owner: Seven H. Trust

Documents

- PDF 441-463 Chief Justice Cushing Highway Special Permit
- PDF Chessia Comments 12.17.19
- PDF Comment Chessia Abutter 12.3.19
- PDF Szklut Abutter 12.16.19
- Doc 443-461 Chief Justice Cushing Highway
- Doc Draft Motion Form 3rd Continuance
- Email to Karen Joseph dated 12.6.19

Attendees: Greg Morse, Morse Engineering; Jim O'Brien, Attorney

Mr. O'Brien indicated he represents the applicant, David MacCready in the P & S agreement for the property at 443-461 Chief Justice Cushing Highway. He said they have meet with Ms. Burbine and Ms. Joseph to discuss the project; it was suggested at that time the applicant should come get feedback from the Board as to what would help the Board be more comfortable with the project.

Mr. O'Brien began the presentation for the special permit discussing the applicant's approach to the project.

- ANR Plan – approved a few years ago
 - 1987 a plan was approved, but the applicant does not feel it is a good plan
- Looked at other alternatives
 - Plan with 8 driveways – would not require a special permit

- No more than 2 lots are served by any driveway
- Plan with 5 driveways, no need for special permit
- Seek a special permit for 3 driveways
 - Board needs to look at the intent of the bylaw
 - Intent of bylaw – protect the wetlands and reduce the number of driveways
 - Benefit of this plan offers more green space and larger setbacks
 - Revisions from the last meeting
 - Increased the size of the buffer zone on the North lot
 - Turned the houses away from the abutters
 - Reduced the length of the drive way

He indicated the goal for tonight is to have a dialogue with the Board about the design and what makes sense.

Ms. Joseph indicated that after the last meeting she and Ms. Burbine meet with the applicant and suggested, prior to getting DPW comments, that maybe the development was too dense and they might consider treating the reservoir as a water supply even though it is a tributary to a water supply and provide a 400' buffer; they also discussed erosion control and construction sequencing. She said she suggested the applicant come to the Board and have more conversation about those issues to work towards getting a plan that could be approved.

Ms. Lewis commented that she likes that the upper units are not as close to the neighbors to the west.

Mr. Bornstein asked for clarification about the colors on the plan. Mr. Morse clarified the light green is limit of disturbance, dark green is permanent open space that will have restrictions and an easement, mid green is undisturbed area but no restriction placed on it. Mr. Bornstein said it is a heavily wooded area that provides significant environmental protection for the Town's water supply and after a heated town meeting about the water supply preservation, quantity and quality he would like to see more innovation in the design and layout of the buildings in relation to site disturbance; minimize clearing, tighten up the clearing and lawn area; need to look at how the site work will be done and how much of the wooded area is being disturbed. He also asked the applicant to consider a condition in the Condominium Documents that would fully ban the use of chemicals and pesticides, etc. He said there should be some type of redundancy/safe guard to ensure the storm water infrastructure will always do its job.

Mr. Pritchard said he would like to see the applicant preserve as much of the existing vegetation and tree line as possible. He noted that this side of Tack Factory Reservoir tends to have a much larger buffer zone between any developments; preserving as much as possible is a key issue. It may be about density taking a few houses out and moving them back from the pond; 3 driveways lined up on Chief Justice Cushing seems like it is something the Board has been trying to avoid. He said it is better than 5 or 8, but can't imagine that MassDOT would go for 8. He opined the density issue and providing the maximum buffer to the pond are key issues.

Ms. Lambert was in agreement with comments already made and asked if the applicant has applied to MassDOT for permitting. Mr. Morse indicated that they have reached out to MassDOT and have received initial review for the 3 driveways, but can't apply until all local permits have been granted.

Ms. Lambert expressed concerns about more driveways and more accidents; it is a dangerous piece of roadway; what are they going to do about the speed, the applicant can't control the speed limit. Mr. Morse indicated that all driveways are 24' wide per MassDOT all have a large radius, turning in/out the driveways would not be restricted. Ms. Lambert asked where the snow will go. Mr. Morse indicated all would be privately plowed driveways and there is room on the islands along with a shoulder to store snow.

Mr. Limbacher discussed his concerns.

- Density – not just the number, but the utilization
 - No place for kids to play
 - Maybe it should be restricted
- First driveway intersection
 - Traffic Rules and Regulations Committee – had concerns about sight distances
- Rain gardens – easy for them to fail
 - Once put in they need to make sure the gardens are all functional
 - Homeowners will need to be taught how to take care of them
- Cut and fill – good amount of fill
 - Total of 16,000 cubic yards of fill – 1,000 cubic yards/unit
 - Site is almost all fill
- 400' buffer – would like to see it adhered to even though not required
- Backup system to correct any failure in the rain gardens or if any of the systems fail.
- Open space - how will it be maintained

Ms. Burbine asked if the applicant has had any further thought on the possibility of reducing the density. Mr. O'Brien indicated they have been trying to negotiate that with the sellers, but at this point they are not willing to take the loss of units, they have 8 lots and that is what they want. Ms. Burbine suggested that the applicant look at the bottom units closest to the reservoir and turn them clockwise so there can more space between the units and the reservoir. The applicant said they will review that request.

There was additional discussion about the 400' set back from the reservoir. Mr. Morse pointed out both the 200' and 400' set backs on the plan. He explained that the local restriction of the Zone A setback is 200' and within that there is a 150' no disturbance set back; the state restrictions are driven by Title V setbacks and a septic system cannot be located within a Zone A, but a house can be and the limit of clearing can be within the 200'. He indicated that lot 8 appears to be the only lot that has a structure with the Zone A 200 feet which is allowable. When he measured the 400' set back he showed there would be one septic system that would have to be moved. Ms. Burbine indicated that the 400' buffer is what DPW would like to see; she again asked the applicant to look at moving some of the structures on lot 8 to be able to maintain the buffer.

Mr. Bornstein said that based on abutter comments from the last meeting and the proximity of the site to the water supply and water that comes down the hill, he would like to make sure from a surveying perspective there are no intermittent tributaries to the water supply. He wants to make sure the land is evaluated for drainage channels, etc. that could be a direct conveyance of water to the pond which would require additional setbacks. Mr. Morse asked if the Conservation Commission provided any comments. Ms. Joseph indicated that the proposed work was not within the

jurisdiction of Conservation. Mr. Morse suggested a comment from Conservation should be sought. He indicated that this property has been in front of the Board several times in the past and no tributaries, etc. have been found. He also indicated that he personally walked the site and has not seen any.

Ms. Joseph indicated that the past approved decision said there should be some type of hydrogeological study done. She also suggested the Board could do a site visit.

Public Comments:

Mr. Robert Chessia resident at 9 Stearns Road indicated that he has sent in several comment letters to the Board and asked that they be read into the record. He thought that Mr. Morse spoke incorrectly during the last meeting saying the lots need to be double in size in order to be duplexes; the lots need to be 80,000 sq. ft. and he opined they are not the correct size. He also noted that the last project was approved with conditions and if the conditions could have been met likely this project would not be being discussed tonight because it would have been built.

Ms. Burbine read the comment letters into the record, dated November 12, 2019 and December 17, 2019.

Mr. Morse addressed comments from Mr. Chessia and his letters; all existing lots are greater than 80,000 sq. ft., site is located in the R-1 zoning district which allows duplexes on an 80,000 sq. ft. lot. He reviewed the original plan that was before the Board years ago; there are 8 two acre duplex lots existing which is on record with the Assessor's office. He indicated that MassDOT will allow 8 individual curb cuts. He said that this layout complies with the Zoning Bylaws and that it is a "by-right" plan not requiring any special permits, density relief, or any variances and complies with the 200' legal setback. He has confirmed the 200' setback with DPW, the Town Engineer, the head of the Water Department, the head of the Department of Environmental Protection, and the Scituate Board of Health, he acknowledges the concern to the pond and will try to revise the plan to the 400', but 200' setback is legal. He opined that the "by-right" plan is not a good plan; it utilizes the entire site, sets buildings closer to the abutters, shows the entire site cleared. Mr. Morse said the plan is what was approved by an ANR plan endorsed by the Board. Mr. Pritchard clarified that an endorsed plan does not mean the Board supports it is a buildable lot; the Board does the opposite the exact opposite and stamps a plan that the Board is not endorsing the lots are developable lots when they endorse a plan. Mr. Morse clarified that the Building Department would determine if the lots are buildable not the Planning Board.

Mr. Morse indicated that he reviewed the plan from 1987 and looked at how it could be made better. He said they are able to create a greater buffer zone, by using common driveways, pulled up units as much as possible, reduced number of curb cuts, reduced impervious surface, clearing from new driveway to the Butler property is 400' versus 20' in the 1987 plan, purposely did not create sprawling back yards; 4:1 ratio for grading required when in the Water Resource District to create gentler slopes which is requiring certain amount of fill and disturbance; green space is preserved at 55% of the area and the applicant is voluntarily putting a permanent restriction on the open space between the lot line and the abutters, it is not a requirement. Mr. Morse said he will address the Boards' concerns about construction sequencing and erosion control in their next submittal; he is looking for final input from the Board as to what they can get behind to support the special permit for two of the driveways; they do not need a permit for the driveway at the top. He said they could go in a different direction and do the "by-right" plan, but he opined that is not the best utilization of

the site. He indicated what he has heard the Board would like a 400' setback, revise lot 8 so the septic system/building is out of the Zone A; he will work on those requests. He said that all the lots are compliant and comply with the 80,000 sq. ft. lot area.

Ms. Judy Aaronson resident at 19 Cudworth Rd asked if the 200' set back is from the edge of the pond. Mr. Morse indicated it is from the edge of the proposed raised pond. Ms. Aaronson showed the Board a septic plan for 142 Old Forge Road referring to where the wetland marker was located; she opined that the wetland wouldn't start on the edge of the pond. Mr. Morse pointed out the wetland line on the plan and said the line has been delineated by Tetra Tech and reviewed by DEP. He explained the wetland line represents the end of the wetland vegetation.

Ms. Burbine asked how the Board feels about moving forward; is the Board willing to consider the applicant making updates to the plan, i.e. 400' buffer zone, moving buildings/septic. Mr. Limbacher indicated it may not be up to the Board.

Mr. O'Brien opined the easiest thing to do would be to go to one of the other plans and not have the Board make a decision; he does not think that is the right thing to do. He said that conceptually this is better a plan, from a design perspective and planning perspective this is a better plan. Mr. Limbacher said that of the plans this is the better one, but there are more than just three plans out there.

Ms. Burbine said she understands this can be developed as a matter of right; she opined the Boards' position is to make this the highest and best use of land it can be. She asked the Board do they want to continue with common driveways.

Mr. Bornstein agreed with Mr. O'Brien that conceptually from a design and planning perspective this plan makes the most sense, but he would like to see things tightened up to limit the amount of disturbance and push the envelope on stormwater management. He opined if the project gets approved there will be big public outcry once clearing begins. He opined he would like people to look at the project and have them think we are looking towards the future. He said he does not know how to get there right now, but we should look at a hydrogeological study to ensure there are no tributaries, etc.; he opined that element of survey should be looked into more.

Mr. Pritchard agreed with Mr. Bornstein's comments and that this option is the best of what has been presented. He opined the primary objective should be to maximize the buffer around the pond, make sure we know what the existing conditions are. He feels there are challenges with the three driveways, because it is a difficult road to drive onto. His primary concerns would be to push back from the pond and preserve as much natural vegetation as possible. He talked about how the northern side of the pond has a significant buffer all the way around and would encourage the applicant to keep that sort of concept with this piece of property.

Ms. Lambert agreed with what had been said; she indicated that she is not set against approving the common driveways if they applicant can come back with updates.

Mr. Limbacher said the decision to go forward with common drive is not the Board's decision; it is applicants. The Board is looking to protect the water; the applicant needs to decide with the information from the Board and the abutters if there is still opportunity to move forward and have a good plan.

Mr. O'Brien said the project will be peer reviewed and this is exactly the discussion the applicant wanted to hear. He said they will review all comments and will look to be more creative with the plan. He opined it does seem the Board is receptive to the concept of 3 driveways. Mr. O'Brien indicated that the construction will be done in phases.

The Board opined it is the best of the 3 plans, but it can be made better; the less intrusive it is to 3A the better.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Common Driveway Special Permit and Stormwater for 443 – 461 Chief Justice Cushing Hwy until January 23, 2020 at 8:00 pm and to continue the time for action for filing with the Town Clerk until February 14, 2020.

Mr. Pritchard seconded the motion; the vote was unanimously in favor.

Mr. Morse indicated he will have a hydrogeologist from DEP come down and walk the site prior to the next meeting.

Public Hearing – Scenic Road and Public Shade Tree – 115 Grove Street

Public Meeting – Site Plan Administrative Review – Common Driveway – 115 Grove Street

Assessor's Map/Block/Lot: 36-2-2 and 5R

Applicant/Owner: Henry Holmes

Documents

- PDF Revised application material CD SPAR
- PDF 19318-PB Review Report, 115 Grove Street, 12-11-19
- Doc Transmittal Letter CD SPAR
- Email to Karen Joseph from BOH dated 12.3.19
- PDF Scenic Rd App – DPW recd
- PDF Scenic Road Application
- PDF Scenic Road Plan
- PDF TC filed posting 115 Grove – Scenic Road
- Doc Transmittal 115 Grove
- Email to Karen Joseph from Tree Warden dated 12.5.19
- Doc DRAFT motion 115 Sc Rd Motion Form

Attendees: Greg Morse, Morse Engineering, Steve Bjorklund, Property Owner representative; Peter Palmieri, Town's Consulting Engineer, Merrill Inc.

Ms. Burbine read the public hearing notice.

Mr. Morse reviewed the project.

- Property located at 115 Grove Street
- 2 lots to be served by new common driveway
 - Existing single family home
 - New proposed single family home

- Driveway is 14' wide paved
 - 153' long
 - Provides emergency vehicle turnout – 20'x 30' at end of driveway
- Stormwater system for proposed new home, roof runoff will be directed into subsurface leaching chambers and a grass depression
 - Depression would have plantings
- Continued hearing with Conservation Commission

Mr. Morse indicated where the proposed new driveway is located requires the removal of 2 trees, a 8" and 32" oak tree and 18' feet of stonewall to be removed. He noted that there are a total of 17 trees that exist along the frontage of the property and they are asking to remove 2 trees. He said the applicant would close up the access to the existing driveway which is about 26.5' with new stone wall.

Mr. Morse indicated they have received peer review comments from Merrill and will be submitting revisions in response to the comments; the applicant needs to perform additional soil testing and make changes to drainage calculations.

Ms. Joseph indicated that the Board received one comment from Mike Breen, Tree Warden not to take down the 8" and 32" trees; a second comment was received that he would not be opposed to the applicant taking down the trees if they would replace two large diameter 4" oak trees on either side of the driveway and supply the town with six 4" diameter oak trees to be used on other scenic roads.

She indicated with regards to the common driveway, Conservation is also reviewing the project and will be meeting in January, but the project is likely to be continued. She noted the property is in the Water Resource Protection District Zone 2; the applicant needs some soil testing, some drainage calculations and information, clarification if there is a rain garden or grass depression and asked if there are stormwater features with the existing barn on the property. She indicated that stormwater is cumulative and the Board should know if the features for stormwater on the original plan for the barn were included.

Mr. Bjorklund indicated that the applicant will be installing infiltrators for the barn. He indicated that Mr. Holmes removed a large portion of impervious surface and replanted the area so the project came in under the threshold for stormwater before this became a project with an additional lot. The applicant will address the stormwater for the original project.

Ms. Burbine indicated that there will be 3 structures on the property. Mr. Bjorklund said there will be three structures, if the new home is constructed. There was discussion about the access to the existing home and barn. Mr. Bjorklund said the barn is the garage for the house.

Mr. Bjorklund explained to the Board why the Tree Warden changed his opinion on the trees. He noted the 2 trees in question are actually behind the stone wall and it looks like the trees would be owned by the property owner, but in this case the property line is about 7' behind the stonewall rather than at the stonewall as in most scenic road layouts. He indicated he went to the Tree Warden and discussed the situation with him. The applicant is being forced to move the driveway uphill to fit between two septic systems and the swale needs to be on the south side of the property to adhere to the stormwater regulations; the closer they are able to get the swale to the southern boundary the more stormwater they can capture. He opined the area would be vegetated to help buffer the neighbors. He discussed some additional factors regarding the placement of the driveway; if it could

not be put in the proposed location the design would require some curves and retaining walls around the septic systems to be able to achieve the appropriate grades. He opined the current scenario for the driveway placement is a more attractive plan.

Mr. Bjorklund opined this is the best plan and hope that the Board will be supportive of it. They want to work with the Board and that is why they agreed to provide trees to the Town. They will also be doing buffer zone plantings behind the house as well; working with Conservation.

Board Comments:

Mr. Bornstein asked if there was an assessment of the health of the trees, particularly the 32". Mr. Bjorklund indicated no, but in his view there are some dead branches, it is not a dying tree and the branches are not a reason to take the down the tree.

There was further discussion if the 32" tree could be saved. Mr. Bjorklund said it would impact the front yard of the new home and push the septic system further towards the swale which would impact the stormwater regulations they are trying to meet. He said they are really losing one tree and offering to give 6 more trees.

The 6 trees to the town will go in the tree bank; to be determined about where to use them.

Mr. Bjorklund will review the placement of the 2 new trees on the property prior to installation with the Tree Warden.

Mr. Bornstein commented the best time to plant a tree is 20 yrs. ago, 4" is generous in terms of sizing, but new planting is not going to make up for the larger tree. He opined it would be beneficial to get more specific on the species of oak tree and try to match the native species of the area.

Ms. Lambert expressed concern about trees being planted and not taken care of. Mr. Bjorklund said he hopes the Town will take care of the trees.

Public Comments:

Ms. Jane Churchill resident at 120 Grove Street indicated she is an abutter that will be looking out over this project and has for the past three years. She opined the barn does not look like a barn, they were told Mr. Holmes was going to make the area beautiful and it is not. She has concerns about this project and what is going to happen there.

Mr. Bjorklund said that Mr. Holmes has not been well. He said the intent on doing the additional lot is to sell the lot and use the proceeds to then enhance and finish what Mr. Holmes has at his place, i.e. the barn. He indicated there will likely be a new owner in the near future.

There was further discussion about the barn. Mr. Bjorklund said it is a massive barn, but the intent for the barn was to put an excavator and a 10 wheel dump truck inside the building and have a wood working shop on the second floor. That is no longer going to happen, the excavator and truck have been sold and Mr. Holmes just wants to finish it now. The barn is not connected to water or septic; there are no plans to make it an accessory unit at this point, if a new owner wants to do that the proper permitting would be necessary.

Mr. Sean Curran resident at 607 First Parish Road, said Mr. Holmes originally told him he was going to build a barn and not run his business through the property; he opined it is far from a barn, there have been big dump trucks there going in and out, the big garage looks like he was building a multi-family building. Mr. Curran agreed with Ms. Churchill and said they just don't trust Mr. Holmes, "he hasn't done what he said he was going to". He said regarding the trees one of them could come down, so he is not opposed to the trees or the walls, just concerned with what is going to happen with the property.

Ms. Burbine indicated that tonight the Board will close the public hearing on the scenic roadway, but will continue the meeting for the common driveway.

Motion:

Ms. Burbine moved to close the Scenic Road Act public hearing and approve the removal of approximately 18 linear feet of stone wall in the right of way of Grove Street for access for a new common driveway as shown on the plan. The two existing trees in the public right of way can be removed subject to two 4" caliper oak trees, (*species and cultivar straight species preferred*) to be *determined by the Tree Warden in consult with the Town Planner*, being planted - one on either side of the new driveway prior to a building permit being obtained. In addition, the owner shall supply the town with six 4" caliper oak trees to replenish other scenic roadways. The trees shall be provided prior to obtaining a building permit for any new dwelling. Proof of provision of the trees shall be provided to the Town Planner and Building Commissioner prior to obtaining a building permit. No additional stone wall shall be disturbed unless approved by the Planning Board. The stones removed from the existing stone wall shall be used to fill in the existing opening for the existing driveway access. The applicant will notify the Town Planner 48 hours before construction commences and when the access is fully completed. Photographic documentation of the condition of the wall shall be submitted to the Town Planner prior to removal of any stones and after the wall has been rebuilt. Should photographic evidence not be supplied, the approval will be null and void. This approval is contingent upon all federal, state and local permits being obtained for the project.

Comments: language added highlighted in red

Ms. Lewis seconded the motion as amended; the vote was unanimously in favor.

The Board continued the discussion regarding the common driveway and stormwater.

Ms. Joseph provided some comments; the site is very tight, the proposed development is sitting right on top of another house next door.

Mr. Pritchard indicated he has concerns about the swale next to the neighbors; it looks like it is creating a pond right in their back yard and that it looks a little flat. Mr. Bjorklund indicated the swale will pick up water from the front yard and direct it to a wetland; they are not creating a pond. It will meet all the regulations required.

Ms. Joseph indicated they will need to meet the Water Resource Protection District Zone 2 requirements.

Mr. Morse indicated the swale retains about 4" of water and provides 90% TSS removal. The conveyance of water is just through overland flow because of the grading, water then flows to the rain arden and then to the wetland.

Ms. Joseph asked if the drawings could be clarified to denote what is a rain garden and what is a shallow depression swale, etc.

Mr. Bornstein was concerned about the swale and the proximity of the abutting property line.

Ms. Joseph indicated there has been one round of comments from peer review that the applicant will be addressing.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public meeting for the Common Driveway Site Plan Administrative Review and Stormwater for 115 Grove Street until February 27, 2020 at 7:00 pm and to continue the time for action for filing with the Town Clerk until March 13, 2020.

Mr. Bornstein seconded the motion; the vote was unanimously in favor.

Continued Discussion - Surety Reduction – Deer Common

Documents

- Jpeg HC Ramp 12-16-19
- Jpeg New Drainage swale and drain 12-16-19
- Jpeg Outfall 12-16-19
- Jpeg Rear basin 2 12-16-19
- Jpeg Rear basin 12-16-19
- PDF Removal of sidewalk condition
- PDF 3416 swale 10-15-19
- PDF 18213 Deer Common, Request for Bond Reduction, 12-04-19
- PDF Bond Reduction Deer Common 11.12.19
- PDF Detention Basin planting
- Email from Karen Joseph dated to Terry Tedeschi, Mark McSharry dated 10.28.19

Attendees: Terry Tedeschi, Manager Deer Common II LLC; Mark McSharry, Manager Deer Common II LLC; Peter Palmieri, Merrill Engineers, Town's Consulting Engineer

Ms. Joseph indicated the Board had requested some photos at the last meeting; she provided pictures to the Board and reviewed them.

- Picture of drain installed in the front
 - Visited site with Sean McCarthy – water was flowing over the drain and curb
 - Mr. McCarthy had to unclog drain
- Picture of detention basin #2
 - Shows plantings where deer have eaten the arborvitaes
 - Full of water in the basins -- should be draining within 72 hrs. -- pictures are from 48 hrs. after rain fall.

Ms. Burbine indicated there was a laundry list of items that needed to be done and said the Board needs to know when they will be complete.

Ms. Joseph commented that the Town's Peer Review Engineer has visited the site and provided an estimate for the balance of items to be complete. She also noted the applicant wanted to discuss the plantings. Mr. Pritchard added with regard to the plantings there was previous discussion if the community wanted the plantings or not and some homeowner's had expressed they did not want them, but it was not clear if there was a consensus of all the neighbors.

Ms. Burbine noted there was also discussion about street acceptance; it does not look like it will be accepted at the upcoming annual town meeting because of the list of items still to be done. She indicated the homeowners are concerned about snow plowing for this winter season. She suggested that is the developer's responsibility to work with the homeowners to get them plowed and work on what needs to be finished in order for the street to be accepted.

Mr. Tedeschi responded and said the project has taken longer due to some issues with the last lot and they were reluctant to finish the road because of construction vehicles that could have caused damage. He indicated that up until last year the developer has plowed the road and not charged the Homeowners; at some point the road needed to be turned over to the Home Owner's Association (HOA) and they had hoped it would be complete with top coat in the summer or fall; but there are still some things that need to be done in order for the street to be accepted. Mr. Tedeschi indicated they have had discussions with the HOA about helping to pay for plowing and they are working on a process.

Mr. Tedeschi said their request tonight is to reduce the amount of surety that is being held for the top coat of pavement to a reasonable amount with input from the Town's Consulting Engineer. He indicated they are willing to replant the trees; to put some money aside for the plantings and they would propose that a barrier be placed around the trees so they are not destroyed by the deer again, i.e. a fence.

Ms. Joseph suggested switching the variety of tree from the arborvitae, i.e. a red cedar; she opined something needs to be there to help screen to the adjacent subdivision and high tension wires. She does not think there should be fencing, but that the Board should be open to something else being planted.

Ms. Lambert mentioned motion detector lights as means of deterring the deer.

Mr. Bornstein indicated that anything in the juniper category would be superior to the arborvitae; but there is no guarantee. If the HOA has a landscape company they could use a deer spray to help protect the plantings.

Mr. Tedeschi said they are agreeable to replanting the back of the detention area and will work with Ms. Joseph.

Ms. Nutter resident at 28 Deer Common asked if red cedars were ever planted in the area as shown on the plan. Ms. Joseph indicated that a detailed analysis of the as-built plan and what is actually on site has not been completed at this time; that is the next step. She indicated the as-builts can be reviewed to try and identify any additional issues at this time.

There was further discussion about the plantings and it was determined that the red cedars on the plan were never planted as the developer had requested a substitution for the plantings several years ago with Board approval.

Ms. Joseph also noted that it is unclear if the detention basins are working; it needs to be confirmed that the basins are draining within 72 hours.

She opined that the Board could give back some surety, but the water in the basins is not factored in.

Public comments:

Mr. William Brundige resident at 27 Deer Common said he went out and counted roughly 32-33 arborvitaes that have been planted and are not doing well; the plan asks for 65 plants and trees. He is in the house closest to the drainage basin.

Ms. Burbine said it has been suggested to reduce the amount of surety to \$27,560, but that was prior to seeing what was going on in the detention basins and landscaping issues.

The Board discussed some of the issues that still need to happen and the amount of money they would be willing to release.

Ms. Joseph noted the Consulting Engineer added additional money for more plantings in the back; the applicant's estimated only \$3,000; the town estimates \$9,500.

Ms. Burbine suggested that the Board decrease the surety and keep \$65,000 in surety.

Mr. Palmieri opined if the detention basins need work a rough estimate would be \$10,000 to cover the cost. He agreed that if the Board kept \$65,000 it would cover all bases.

Ms. Tedeschi said the plantings would have to be in the spring, there are a few things that are weather dependent. They are looking to get back the amount for the top coat paving; the paving is complete. They will work with the HOA on plowing,

Ms. Joseph provided an update on the street acceptance.

- HOA has filed a petition for street acceptance
- Needs to be accepted by the Planning Board
- Applicant's engineer and Town's engineers need to certify everything is done
- Town's Engineer cannot certify everything is done because of the punch list
 - Will not be able to certify until the spring that the basin is working

Mr. Pritchard said he is not inclined to release surety. Mr. Tedeschi responded that Ms. Joseph, Mr. Palmieri and the Homeowner's have indicated that things are moving along; the process is just taking time. He said there is no reason for them to drag their feet to get this completed.

Ms. Joseph opined she does not think they will be ready for spring town meeting. She said the Consulting Engineer could start reviewing the as-builts and the applicant can work to get everything done for a fall town meeting.

Ms. Nutter expressed concern about the plantings and if they could be an issue for fall town meeting approval if they have not rooted yet. No, it will not be an issue.

Mr. Gerard Hickey resident at 16 Deer Common said things are moving faster now; it was very slow before. He estimates that the homeowner's in the development over the last 2-3 yrs. have paid roughly \$300,000 in taxes and are not being plowed. Ms. Burbine re-iterated that the developer is going to work on plowing with the HOA.

The Board discussed if they would be willing to reduce the amount of surety to \$65,000. The Board asked for Mr. Palmieri's opinion. Mr. Palmieri said he can't be certain, but worst case scenario \$25K-\$30K would be needed to correct issues in the basin; \$65,000 should be enough.

Mr. Limbacher was okay with the \$65,000, but wants a time line of when things are going to get down, i.e. handicapped ramp, etc. Mr. McSharry said they are trying, but weather has been an issue.

Mr. Bornstein addressed the responsibility of the stormwater infrastructure with the developer and the homeowners; stormwater infrastructure will not be part of street acceptance, it will always be the burden of the HOA to make sure that detention basins, etc. are properly maintained and operated. Mr. Tedeschi indicated they have reviewed that with the Homeowner's.

Mr. James Forsgard resident at 20 Deer Common asked if the catch basins that are to drain with 72 hours are the homeowner's responsibility or the developers. He indicated that the basins haven't been draining. Since the Board has not signed off on the project the basins are still the responsibility of the developer, but ultimately they will be the responsibility of the HOA. Mr. Tedeschi indicated that at this time the homeowner's are responsible for the cleanout, getting rid of debris, etc.; it has been turned over to the HOA. Ms. Joseph said if the basin doesn't drain it will go back to the developer. She noted that at one point it was draining, but it will be checked when the as-built is reviewed and if it is not working it will go back to the developer.

Mr. McSharry said they have not had any problems with it over the years, there is a pipe that needs to be turned on/off depending on the season and he is curious to see what is going on if it is holding water.

Ms. Lambert said that the homeowner's should have their Operation and Maintenance (O&M) handbook on how to maintain the detention basins; there is a whole rule book. Mr. Hickey said they have been maintaining the area.

Motion:

Ms. Lambert moved to accept Deer Common II LLC's request to reduce the amount of surety being held by the Planning Board for completion of the Deer Common Subdivision from \$ 131,864.96 to \$65,000.00 remaining in the account as remaining work includes the drainage swale at the corner of Lot 12, the handicap ramp rumble strip, cleaning the drainage system, updating and filing as-builts, miscellaneous fees, planting at the detention basin and a contingency and the reduction is consistent with the engineer's recommendations.

Mr. Pritchard seconded the motion; the vote was unanimously in favor.

Form A-ANR – 208 Chief Justice Cushing Highway

Assessor's Map/Block/Lot: 58-1-1C

Applicant/Owner: Edward Hanafin and David Donahue

Documents

- PDF 19-524 208 CJC ANR
- DOC Transmittal 208 CJC
- DOC Motion Form A 208 CJC

Attendees: Greg Morse, Morse Engineering

Mr. Morse presented the plan.

- Conveying land to 192 Chief Justice Cushing
- Internal lot line change
- Does not create any buildable lots
- Access and frontage

Motion:

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land in Scituate, MA Showing a Division of Assessor's Parcels 58-1-1C 208 Chief Justice Cushing Highway prepared by Morse Engineering Co., Inc. for applicants/property owners Edward Hanafin and David Donahue dated 12-4-2019 as the division of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw.

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

Minutes

Documents

- NO Minutes

Accounting

Documents

PO #2000510 (\$11,284.95), PO #2005606 (\$915.40)

Ms. Lambert moved to approve the requisition of \$11,284.95 to Harriman Associates for professional consulting services for the Master Plan, for \$915.40 to Merrill Corporation for peer review reimbursable expenses for Traffic Consultant Vanasse for 247 Driftway – MBTA/Drew.

Mr. Limbacher seconded the motion; the vote was unanimously in favor.

Liaison Reports:

Public Meeting on Water – reported by Mr. Pritchard:

- Conversation about “brown water”
 - Discussion about the pipe cleaning process
 - Ice pigging and flushing
 - Reduced amount of manganese
 - 7 samples taken – some with no evidence of manganese and others with much reduced levels since last summer
- Discussion about baseline analysis – presentation is available online
 - Use of average day numbers
 - Demand vs. capacity
 - Is there a methodology – for planning purposes need a standard methodology
 - Look at drought year and use as a baseline – build up from there for additional capacity/demand request
 - Still working on the methodology
- Discussion about the state of affairs of system and equipment
 - Old Oaken Bucket water treatment plant needs to be completely replaced - \$35 million
 - 4 years to design
 - Modifications made in the existing plant only have 5 year life
 - \$2.5 million for new wells, pumps, and new data system
 - Whole system is a manual system
 - Adding third water storage system - need to build a new one
 - 20 year capital plan approximately \$110M
 - Areas in the piping system with fire water flow issues need to be sorted out
- Made some progress, still waiting for final project – still a few months away
- Waiting to see the operation and maintenance plan
- Still waiting for long term planning tool from the analysis
- No real work done on usage – looked at meter data, but couldn’t nail down where the water share is going for the top 10%
 - No way to keep track of it
- Looked at projections on growth from the MAPC and UMass studies
 - Flattened out the growth – declining in Scituate/South Shore
- Water usage declining about 2.5% a year – hard to tell where coming from, if there have been restrictions imposed

The Board discussed the Hanover Mall project and the mitigation that the Planning Board was able to negotiate for the project; \$500K for Housing Trust, \$100K for abutting neighborhood, \$100K take down a dam, replace 800 water meters a \$350/meter. The Planning Board led the mitigation versus the Board of Selectmen.

Planning and Development – reported by Ms. Joseph:

- Senior Center pre-construction meeting – January 3rd
- Seaside at Scituate
 - Binder going down for Phase 2

- Permeable paving – change – going out to peer review
- Drew on track for spring/summer construction
 - Met internally with new architect, contractors

Documents

- Email to the Board from Karen Joseph dated 12.11.19 with meeting materials for 443-461 Chief Justice Cushing Highway.
- Email to the Board from Karen Joseph dated 12.16.19 with meeting materials for 443-461 Chief Justice Cushing Highway and 208 Chief Justice Cushing Highway
- Email to the Board from Karen Joseph dated 12.17.19 with meeting materials for Deer Common and 115 Grove Street
- Email to the Board from Shari Young dated 12.18.19 with AMENDED agenda for 12.19.19.
- Email to the Board from Shari Young dated 12.18.19 with meeting materials for 443-461 Chief Justice Cushing Highway.

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 9:44 p.m. Mr. Pritchard seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: January 9, 2020