

## SCITUATE PLANNING BOARD MINUTES February 22, 2018

Members Present: Stephen Pritchard, Chairman; Benjamin Bornstein, Clerk; Richard Taylor and Alternate Member, Patricia Lambert.

Others Present: Town Planner, Karen Joseph; Planning Administrative Assistant, Shari Young; Brad Washburn Director of Planning and Development

Members absent: Ann Burbine, Vice Chairman; William Limbacher

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

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

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

### Documents

- 2/22/18 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chairman Pritchard indicated there was a posted agenda. Mr. Taylor seconded the motion for the posted agenda and the vote was unanimous in favor.

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**Public Hearing – Zoning Map and Zoning Bylaw Change – Amend Zoning Map to change the boundaries of the Village District and Village Business Overlay District and change Bylaw to reflect new mapping. Amend Zoning Bylaw to prohibit Marijuana Establishments. (Maps and language on file with Town Clerk and Planning Board)**

**Vote recommendation to Town Meeting**

### Documents

- PDF of TC filed legal Zoning Notice dated 2.6.18

Attendees: Mr. Brad Washburn

Mr. Pritchard read the public notice.

### ***Map Zoning:***

Mr. Washburn presented power point presentation detailing the proposed map zoning changes and bylaw:

- Locus map for proposed location 7 New Driftway - south of the commuter rail station and Old Oaken Bucket Pond, on the rotary of 3A and Rt. 123.
- Existing Zoning map shown – currently the site is a Residential parcel, but to the right of Old Oaken Bucket Pond and within the historic Greenbush area it is typically a Business district with Village Business Overlay District and several other overlays.
- Future initiative to re-zone this area.

Proposal is to fill in the gap – 7 New Driftway zoned as residential, but has been medical building for last few decades. New Zoning would:

- Make consistent with surrounding areas
- Allow for mixed use with overlays

- Mr. Pritchard noted this would be part of larger visioning of the Economic Development Commission's vision of the Greenbush area
- Gateway parcel to the district
- Future zoning would be looking at this district, would be laying the foundation for the future
- Mr. Taylor indicated that currently the Village Overlay District does not extend across the New Driftway, the south side is just business.

Mr. Bornstein asked what the approximate square footage of the site is. Ms. Joseph indicated around 53,000 sq. ft. - approximately an acre. She indicated in 1966 7 New Driftway received a variance for medical use only.

No public comments.

Ms. Joseph said after the Board closes the public hearing they will vote on the report to Town Meeting.

### ***Marijuana:***

Mr. Pritchard read the notice for public notice for proposed prohibition of marijuana establishments.

Mr. Washburn presented slide from WBUR showing a tally of the state wide election from November 16, 2016 for legalization and equalization of recreational marijuana. The slide shows the tally by town of the vote; Scituate vote was 48% for and 52% against. Mr. Washburn said the proposal is to amend both the use table and the bylaw. He indicated the language would change and there would be a new Section 492.

Mr. Washburn indicated that marijuana establishments are already defined in the bylaw and there is a separate definition for medical marijuana.

Mr. Pritchard read the below:

### **ARTICLE** **Prohibition on Marijuana Establishments**

To amend Section 420 of the Zoning Bylaw by adding new use category GG. Marijuana Establishments and to add a new Section 492 prohibiting Marijuana Establishments.

#### **Zoning Bylaw Section 492**

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Scituate. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the

provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time).

Below is slide of new use table as shown by Mr. Washburn:

Use Category	R-1	R-2	R-3	RM	GB	HB	C
BB. Commercial kennel	N	N	N	N	N	N	SP
CC. Fast food establishment	N	N	N	N	SP	SP	SP
DD. Temporary outdoor sales approved by Board of Selectmen	Y	Y	Y	Y	Y	Y	Y
EE. Registered marijuana dispensary	N	N	N	N	N	N	SP
FF. Microbrewery	N	N	N	N	SP	SP	SP
GG. Marijuana Establishment	N	N	N	N	N	N	N
<b>4. Industrial Uses</b>							
A. Establishment for the sale of lumber or other building supplies, heating fuel, livestock feed, ice, fertilizer, or similar materials stored in bulk on the premises (but not including the storage of used or salvaged materials).	N	N	N	N	N	N	Y
B. Establishment for repair of trailers, trucks, machinery or farm implements.	N	N	N	N	N	N	Y

Mr. Taylor clarified that "EE" on the table is referencing medical marijuana. Mr. Washburn said that would still be allowed by special permit. Mr. Taylor asked for clarification of the law, since Scituate voted "no", can the Selectmen go ahead and prohibit without having to go Town vote. Mr. Washburn indicated that Town Counsel recommends that the Town make a change to zoning bylaw and to the Town's general bylaw. He said that the Planning Board's jurisdiction is to address the zoning bylaw and both these items would go to Town meeting. Mr. Pritchard indicated that chapter 94G has a provision that allows individual Towns to vote for prohibition.

Mr. Bornstein disagrees with the prohibition as the town is trying to diversify and increase the tax base. He said this is a premature move and the Planning Board could still maintain some control with special permits, etc. He indicated the Attorney General has authorized municipalities to levee a 3% sales tax and a 5year period where fees can be collected. He opined there is opportunity to have control and address public health and community concerns.

Mr. Taylor clarified that the Board is voting tonight on the recommendation - we are not voting whether we support or not. Ms. Joseph said that the Board has to provide a recommendation to Town meeting after the public meeting is held.

Mr. Washburn said the first zoning article is sponsored by the Board and the second is by the Board of Selectmen, but there is still a requirement for the Board to give a recommendation to the Town Meeting. Mr. Bornstein asked if the Selectmen can go ahead with a general bylaw change even without a Planning Board recommendation. Ms. Joseph confirmed general bylaws do not need a public hearing only zoning bylaw changes need a public hearing.

Mr. Pritchard said we don't have to approve or accept it; it is the Board's report after having a public hearing.

Ms. Lambert said that she agrees with Mr. Bornstein and opined a ban is premature; she opined that the Board needs to make sure there are business opportunities for the town. She said she would vote against it.

Mr. Taylor said he also would not be in favor of voting for or endorsing the change if a licensed establishment met all state regulations.

*Public Comments:*

Mr. Stephen Monteiro, of 9 Jenkins Place, said he agrees with Ms. Lambert and Mr. Taylor to keep options open and sees that the town is looking to increase its commercial tax base. He said it would be much more profitable to leave the matter open if governed by the state laws. He said this would be better than what is happening near his property - truck repairs and a storage place. He opined marijuana would generate more income for the town and increase the commercial tax base. He said if kept away from schools and kids it might be a possibility.

Mr. Taylor opined he doesn't think the Town has the base for a recreational facility. Mr. Pritchard disagreed with him and said he thinks the town is more likely to have a recreational retailer than a medical dispensary and if the Town trying to bring in revenue then the option for marijuana should be looked at more carefully. Mr. Taylor agreed with Mr. Pritchard. Mr. Washburn said that Marshfield does allow recreational marijuana, but does not know if there are special permits needed.

Ms. Joseph said the moratorium is in place until November 30, 2018.

Mr. Pritchard indicated he is not inclined to support a full ban without understanding the economic viability of it. He said the town can address it again in the fall, but not beyond because of the moratorium. He asked if the moratorium can be extended. Mr. Washburn said Town Counsel's would be asked. Mr. Pritchard said not knowing what additional revenue might be expected and the impacts he thinks it is premature to have an all-out ban. He asked if there has been any additional level of analysis. Mr. Washburn said the Selectmen may have additional information.

Mr. Taylor asked what the thought process was on why the Selectmen want to propose this. Mr. Washburn indicated with the temporary moratorium in place, the Selectmen thought it was something that needed to be looked at for the annual town meeting.

Mr. Pritchard indicated the reason the moratorium was in place was to allow more time to get information on economic impacts, etc. He said he would support further extension of the moratorium until we have more information.

Mr. Pritchard said we need to make a voting decision at the March 8<sup>th</sup> meeting.

*Motion:*

Mr. Taylor moved to continue the public hearing for the zoning articles for amending the map of the Village Overlay District and Business District and Section 320 of the Town of Scituate Zoning bylaws and to extend the public hearing on the prohibition of marijuana establishments to March 8, 2018 at 6:30 pm. Mr. Bornstein seconded the motion; vote was unanimously approved.

**Public Hearing – Accessory Dwelling Special Permit – 7 Elm Park**

**Assessor's Map/Block/Lot: 54-1-25-B & 54-1-23-0**

**Applicant/Owner: Michael and Tara Reynolds**

**Documents**

- Transmittal letter dated 1.23.18
- Email to Karen Joseph from Brendan Sullivan, Cavanaro Consulting, dated 2.13.18
- Email to Karen Joseph from Can Tiriyaki dated 1.23.18
- PDF for 7 Elm Park Site Plan dated 1.12.18
- PDF of abutter letter from Michael Nisbet dated 2.13.18
- PDF of application dated 1.18.18
- PDF of Assessor's map
- PDF of Board of Health letter dated 2.13.18
- PDF of Deed dated 11.21.17 given to Board of Health
- Email to Brendan Sullivan, Cavanaro Consulting, from Karen Joseph dated 2.13.18
- PDF of Reynolds architect drawings dated 1.3.18
- PDF of Reynolds Deed dated 11.10.17
- PDF of plan with easement

Attendees: Brendan Sullivan, Cavanaro Consulting representing home owner, Mike Reynolds.

Mr. Sullivan began with background of the property:

- Mr. Reynolds purchased property in 2015
- Mr. Reynolds purchased vacant property adjacent
- Original property approximately 71,000 sq. ft.
- New purchase lot is approximately 76,000 sq. ft., total of just over 3.5 acres
- Land purchased is open field originally owned by one family.
- Mr. Reynolds parents are looking for one level living space, thus proposed accessory dwelling.
  - Accessory dwelling is 1 bedroom with den - per Title 5 it is 2 bedrooms
  - Almost maxed out at 40% of living space of primary dwelling.
    - Primary dwelling – above 4,000 sq. ft.
    - Accessory dwelling - slightly over 1,600 sq. ft.
  - Two car garage
  - Septic system into BOH is under review
    - Septic is for 3 bedrooms
    - Perks in the lot – 4 holes and 3 perks, also some additional perks done by the previous owners
      - Perk rates 50 mins per inch from previous owners and Mr. Sullivan got rates between 3 minutes per inch and 16-18 minutes per inch.

- 3 minute perk rate is good, 50 minutes is slow, can go up to 60 minutes per inch with new construction, but that is very slow.
- Soils are varying across the site
- Water table is high - between 24" and 30"
- Gravel Driveway
- No impervious other than the house
- Roof runoff infiltrated in swales goes from west to south of Elm Park and Greenfield

Mr. Pritchard asked if this is a single lot now versus 2 lots. Mr. Sullivan said yes, one lot. Ms. Joseph inquired if 81X plan had been done. Mr. Sullivan said they need to have additional surveying completed. Mr. Pritchard said in order to do an accessory dwelling we need to make sure it is a single lot and the accessory dwelling cannot be permitted without the two lots combined. Ms. Joseph indicated she had addressed that with Mr. Sullivan and he said he would do an 81X plan to combine the two lots to make it one. Mr. Sullivan said when you have an existing lot and combine with a non-conforming lot it becomes one lot under Mass General Law. Ms. Joseph recommended that an 81X be done because the original lot has 50' frontage and was approved by the ZBA and the frontage and access is off of Elm Park. Ms. Joseph said that the Board has a deed and a plan associated with it that shows the 2 lots as they were originally.

Mr. Sullivan said that his client purchased Lot 1 and Lot 3. Mr. Sullivan said it had been brought to their attention that there is a septic easement for Lot 4. Mr. Sullivan read from the original easement from 1964 and indicated:

- Septic easement from original subdivision plan from lot 4
- Easement is very vague – from 1964 – benefit of Lot 4 for the purpose of installing and retaining a leaching bed for Lot 4.
- Set aside room on Lot 1, it is a blanket easement.
- Need to have Title Attorney review deed and easement
  - Easement is not in the current deed for Lot 4, now 27 Cedar Hill
  - Reads expressly reserving only for the "grantor" only for the Whites
  - No dimensions in the easement
- Mr. Sullivan said current owners are willing to grant some space to install the septic system for 27 Cedar Hill.
  - 27 Cedar Hill was repaired in 1997 under the upgraded Title 5 requirements

Mr. Pritchard said that is steeped in real estate law and the Board needs feedback from both parties.

Mr. Sullivan reviewed the architectural renderings and floor plans of the accessory dwelling.

- Will be on town water
- Separate meter for accessory dwelling

Mr. Pritchard asked how it compares to the house that it is next to architecturally. Mr. Reynolds, the Applicant, said it is by the same architect and has the same siding and almost identical materials, with just a different roof pitch and smaller. Mr. Pritchard said part of what they look at is if the architecture is consistent with the primary dwelling and if it is subordinate. Mr. Sullivan said they can get pictures of the primary dwelling to the Board. He indicated they will share a driveway.

Mr. Taylor asked if the screened in porch is included in the square footage. Mr. Sullivan said the screened in porch and the garage are not included. Ms. Joseph said the screened porch should be included in the calculation for the gross square footage because it has a roof over it. Mr. Reynolds said it is a three season room with no heat. Ms. Joseph said she would check if it should be included in the square footage.

Mr. Pritchard said it is a 3 bedroom septic, but only 1 bedroom and said that would be a condition of the permit that there would be no more bedrooms. Mr. Reynolds said the garage is not included in square footage and has a roof. Mr. Pritchard said normally these dwelling are added over a garage or as an addition not as a free standing structure. Mr. Pritchard would like to see how this sits on the lot with the primary residence. Mr. Reynolds said he had pictures on his phone if the Board would like to see them. Mr. Pritchard asked that they be sent to Ms. Joseph to distribute so they can be of public record.

Mr. Bornstein asked if the square footage of the proposed attic space with dormer should be included and what the intent of the space is. Mr. Sullivan said the intent is for storage. Mr. Sullivan indicated they would be amenable to a deed restriction.

Mr. Taylor said it is a beautiful small home, but the Board has struggled with this in the past with a large primary home and the challenge is to make sure the accessory remains subordinate.

Mr. Pritchard asked if there is an affidavit. Ms. Joseph indicated there was and the applicant proposes to be living in the primary dwelling.

Ms. Lambert indicated that she would want to have a deed restriction that it could not be further subdivided.

*Public Comments:*

Mr. Michael Nisbet, 27 Cedar Hill formerly known as Lot 4, asked if the Board was looking to make a decision tonight. Mr. Pritchard said that is dependent on what else it needs to know. He indicated that it sounds like the deed needs to be cleared up before making a decision. Mr. Nisbet passed out copies of the zoning by law. He said he wanted to make it abundantly clear on the wording with regards to "accessory use". He said his interpretation is that the accessory use definition precludes any building on the lot. He said it was set up for a septic system with no restrictions on boundaries. He opined he does not think it was sloppy deed work and can only assume that it was purposely intended. Mr. Nisbet indicated that Mr. Sullivan's comment that usage was a one-time usage for the Whites who owned the property is not stated anywhere at any time. Mr. Pritchard opined that the discussion was about what the deed provides the holder and said that the Board does not have any control over that. He said if there is a difference in what the deed says it needs to be sorted out. Mr. Nisbet said he does not have evidence of it not being on his deed; however, it is on their deed. Mr. Sullivan indicated it is not on Mr. Nisbet's deed. Mr. Nisbet read the by law section 200.

Mr. Taylor opined that Mr. Nisbet is saying with the easement that the applicant cannot build on the lot and there are no boundaries or restrictions and that he could access the lot when he needs to.

Mr. Pritchard opined what the Board has is a difference of opinion and it will need to be sorted out.

Mr. Sullivan said they can do additional perk tests and get a system for Mr. Nisbet to satisfy the easement requirement.

Mr. Taylor said in addition:

- Need to make sure square footage in adherence of with bylaw
  - Ms. Joseph has room by room square footage already
  - Currently dwelling is 39.5% of the primary dwelling
- Showing subordinate with pictures in reference to the primary dwelling to scale
- 81X

Mr. Sullivan addressed the storm water:

- Stormwater system
  - Infiltration system – infiltration chamber will be 2' above seasonal high ground water
  - Stormwater – infiltration basin, swales from existing dwelling flow down driveway all the way to Elm Park, not dumping more water on roadway.
  - Ms. Joseph indicated the existing site is subject to storm water permit through Conservation Commission and they are waiting for the swales to be completed this spring for the primary dwelling. Ms. Joseph said there are no comments from Conservation Commission on the accessory dwelling.
  - Mr. Sullivan indicated they are under the threshold for a new stormwater permit.
- Proposed septic will maintain the offset for seasonal high ground water
  - Septic will be mounted, but won't look it because house is being raised by 4'. Ground is coming up by 4' around whole property.
- Deed needs to stuff sorted out

Mr. Pritchard said there is a list of action items:

1. Square footage calculations
2. 81X plan
3. Architectural view and comparison to primary dwelling
4. Closure on easement issue

*Public Comments:*

Ms. Mary Fagan resident at 3 Elm Park indicated her home will be in front of the proposed accessory dwelling. Ms. Fagan said that the Conservation Commission has been in touch with them and noted the swales have not been put in yet and she understands that they will be going in in April. Ms. Fagan said that in April of 2017 there were two significant storms while the Reynolds primary residence was being constructed. She said she had been in touch with town at that time because she had extreme runoff from the property that took her septic system out for 3 days. She said she has concerns about it being very wet. Ms. Fagan said that she has been on the property with both previous owners and she has stood on the property in two inches of water sitting at ground level. She said since January there is water running from the property partially to her property and partially running down the road to catch basin. Ms. Fagan said she is concerned about overflow, etc. Mr. Pritchard indicated they are not giving a permit to flood water on to anyone else's property even during construction. Mr. Sullivan said he will be making revisions to the plans to show the infiltration system, siltation fences, swales etc. Ms. Fagan indicated there is berm in place keeping



surface water off her property to a point; but then it floods water is putting grooves in the unpaved road. She said she has lived there for six years and has never seen water running into the road before. She said her house is from 1925 and she feels she deserves some consideration. Mr. Pritchard said as a general comment Ms. Fagan would not get any argument for the Board with regards to runoff. He said he can't speak to original project, but with accessory dwelling, runoff should be controlled. Ms. Fagan said she could send the correspondence she had with Conservation Agent back in April so the Board can understand the amount of water that she is talking about. Mr. Taylor asked where Ms. Fagan was standing in the mud. Ms. Fagan said she was not deep in the property, but in the general vicinity of where accessory dwelling is proposed to be built.

Mr. Pritchard asked Ms. Fagan if the construction of the current dwelling has changed the runoff of the area. Ms. Fagan said yes in her estimation as a small stream running is running off the property now.

Mr. Sullivan said that occupancy took place last summer and they missed the growing season so there is no landscaping on site. Mr. Sullivan indicated they are well aware of the high ground water and the situation with the Fagan property. He said once landscaping and swales are installed, the situation should be alleviated. Mr. Pritchard indicated that if all this moves along there would likely be a condition to maintain stormwater management throughout the project.

*Motion:*

Mr. Bornstein moved to accept the applicant's request to continue the public hearing for the Accessory Dwelling Special Permit at 7 Elm Park until March 22, 2018 at 7:05 pm and to continue the time for action for filing with the Town Clerk until April 13, 2018. Mr. Taylor seconded the motion, vote was unanimously in favor.

**Public Hearing – 167 Driftway – Dog Park**  
**Assessor's Map/Block/Lot: 59-1-2A-0 and 59-1-2A-1**  
**Applicant/Owner: Town of Scituate DPW**

**Documents**

- PDF of application for major site plan review Scituate Dog Park dated April 2016
- PDF of Conservation Commission Review report dated 2.14.18
- PDF of Curb Cut Application dated 11.10.16
- PDF of Dog Park Site Locus
- PDF of Dog Park Site Plan dated 2.5.18
- Transmittal Letter dated 2.5.18

Attendees: Sean McCarthy, Scituate DPW; Justin Lamoureux, Design Engineer from Horsley Witten; Adrienne Rowles, President of Friends for Scituate Dog Park

Mr. McCarthy indicated this project has come before the Board a year ago and comments from several boards have been incorporated into the final design plans. He said they have met with the Conservation Commission who approved the project and will be issuing an Order of Conditions. He said Conservation had a peer review for drainage design and stormwater analysis that will be incorporated into the conditions.

Mr. Lamoureux from Horsley Witten presented the plan to the Board:

- Driftway to north, trail system, Go Green landscaping, wind turbine, wetland system surround the site
- 2 areas – large dog – 1 acre, small dogs - .5 acre
  - Both areas will be fully fenced with 6' chain link fence down the center
  - Maintenance gates connecting the areas
- Inside the park
  - 4 benches - 2 in each area, spread out so people use the areas
  - 3 trash receptacles – located near parking for maintenance
  - 7 dog waste receptacle stations
- Double gate into the park
- 2 dog watering bowls in each area
- Dog washing station
- Bulletin board
- Rules and Regulations signage
- Welcome Sign

Entrance off the Driftway:

- 500' site distance from both directions with paved entrance
- Parking lot is level 1% -2.0%, will be gravel
  - Gutter line down lower end of parking stalls
  - Discharge to bioretention sized for the 1" storm for water quality
  - Underground chamber system under the parking lot for stormwater
- Parks are slightly depressed for stormwater retention
- Vegetation – trees in parking, perimeter evergreens, grasses mixes of harmony mix and wild flower mix adjacent to the woods, mulch chips for inside Dog Park – will be natural
- Out of flood plain

Mr. Taylor confirmed that the parking lot will have concrete bumper strips. He asked if there would be a trail to connect to the trail system as discussed last year. Ms. Rowles said that would be for the future.

Mr. Taylor asked if there are plans to plant trees along back perimeter. Mr. Lamoureux said there existing trees and they are trying to save any tree they can; but there are a lot of Black Walnut trees on site which are not good for the dogs.

Mr. Taylor verified that all the fencing is black coated and 6' high.

*Pavilion Structure:*

Mr. Taylor asked for clarification on the pavilion detail on the plan. Mr. Lamoureux indicated it is a shade structure with a roof, but it is still being priced. He said they may contact it with a stone dust path as all the walkways are ADA compliant. Mr. Lamoureux said they are trying to be cost effective with the fencing running through the shade structure. Ms. Rowles said they are thinking forest green for the roof color.

*Landscaping/Trees:*

Mr. Bornstein noted the tree protection detail and the tree construction details are different, and asked that they reflect best practice. Mr. Lamoureux indicated the landscape architects try to go with

large orange fence at the drip line, but he opined it could be just trunk protection, but they are open to suggestions. Mr. Pritchard opined would probably be best to have the orange fences around the trees for protection.

Mr. Bornstein asked the traffic assessment took into consideration the slope for exiting. Mr. Lamoureux said yes the slope is at 5% which is fairly manageable and it has been designed so people would not bottom out.

*Pedestrian Traffic:*

Mr. Pritchard asked how they are managing traffic flow of pedestrians. Ms. Rowles said there will be signage at the crosswalk for pedestrians. Mr. Lamoureux indicated there is a stop sign for cars leaving the site and a stop sign for pedestrians at the crosswalk. He said they can add a fourth pedestrian crossing sign at the painted striped crossing.

*Lighting:*

Ms. Rowles confirmed the lighting will be solar bollards, but she is still working on pricing. She said they will be scheduled to go off ½ hour after dusk and they will be manually set.

*Maintenance and Operations:*

Ms. Rowles indicated there is a Maintain and Operations agreement with the Town and there is a committee for maintenance. She indicated there is memorandum from the Stanton Foundation requiring two members of the Town be part of the maintenance and operations. Mr. McCarthy said the DPW will do inspection stops to make sure maintenance is being taking care of appropriately. Ms. Rowles said there is a full Board of Directors and an Operations Manager. Mr. Pritchard would like a copy of the agreement with the town.

*Maintenance Gates:*

Ms. Rowles said there are two maintenance gates on the site. She said there will be two on the outside on one in the middle. Mr. McCarthy said the gates will have ADA compliant hardware.

*Water supply:*

Mr. McCarthy said the water supply is coming off the Driftway. He indicated the main is about 15' off the roadway.

*Operating Hours:*

Ms. Rowles said the park would be open 7days per week, first thing in the morning to 9pm at night in summer, maybe 7pm in the winter.

*Play Structures:*

Ms. Rowles said there would possibly be a boulder in the small dog park and drainage pipe in the large dog park.

Mr. Bornstein asked if there will be automatic shut offs at the wash station; it was confirmed yes.

Mr. Bornstein inquired if any spots will be stripped for "no parking" because if the lot is full there would be no place for someone to turn around. He said he does not want any traffic to back up into Driftway. Mr. Lamoureux said not currently, but that is a valid concern. He said that the number of 23 spots was determined prior to his involvement. Ms. Joseph indicated it is based on other dog parks in the area which have between six and thirty spaces and this was determined to be a

reasonable number of spaces for the area. Mr. Pritchard asked that parking be revisited in a year to determine if it is adequate.

*Public comments:*

Resident Theresa Nelson of Scituate, said she assumes the number 23 is for the parking only and she also asked if dog park area will be all fenced in. Mr. Pritchard said there are 23 parking spaces and there is fencing all around that is 6' high black chain link.

*Motion:*

Mr. Bornstein moved to approve the following Findings of fact:

1. The applicant submitted a site plan entitled Scituate Dog Park, The Driftway, Scituate, MA, dated January 2018 by Justin J. Lamoureux, P.E. of Horsley Witten Group, Inc. for Town of Scituate.
2. The new Dog Park was funded through design from a grant by the Stanton Foundation. \$48,700.00 of Community Preservation Committee funds was approved at the 2017 Annual Town Meeting for creation of a dog park. This shows community support for the project.
3. The property is vacant land and is located in the Commercial Zoning District, Water Resource Protection District – Zone II and the Planned Development District.
4. The project proposes construction of a dog park with access provided by a bituminous concrete driveway from Driftway. A pervious stone and gravel parking area with 23 parking spaces including two ADA spaces which will be constructed of bituminous concrete. A pathway system and two dog activity areas are proposed with benches and trash/dog waste receptacles, a shade structure, two dog water fountains and a dog wash station. The dog surface areas are mulched and gated with a six foot high black chain link fence with double gates.
5. The property at 167 Driftway is surrounded on all sides by land owned by the Town of Scituate. The Scituate Wastewater Treatment Plant lies to the southeast of the site along with the Wind Turbine to the south. The Town leases land to Go Green, a landscape processing center immediately to the east of the dog park site. Widows Walk Golf Course is to the north and open land with a boat ramp and trails lie to the west. The dog park will be fenced in providing the adjoining premises with protection against any detrimental or offensive uses of the site. The site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 Paragraph A.

The Scituate Zoning Bylaw Section 760.6, Table of Minimum Parking Requirements, requires the parking demand for uses not listed the zoning bylaw to be determined by the Planning Board. Twenty three parking spaces have been provided including two handicap spaces. Parking appears to be sufficient for the proposed use.

The driveway coming into the site is 11.1 feet wide and separated by an island around an existing utility pole to remain. The driveway exiting is 11.3 feet wide. The driveway widens to 22 feet in width as it enters the gravel parking lot. Signage will be placed on both sides of the pedestrian/bicycle path crossing the driveway to alert walkers and bikers to crossing traffic and to come to a stop at the entrance. A painted cross walk is being provided across the driveway. A sign will alert drivers to a pedestrian crossing.

The driveway is at least twenty feet wide and there is only one driveway entrance to the site.

Access for Go Green and the Wastewater Treatment Plant are located over 500 feet away to the east. Stopping sight distances of over 500 feet are provided where 360 feet are required meeting AASHTO requirements. The site plan meets the standards for Section 770.6 B. and C. for traffic safety, ease of access, pedestrian safety, minimizing glare of headlights and access for service and emergency vehicles.

6. Combinations of trash and dog waste receptacles are being provided along with dog waste bags. The Friends of Scituate Dog Park will be responsible for waste disposal on a weekly basis. The Friends of Scituate Dog Park have signed an Operation and Maintenance Agreement with the Town of Scituate dated XXXXX. A one inch water supply line will supply the dog wash station and dog water fountains with water. Existing fire hydrants are located to the east and west of the site in the road right of way. The site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 D. for adequacy of methods of waste disposal, adequacy of water supply and fire- fighting facilities on the site.
7. The site plan and stormwater report were reviewed by the Conservation Commission's consulting engineer, of Merrill Associates. The site is in the Water Resource Protection District and Zone II to a public well. The stormwater system has been designed to improve water quality by reducing total suspended solids by at least 90%, as required by the Zoning Bylaw. The stormwater management system will treat water through two bioretention areas and an underground infiltration area providing artificial recharge. The underground infiltration area is located greater than three feet above groundwater. The applicant has met with the Water Resources Committee who desires the same water restrictions for the dog park as the town. Periodic inspections by the Friends of Scituate Dog Park and DPW staff will be conducted to protect against toxic or hazardous material discharge. The site plan meets the standard of Scituate Zoning Bylaw Section 770.6 E. and F. for adequacy of stormwater management and control of toxic and hazardous materials in the Zone II subdistrict and Water Resource Protection District.
8. The dog park has been graded to fit into the site. Cut and fill is minimized and a buffer of existing trees to remain will be to the south and east. Existing trees along Driftway will remain in the right of way. The Conservation Commission has reviewed a Notice of Intent for the project, closed their public hearing on February 21, 2018 and expects to issue an Orders of Condition in the very near future. An erosion and sedimentation control plan will be used and soil will be re-used on the site. Black vinyl chain link will be used to fence in the dog areas. Three shade trees of 2 ½" caliper are provided to shade the parking area. Solar bollards will be provided by the Friends of the Dog Park for lighting. The site plan meets the standards of Scituate Zoning Bylaw Section 770.6 G., H. and I.
9. As indicated above, the pedestrian/bicycle path on Driftway provides access to the site. Access to the path can be obtained through the gravel parking area. The gravel parking area is suitable for a recreational use in the Water Resource Protection District. The site plan meets the standards of the Scituate Zoning Bylaw Section 770.6 J.
10. The site plan entitled Scituate Dog Park, The Driftway, Scituate, MA, dated January 2018 by Justin J. Lamoureux, P.E. of Horsley Witten Group, Inc. meets the requirements of the Town of Scituate Zoning Bylaw Section 770.6, Site Plan Review Standards of Review to a degree consistent with reasonable use of the site for the purpose permitted by the regulations of the district in which the land is located.

Mr. Taylor seconded the motion as amended; the vote was unanimous in favor.

Mr. Bornstein moved to approve the site plan for site plan for the Scituate Dog Park The Driftway, Scituate, MA, dated January 2018 by Justin J. Lamoureux, P.E. of the Horsley Witten Group, Inc. subject to the following conditions:

1. The project shall be in accordance with the site plan entitled Scituate Dog Park, the Driftway, Scituate, MA dated January 2018 by Justin J. Lamoureux, P.E. of Horsley Witten Group, Inc. for the Town of Scituate. Any further changes from these plans other than to incorporate the conditions below will require approval of the Planning Board.
2. Materials and details of construction including connection to Town Water shall meet all requirements of the DPW, Board of Health, Fire Department, Conservation Commission, Building Department and Commission on Disabilities. Where this Site Plan Administrative Review requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's approval of this site plan. All necessary permits and approvals must be received prior to construction.
3. The number of parking spaces for a dog park is not specifically regulated by the Table of Minimum Requirements, Section 760.6 of the Scituate Zoning Bylaw, but is included in "All other uses" in this table subject to determination by the Planning Board. The 23 spaces shown on the plans including two spaces that are ADA/AAB compliant are based on estimated users of the Dog Park and available land area. In review of designs of other dog parks, the space count ranges from six to thirty spaces. The Planning Board determines the number of parking spaces shown on the plans (23) is adequate for the proposed use. The Applicant should report back to the Planning Board at the end of the first year of operation of the dog park to determine if parking is acceptable.
4. Approval of a new curb cut on Driftway must be obtained from the Scituate DPW.
5. Chemical abrasives used for removal of snow and ice on the grounds, commercial fertilizers and other hazardous materials shall be stored off-site.

**Prior to Scheduling the Pre-Construction Conference**

6. The following items shall be added to the plans prior to scheduling the pre-construction conference:
  - Locations for snow storage to provide sufficient room for snow from major storms shall be shown on the plan and approved by the Conservation Commission and DPW.
  - Seed mixes shall be shown on the plans.
  - Precast concrete curb stops for parking
  - Fencing around trees to be preserved shall be tree protection as shown on Sheet LA-10 to be at the perimeter of the tree
  - Automatic shutoff's for the dog wash station shall be as approved by Scituate DPW.
  - A copy of the Operation and Maintenance Agreement with the Town shall be provided
7. Prior to scheduling the pre-construction conference:
  - A check to cover inspections by the consulting engineer shall be provided by the applicant; (**Assume Conservation**)

- A schedule and sequence of construction activities shall be provided to the Town Planner;
- The final Storm Water Pollution Prevention Plan (SWPPP) shall be provided to the Planning Board office.

### **Construction**

8. A pre-construction conference will be required prior to the start of construction, including a representative of the DPW, the Conservation and Natural Resource Officer, the DPW or his representative, the site contractor and the Town Planner.
9. Any work within the ROW of Driftway shall be coordinated with the DPW. The DPW shall be notified prior to the start of work within the ROW of Driftway. Other than as required by this work, there shall be no parking or idling of vehicles on Driftway during construction.
10. Stormwater control measures shall be maintained according to plans and Long Term Pollution Prevention Plan and Stormwater Operation and Maintenance Plan contained in the Stormwater Report submitted for the project and the SWPPP. All clearing and earth moving operations shall only occur while erosion and sedimentation control measures are in place.
11. A crushed stone construction entrance as detailed on the plans shall be required and installed prior to the start of work in any area. Water and sediment shall not be discharged into the subsurface infiltration areas and bioretention areas until the site is fully stabilized.
12. The Town Planner shall be notified when erosion control measures are in place, when construction begins and when construction is completed. If deemed necessary by the Town Planner in consultation with the DPW Engineering staff and the Conservation and Natural Resource Officer, temporary sedimentation basins, check dams, silt socks and or noise and dust control may be required in addition to the erosion control measures shown on the plan. All erosion control measures shall remain until the Town Planner and/or Conservation and Natural Resource Officer determines that the danger of erosion or sedimentation no longer exists.
13. Construction shall proceed according to the construction phasing plans.
14. Construction work shall not begin prior to 7 AM weekdays and 8 AM on Saturday and shall cease no later than 7 PM or sunset whichever is earlier. No construction shall take place on Sunday or legal/federal holidays.

### **After Construction**

15. A-set of As-Built Plans stamped by a registered surveyor and reviewed by the registered professional engineer who designed the system shall be submitted to the Planning Board within 30 days of completion of the work. This plan shall include the construction conditions of the stormwater management system, grading, dog park and driveways. The As-Built Plan must be found in compliance with the approved permit. All grading and landscaping must be complete prior to the as-built submittal.
16. No parking lot lighting is provided. Lighting for the dog areas will be by solar bollards.
17. After the first year of operation, the Friends of Scituate Dog Park will come back to the Planning Board to discuss connections to existing trails and provide input of how it can be achieved.

Mr. Taylor seconded the motion as amended; the vote was unanimous in favor.

### Accounting

### Documents

- PO # 1808145 (\$1,545.25), PO # 1808021 (\$40.56), PO # 1807916 (\$1,632.50), PO# 1807836 (\$9,800.00), PO # 1807835 (\$1,170.00), PO # 1808145 (\$22.50), PO # 1808208 (\$108.54)

Mr. Bornstein moved to approve the requisition of \$1,545.25 to Chessia Consulting Services, LLC for construction inspections for 50 Country Way, for \$40.56 to WB Mason for office supplies, for \$1,632.50 for Horsley Witten Group, Inc. for peer review of Seaside at Scituate – Toll Brothers, for \$9,800.00 for Weston & Sampson for water evaluation for Seaside at Scituate – Toll Brothers, for \$1,170.00 for Merrill Corp for site inspection for 106 Captain Peirce Road, for \$22.50 for Brad Washburn for parking reimbursement, for \$108.54 for legal ad for 105 Hatherly Road. Mr. Taylor seconded the motion, vote was unanimously in favor.

### Minutes

### Documents

- Meeting minutes from 2/8/18

Mr. Bornstein moved to approve the meeting minutes of 2/8/18. Mr. Taylor seconded the motion, motion was unanimously approved.

### **Liaison Reports**

#### **Water Resource Committee –Mr. Bornstein reported:**

- Mr. Bornstein was away and not able to attend
- Mr. Pritchard sent comment to Ms. Joseph and Mr. Washburn who will handle and give comments to DPW with his comments as well.
  - Integrated concepts – water conservation plan with DEP, fish ladders
  - New development
  - Part of assessment should be an assessment of the 2003 report and how true it became. There were projections how close were they.

#### **Zoning Board of Appeals – Mr. Bornstein reported:**

- Section 6 finding for 14-16 Old Country Way approved by ZBA
  - Reduction in impervious surface

### **Planning/Development Report**

- Several stormwater permits have come in
- Working on Toll Brothers Findings of Fact and conditions
- Town meeting preparation
- Toll Brothers meets again on March 8
  - List of outstanding issues will be distributed to the Board
  - Purpose letter and 2/9 drawing with revised construction sequence will be discussed



**Old Business and New Business**

**Documents**

- Email to the Board from Karen Joseph for minutes dated 2.21.18
- Email to the Board from Karen Joseph for meeting materials dated 2.16.18
- Email to the Board from Karen Joseph for meeting materials dated 2.16.18
- Email to the Board from Karen Joseph with comments for 14-16 Old Country Way dated 2.14.18
- Email o the Board from Shari Young with agenda and water scope study reported dated 2.16.18.

These items were distributed to the Board electronically.

Mr. Taylor moved to adjourn the meeting at 9.33p.m. Ms. Lambert seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Benjamin S. Bornstein, Clerk

Date Approved 3/8/18