

**SCITUATE PLANNING BOARD    MINUTES    March 22, 2018**

Members Present: Stephen Pritchard, Chairman; Ann Burbine, Vice Chairman; Benjamin Bornstein, Clerk; Richard Taylor, William Limbacher and Alternate Member, Patricia Lambert

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

Members absent: None

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**

- 3/22/18 Planning Board Agenda

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

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**Continued Public Hearing – Major Site Plan Administrative Review – Restaurant & Bar – 7-9 Marshfield Avenue**

**Assessor's Map/Block/Lot 72-19-3B**

**Applicant: Humarock Seafood LLC (Stephen Leaman) dba Nautical II**

**Owner: Humarock Industrial, LLC**

**Documents**

- Letter from Jon Aieta, Esq. dated 3/9/2018
- PDF of Site Plan dated 3.15.18
- Email letter from Alfred Elliot dated 3.24.18
- PDF of letter from attorney Jeff DeLisi dated 3.20.18 on behalf of Mr. Medeiros

Attendees: Mr. Stephen Leaman, Applicant

Mr. Pritchard indicated from the last meeting information was to be received by March 8, 2018 and if it was not the meeting would be continued. Mr. Leaman said the majority of the information has been submitted and should not be a problem for the next meeting. He said that Design Review Committee met last night. Ms. Joseph indicated notes from the meeting had just been received today and had not been released for the meeting tonight.

Ms. Joseph indicated that a Traffic Rules Committee memorandum was received late today and had not been sent out yet.

Comments from the Fire Department have also been received regarding the width of access.

Mr. Pritchard asked that the applicant make sure that all information is received and not supplied at the last minute before next meeting.

Ms. Joseph indicated that there is nothing that makes up the entire application; items have been submitted in parts. She said she has compiled all pertinent information to make a complete application and will coordinate with the applicant to ensure its completion. She opined there are still some pieces of information missing.

Mr. Pritchard indicated there have been letters from abutters and abutter's lawyers and wants to make sure all those comments get addressed as well.

Mr. Ohrenberger representing Mr. Steven Medeiros addressed the Board:

- Going on since 7/1/17
- Been deficient and remains deficient
- Applicant was told that he had to comply
- Mr. Medeiros had asked if the meeting could be scheduled at another time due to vacation plans and was told no
- Letter submittal from Mr. Ohrenberger noted the deficiencies, i.e. health and safety
- For 8 months the applicant has not complied with regulations
- Not fair to abutters that they have to keep coming back
- Asks that it be denied

Mr. Steven Medeiros owner of 6 Marshfield Avenue indicated that at the last hearing he asked that meeting be moved because of a scheduled vacation March 18<sup>th</sup> -23<sup>rd</sup>, and was told the hearing could not be postponed and he needed to be here for March 22<sup>nd</sup>. He said that he changed his vacation, lost money. He is frustrated to hear there will be another continuance.

Mr. Leaman said he has hired a new attorney. He will be working with the Engineer, Rick Grady, but he is relying upon them to make sure information is provided.

Ms. Burbine said she understands there is a new attorney involved and he is trying to get up to speed; however, she opined that the application should be withdrawn without prejudice and then come back when all of the information is complete.

Mr. Limbacher said the Board has a history of working with applicants to get a good application and make sure it is viable. He opined that at this point on the applicant is on the fringe of what is acceptable. He said it appears that the Board has put in more effort of putting the application together than the applicant. He feels that given the new lawyer and engineer, the applicant should be given the chance to get it straightened out before asking for a withdrawal without prejudice.

Mr. Pritchard said he hears the frustration. He opined that it is one and done, if the applicant comes back the Board will have to take action if incomplete and will likely not entertain a motion to withdraw. He opined that the Board set a date certain, within 7 days before the hearing that everything needs to be filed with Town Planner. Mr. Limbacher and Ms. Burbine were in agreement. Mr. Taylor said it is not an optimal situation for anyone, but with a new attorney he will give them a chance.

Mr. Prichard also said to the Applicant that he needs to take a hard look at what has been submitted, not just what the Board has said. He said he would expect all the issues to be addressed at the next filing and there has been a lot of information has been filed by abutters and requested by the Board. Mr. Bornstein concurs with sentiment to give chance for the new team, but the last bid.

Mr. Pritchard said the Board is going to set a deadline date and if the applicant does not meet it he will not have opportunity to withdraw the application. He indicated to the applicant has the opportunity to withdraw the application today if he would like. Mr. Leaman said he wanted to pick a date.

Ms. Joseph indicated she has not received a list of potential items from Mr. Leaman's Attorney, but she has reviewed the plans and does have a potential list for him that she will review with him.

Ms. Joseph recommended April 26<sup>th</sup> for the next meeting date and that everything is filed by April 19<sup>th</sup> to give all parties.

Mr. Ohrenberger asked the Board to entertain that motion include no further continuance if everything is not ready for the next meeting.

*Motion:*

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Major Site Plan Administrative Review for 7-9 Marshfield Avenue until April 26, 2018 at 7:00 pm. with no option for continuance or opportunity for withdrawal and to continue the time for action for filing with the Town Clerk until May 11, 2018. All information required for the continued hearing must be submitted by April 19, 2018. Mr. Limbacher seconded the motion as amended; the vote was unanimously in favor.

Abutter asked how the motion interacts with concerns about dangerous parking, etc. Mr. Pritchard said they will address all of it on the 26<sup>th</sup>.

**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
- PDF of letter to Board from Cavanaro Consulting dated 3.14.18
- PDF of plan dated 3.9.18
- PDF of 81X Draft dated 3.15.18
- PDF of Elaine Knapp White deed
- PDF of areas primary house 7 Elm Park
- PDF of pictures of primary residence, DOC031418-001
- PDF of elevation renderings, DOC031418-002
- Email letter to Karen Joseph from Patrick Galvin regarding Mary Fagan property
- PDF of HydroCAD report 8-14b
- PDF of Joseph LOT 3.15.18
- PDF of letter to Board from attorney Drohan, Tocchio & Morgan on behalf of the Reynolds
- Email from Brendan Sullivan to Karen Joseph dated 3.14.18
- Email letter from Patrick Galvin to Mary Fagan dated 2.27.18
- PDF plan no 48 of 1964
- Email to Karen Joseph from Can Tiriyaki dated 1.23.18
- PDF of letter from attorney Galvin & Galvin dated 3.19.18 on behalf of Mr. Nisbet
- Jpeg file of view up driveway

Attendees: Brendan Sullivan, Cavanaro Consulting; Mike Reynolds, Home Owner; Can Tiriyaki; Architect

Mr. Pritchard indicated that the Board is not prepared to discuss easement rights at this point. The Board is in receipt of two different opposing letters on the issue and the Board is waiting on feedback from Town Counsel.

Mr. Limbacher indicated he has filed a Mullen Rule.

Ms. Burbine indicated she has filed a Mullen Rule.

Mr. Sullivan indicated he submitted a package with information and addressed some of the bullet points and drainage concerns.

*Drainage:*

- Added siltation barrier to plan and detail
- Added proposed swale
  - Running down either side of existing 7 Elm Park
  - Smaller swale running behind the Fagan property
- Added detail for crushed stone drive way
- Added detail for infiltration system
  - Placed in front yard of dwelling
  - Will have separation of 2' from ground water
- Pipe added under driveway - sized appropriately to carry runoff from the swale
- Added test pit locations – utilizing one in the front yard, one in the back yard
  - Logs are noted on plan
- Swale on northeast side of property, along Fagan property
  - Will be .75' deep does not need to be 1' in depth
  - Keeping shallow so there is not standing water and water is running into the swale

*Drainage calculation:*

- Runoff on northeasterly property line – without swale
  - Roof leaders going into infiltration system
  - Shows decreasing flow, but there is a swale
- Tables show flows and volumes reduced running off the entire site, inclusive of runoff from infiltration system
- Size of septic – 3 bedroom, going to shrink to 2 bedroom, will deed restrict

Mr. Sullivan indicated he submitted an 81X plan showing the 2 lots combined with monumentation, and it will be recorded within the next week.

Mr. Limbacher asked if there is any expectation that there will be standing water where they are putting in the pipe. Mr. Sullivan said no, the pipe is sized and water will go out to Elm Park.

Mr. Pritchard asked if the analysis was the baseline done on pre-house or post house condition, because there were things not done on the original house. Mr. Sullivan said that he used the original design of 7 Elm Park and assumed all amenities including the pool, etc. would be built at some later time to make sure that the swale was the correct size and would adequately handle the runoff from the accessory dwelling. Mr. Pritchard opined that the baseline is then from the post construction of the first house, not the pre-construction of the first house. He said the current set of numbers would

have to match or show less than the flows after the construction of the first house. Mr. Sullivan said yes, that is correct.

Mr. Taylor asked if the current driveway is being handled by swale or pipe. He said on the left hand side there is a lot of ponding and flow of water. Mr. Sullivan said it will be a swale and the swales are not yet constructed but will be done in the spring. Mr. Taylor said there was flooding at the corner of the driveway and asked how that will be handled/reduced. Mr. Sullivan indicated with the infiltration systems his calculations are showing less water to Elm Park.

Ms. Burbine indicated that the stormwater for the first project is not finished yet. Mr. Sullivan confirmed the Stormwater Permit is still open as is the Order of Conditions. She opined this needs to be finished before doing anything else. She recommends that the applicant finish what needs to be completed and then come back once that is done. Mr. Pritchard indicated there is a lot of evidence of flooding issues that may or may not be related to swales. Mr. Sullivan said most of the issues are with ground water in area, which everyone is aware is high. Mr. Pritchard asked was all the water there before this home was built; where did all the surface water come from. Mr. Sullivan indicated it has always been there. Mr. Pritchard said so then this has been a pre-existing condition all along.

*Public Comments:*

Ms. Littlewood resident of 11 Elm Park said there is a berm behind her accessory dwelling, there is basically a moat, in the basement of her barn the water comes up through the floor of barn and walls. She said the barn has been there since the late 1700's. She indicated in the basement of her house they have 2 sump pumps going every 25 minutes night and day and did not have this issue last year. She said they are seeing so much water; the ground water levels have always been very high and lots of trees have come down, but they were told a swale would be put all along the driveway before it was put in, but driveway has gone in first. Mr. Pritchard said a large majority of the water is running from where the swale was supposed to be. Ms. Littlewood said yes and they knew it would happen, but thought it would be dealt with. She is concerned with the scale of the accessory dwelling and where is the water coming from. She said Elm Park is torn up from all the construction vehicles.

Mr. Bornstein noted with the observations of ground water, that there was another property owner that has also built a large home in the area.

Ms. Littlewood indicated she has been writing with complaints about this to Conservation because this property is dealing with Conservation because it abuts wetlands.

Mr. Reynolds resident of 7 Elm Park said that this is not accurate and there are meeting minutes from before anything was done on the property that the same statements were made about 2 sump pumps running and that was before anything was done on the property. He opined there is confusion with groundwater and stormwater. He said there is no standing water on the property and that Patrick Gallivan has walked the property numerous times and this is all groundwater there is no standing water. Mr. Pritchard indicated the Board has a number of pictures that show flooding and standing water and Mr. Reynolds is saying that is all ground water. Mr. Reynolds said they cannot control rain that floods their property. Mr. Pritchard indicated it can be controlled by the swale. Mr. Reynolds indicated there is a berm at the location. Mr. Sullivan indicated the swale behind the Poirier's property is constructed and there is no water in the back, there is standing water on the corner of their property, but it has always been there. He said there is no water from 7 Elm to 11

Elm, but the water table has come since they bought the house in 2015 when there was a severe drought.

Ms. Joseph indicated she has spoken with the Chair of Conservation and the Agent and they verified the stormwater permit is still open and she asked why a temporary measure couldn't be taken. She said the Conservation Commission feels it will make more of a mess than the current condition. She said they suggest adding more erosion control where berm is, hay bales or silt sock. She said Conservation feels temporary measures would cause more erosion. She indicated the stormwater permit is under Conservation.

Mr. Reynolds said they are ready to do whatever it takes, but weather has prevented them from doing that. He said his landscaper put in berms not swales and he agrees the swales will go in. He said he will put sand bags at Mary's property.

Mr. Taylor agrees that this needs to be finished before they continue. He said the Board should be looking at the Accessory Dwelling.

Mr. Pritchard said the Board needs to defer to Conservation Commission with the stormwater permit; it is not in the Board's purview.

Ms. Mary Fagan resident of 3 Elm Park said at the time of the driveway installation, it was regraded, set seed, berms installed and the swales did not go in. She said she is being flooded now and was during construction. She is also concerned about Elm Park itself. She thinks the applicant is not in compliance and should not proceed until they figure out the water situation and take care of it. She indicated the water that does go into the road, goes to catch basin down the road not into basin on Elm Park. She is concerned why there is not another catch basin being put in; the unpaved part of Elm Park has grooves from running water. She is willing to work on it, but can't continue to be flooded. She would like to make sure everything is taken care of, make sure they see what is going on and then move forward. She said they haven't done what is needed to do on the first property.

Mr. Reynolds said they are working with Conservation. He said the Board needs to discuss what is under the Planning Board, the merits of the project before them. He said the Board seems to be getting side tracked by the water issue, but those are under a different permit and there can be a condition to address that, but stormwater is under a different permit and this is the Planning Board.

Mr. Pritchard indicated there does appear to be a problem and the Board is concerned about people living to their existing permits if they are going to issue another permit. Mr. Reynolds said he still has to get sign off, etc. and the ball is in his court to get that done and completed. Mr. Pritchard said there is a problem and the swale is supposed to fix it, but the Board wants to see it working. Mr. Pritchard said we do not want to have situation where the neighbors are being flooded out. Mr. Sullivan said they are not flooding out the neighbors.

Ms. Fagan said that she was flooded out of her house for 3 days and that the applicant is not protecting her property. Ms. Littlewood said until the silt sock was placed behind her accessory dwelling there was a moat around it.

Mr. Sullivan recommended to Ms. Fagan that she contact the design engineer and contractor for her septic system.

Ms. Fagan pointed out on the plan that the swale that is running along her property is only to a portion of property not the entire property and believes it will not be sufficient. Mr. Sullivan said it is only going to portion of the property and allowing the rest to maintain what has been happening on property for last 100 yrs. He said they are only picking up the swale from the construction/disturbance area it will then be diverted to the other swale down the driveway. He indicated that the area is very flat and with poor soils there could be standing water.

*Architectural:*

Mr. Tiriyaki presented architectural images of proposed accessory dwelling.

- Overlay of proposed design to show subservient to main house
  - Shorter and smaller mass
  - Colored areas indicated the difference on each façade
  - Square footage is just under 40% of the primary dwelling
  - Longest elevation of each shown
  - Longer views almost the same length, but shorter
  - ACDU is higher on the hill
    - Accessory dwelling will sit slightly higher than the primary
    - Not a steep hill, over about 50'
    - Main house sits high, both properties are slightly raised; relationship to existing gravel driveway is not very different between the two.
- Screen porch not included in gross calculation, nor are the garage or attic space
  - Porch does not count because unheated - confirmed with Building Commission
  - Screen type windows

Mr. Pritchard asked how the architectural features compare to the main house. Mr. Tiriyaki indicated

- Cape type look
- Resident wanted a ranch type sprawling layout, linear home
- Cedar Shingles for siding
- Azek Trim
- Main house is cedar shingle roof and siding
- Cedar shingle roof for accessory dwelling
- Divided light windows
- Different roof lines for aesthetics and so doesn't look like a new construction box

Mr. Pritchard indicated the Board's concern is that it is a carriage house to the main house and that it is not overwhelming against the main house. Mr. Tiriyaki said the garage makes it appear longer, but that a garage is encouraged in the bylaw. He indicated that it is 50' from one lot line and 86' from another.

Ms. Joseph indicated that the applicant meets all dimensional requirements, i.e. building setbacks, height is less than 35'.

Mr. Taylor opined the design is nice, but it looks like another house. He said it is on a larger lot than others that the Board has reviewed. He said he has no issue with the design, but is struggling with subservient to primary house, but looks like it meets the regulations. He said the property is large so there is a lot of room. Mr. Limbacher indicated the largeness is behind the buildings. Both he and Ms. Burbine said it looks like a common driveway.

Ms. Joseph indicated the percentage is 39.95%, it is maxed out.

Mr. Tiriyaki said it is a single bedroom, main open living area, with a den, and is custom designed. Ms. Joseph indicated that the den is counted as a second bedroom due to the size and the applicant applied to the Board of health for a three bedroom septic system. Mr. Reynolds said they are going to reduce it to a two bedroom septic system.

Mr. Limbacher indicated he does not have a problem with the single bedroom design and the design is very nice. Mr. Taylor indicated this is one of the largest accessory dwellings the Board has ever done and Ms. Burbine said that it is basically a house. Mr. Taylor said the Board needs to determine if it is subservient. Mr. Tiriyaki said the Board should keep in mind the size of the property. Mr. Pritchard said that would be if the house was moved all the way back. Mr. Reynolds indicated they were looking for a campus feel, but could certainly move the home further back. Mr. Pritchard said there is an advantage that it is off the street. Ms. Burbine said it is in people's backyards. Mr. Taylor opined the stormwater needs to be cleaned up before moving on to anything more. Ms. Burbine said there should be completion of the first project and then move on. She indicated she has trouble with the subservient, because it is only .05% under the regulations. Mr. Reynolds said it is under the bylaw, but it is half the size of the main house, 4,100 sq.ft. versus 1,600 sq.ft. - it is 50% less than the main house. He said that square footage to square footage it is subservient. Mr. Pritchard said that is not the only thing they look at.

Mr. Tiriyaki asked the Board what their thoughts are to make the house more subservient. Ms. Burbine said the gables are an issue in her mind because it looks like a second story. She said the 1 and ½ story is livable space. Mr. Sullivan said it won't be due to a deed restriction condition. Ms. Joseph also noted the property can never be sold as a separate unit; it always has to be with the primary dwelling.

Ms. Fagan asked if the applicant added to the existing home, could they come back and expand the accessory dwelling. The Board said it would have to be permitted and come back to the Board for approval.

Mr. Tiriyaki asked if the Board would be more comfortable if the attic was designed with collar ties. Mr. Reynolds said that he would fine with the collar ties.

Mr. Pritchard said he wants to see how the two dwellings relate spatially with each other. Mr. Tiriyaki said he would do a rendering of the homes together. Mr. Taylor recommending take a photo and superimposing a rendering of the main house to see them both. Mr. Pritchard would like to see it from Elm Park if possible. Mr. Tiriyaki opined from public view, the accessory dwelling will never be seen. He indicated it is 42.6' away from property line. Mr. Pritchard indicated that the neighbors would see it and he is trying to determine subordinate. Mr. Tiriyaki said it will not look subordinate from the neighbor's point of view.

Ms. Joseph asked what type of landscaping will there be and could the house moved further back and then the swale be moved back and there be some type of landscaping provided between the swale and the property line, maybe move it 10'. Mr. Reynolds said the idea is to have a campus style feel, like in Nantucket. Ms. Joseph said moving back might be a win for everyone, it keeps the feel and gets the swale further off the property line and maybe there is some landscaping which the Board can impose as a condition for the accessory dwelling as it often does when close to another



property. Mr. Reynolds said he would be fine with it. Mr. Reynolds indicated the main house would be landscaped in the spring.

Mr. Taylor mentioned that since they are looking to make like a Nantucket campus, could there be a connection between the two, i.e. a pergola, walkway, might help to make it more subservient.

Mr. Reynolds said he wanted to make sure the he and his Architect had answered all the questions and make sure they have all the boxes checked for the next meeting. Mr. Taylor indicated for him the issues were the porch and attic. Mr. Pritchard indicated the other open items are the 81X plan and the easement. He said Town Counsel will give them advice and this is usually covered by attorney client privilege; but if they have something to share they will. Mr. Pritchard said he is not sure the Board will be the arbitrators on this, because there are two completely different opinions. Mr. Reynolds asked if they have met the obligations of the Planning Board and is it worth them going to Land Court. Mr. Pritchard said the Board is not likely to give an approval without having the issue resolved. He said it is not clear whether the applicant would be able to build on the lot. Ms. Joseph indicated the Board needs to know if the easement issue limits the Board's ability to act, Town Counsel will be advising on that.

Mr. Limbacher said the Board also needs to be assured that the stormwater management system works.

Mr. Limbacher indicated that when he watched the last meeting there were some very slow perks and asked to be shown where those are. Mr. Sullivan pointed out the perks and deep holes, there were 3mins/inch, 13 mins/inch, 19mins/inch. He indicated that at Ms. Fagan's house there were 50min/inch perks done previously by someone else. He said there are varying soils.

*Motion:*

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Accessory Dwelling Special Permit at 7 Elm Park until April 26, 2018 at 8:00 pm and to continue the time for action for filing with the Town Clerk until May 11, 2018. Mr. Taylor seconded the motion; the vote was unanimously in favor.

**Vote Reports to Town Meeting – 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)**

**PLANNING BOARD REPORT TO TOWN MEETING**  
**ARTICLE 15: Prohibition on Marijuana Establishments**

The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on February 22, 2018 and continued until March 8, 2018, at which time the public hearing was closed and the Board voted 2 - 2 on the Article at the April 9, 2018 Annual Town Meeting.

The Board of Selectmen is proposing a zoning article to ban marijuana establishments in the Town of Scituate. In the 2016 state elections, the Town voted not to allow marijuana possession, use and

cultivation. The proposed zoning article which prohibits marijuana establishments is in keeping with the Town's 2016 vote. Two members support the ban as written. Two members feel the ban as written is overly stringent.

Mr. Pritchard will be presenting at Town Meeting.

## **PLANNING BOARD REPORT TO TOWN MEETING**

### **ARTICLE 17: Extend Village Business District and Village Business Overlay District – Section 320 of the Town of Scituate Zoning Bylaw and Town of Scituate Zoning Map**

The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on February 22, 2018 and continued until March 8, 2018, at which time the public hearing was closed and the Board voted unanimously to support passage of the Article at the April 9, 2018 Annual Town Meeting.

The changes to the Zoning Map will allow for the Business District and Village Business Overlay District to extend to 7 New Driftway, which is currently in the Residential R-2/Saltmarsh and Tideland Conservation District. This is the only property north of New Driftway in the Greenbush area not in the Business District. The Business District currently extends on the south side of New Driftway as well. The location has been improved with a medical office building and parking lot for decades. The expansion of the Business District and Village Business Overlay District harmonizes the zoning for this site with the surrounding area and would allow for potential redevelopment of the site. The Planning Board supports this article.

Ms. Burbine will present at Town meeting.

#### *Motion:*

Ms. Burbine moved to approve the reports on Article 15 and Article 17. Mr. Taylor seconded the motion; the vote was unanimously in favor.

#### **Accounting**

#### **Documents**

- PO # 1808983(\$2,908.40), PO # 1808819 (\$108.54)

Mr. Bornstein moved to approve the requisition of \$2,908.40 to Horsley Witten Group, Inc. for peer review of Seaside at Scituate – Toll Brothers, for \$108.54 to GateHouse Media for legal ad for 7 Elm Park. Ms. Burbine seconded the motion; vote was unanimously in favor.

#### **Minutes**

#### **Documents**

- Meeting minutes from 9/21/17

Mr. Bornstein moved to approve the meeting minutes of September 21, 2017. Ms. Burbine seconded the motion; vote was unanimously in favor.

### **Liaison Reports**

#### **Conservation – Ms. Lambert reported:**

- Discussion over stormwater permits with regards to jurisdiction
  - Section 7 of the regulations
    - If need other permits Planning Board is permit authority
    - Will be addressing next week
  - Single family home not in 100' buffer – Planning Board issues permit
  - Within 100' buffer – Conservation issues permit
- ZBA special permit – says Planning Board needs to issue permit
- Different sides of the language
- Working on redoing the regulations
  - Ms. Joseph potential before end of June latest July
    - Need to get default provision in for stormwater regulations
      - Meet common criteria will get standard stormwater permit, only single family homes
    - Would be a public hearing
    - Default regulations will say what needs to be on the plan, test pits, infiltrators, etc.
- Conservation closed 90 Ann Vinal
  - Two Conditions
    - O&M be filed separately
    - Signs will say “Do Not Disturb vs. Do Not Enter”, can work out signage later
  - Thrilled with landscape in front of property

#### **Planning/Development Report**

- Stormwater – will work on after Toll Brothers permitted
  - Working group w/developers and engineers
  - Same approach as with the bylaw
  - Based on what currently doing
- Traffic Rules – meeting April 3
  - Parking issue at micro-brewery
    - Potentially one way street
    - Will look at effects for rest of the area
    - Still have them come back what they are seeing vs. what permitted, learn a lesson, just informational
- Selectmen meeting, Brad will be presenting for Zoning Article for Town meeting
- Toll Brothers
  - Working on draft decision
  - FOF early next week with definitive date for comments
  - End of week draft conditions

- Sending to Board before Town Counsel or perhaps same time
  - Version of applicants draft conditions will send
  - Integrating applicants draft conditions
  - Consulting engineer putting air, dust, noise together
- Board needs 4-5 days to review
- Not sure will get done on April 12

## **Old Business and New Business**

### **Documents**

- Email to the Nautical Mile Market from Karen Joseph dated 3.9.18
- Email to the Board from Shari Young for meeting materials dated 3.16.18 7 Elm Park part 1
- Email to the Board from Shari Young for meeting materials dated 3.16.18 7 Elm Park part 2
- Email to the Board from Shari Young for meeting materials dated 3.16.18 7 Elm Park part 3
- Email to the Board from Shari Young with meeting materials and agenda dated 3.16.18
- Email to the Board from Shari Young with meeting materials dated 3.20.18 ODH letter regarding 7-9 Marshfield
- Email to the Board from Shari Young with meeting materials dated 3.20.18 Mr. Nisbet attorney letter
- Email to the Board from Shari Young with meeting materials dated 3.21.18 correspondence with Mary Fagan and Conservation.
- Email to the Board from Karen Joseph with meeting materials dated 3.22.18 power point presentation from Mary Fagan.

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 9:04p.m. Mr. Taylor seconded the motion; the motion was unanimously in favor.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Benjamin S. Bornstein, Clerk

Date Approved 4/12/18