

## SCITUATE PLANNING BOARD MINUTES March 8, 2018

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

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

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 6:32 P.M. The meeting was being recorded for airing on local cable television.

### Documents

- 3/8/18 Planning Board Agenda

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

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**Continued 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**

### Document

- Document Planning Board report to Town Meeting - Zoning Map and Marijuana
- Legal ad and zoning articles filed with the Town Clerk

Attendees: Jim Boudreau, Town Administrator; Brad Washburn, Director of Planning and Economic Development; Annmarie Galvin, FACTS Coordinator; Jennifer Keefe, Board of Health, Mike Stewart, Chief of Police

Mr. Pritchard opened the meeting with two items for Zoning Map and Zoning Bylaw:

1. Amending zoning map for business district
2. Zoning map to prohibit marijuana establishments

Mr. Pritchard read the zoning articles:

1. Zoning for Greenbush/Driftway Area – Amend Zoning Map and Zoning Bylaw. Proposed changes include:
  - A. Amend the Zoning Map to change the boundaries of the Business District and Village Business Overlay District to include the highlighted area as shown on the map entitled Proposed Extension of the Business District and Village Business Overlay District dated December 2017, issue a new zoning map reflecting this amendment, and amend Section 320

to reflect the new mapping;

Mr. Pritchard indicated the Board was in unanimous support of this particular bylaw change from the last meeting.

No public comments.

Mr. Pritchard read the article for Marijuana:

2. Zoning for Marijuana Establishments – Amend Zoning Bylaw.

A. Amend Section 420, by adding a new use category GG. Marijuana Establishments;  
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).

Mr. Pritchard indicated the Board left this issue open from the last meeting 2/22/18 in order to have more discussion and input. Ms. Joseph indicated that the moratorium cannot be extended per the Attorney General ruling.

Mr. Boudreau begin by saying that when he took the office of Town Administrator of Scituate one of his tasks was to look at the marijuana bylaw, find out when the moratorium was going to expire and put something before the Board for their review prior to that expiration. He indicated that Scituate had voted against Question 4, 55%-56% against and with one of the most active opioid coalitions in the state, he put before the Board of Selectmen a prohibition on recreational marijuana facilities. He said the Board of Selectmen voted it 5 to 0 in favor.

Ms. Galvin of 80 First Parish Road said she is both a resident and town employee. Ms. Galvin coordinates the federal grant in Scituate, FACTS Coalition. She indicated she works with stakeholders in the town, police, schools, health care providers, parents, clergy leaders, etc. to work on evidence based prevention strategies. She indicated there are several reasons to ban marijuana for recreational use at this time:

- Harmful before age 25 years
- South Shore Hospital seeing increased admissions from marijuana use
- Town of Scituate Social Services manager works with young adult population with major mental health issues due to marijuana use
- Jenn Lopes in the schools seeing it younger and younger
- Persistent problem – due to cultural norms and acceptance of the drug over the years
- Community appetite from recreational marijuana has been “no”.

Ms. Galvin said she is happy to answer any questions on trends and impacts to different demographics the Board may have.

Mr. Pritchard clarified the proposal is just for recreational marijuana in a public setting, but does not have any effect on personal use. Ms. Galvin said that is correct and indicated,

- State law is 21 yrs. plus
- July 1, 2018 private business can apply for recreational marijuana store licenses
- 22 medical marijuana dispensaries across the state, these will flip, so anyone that is 21 yrs. old can go to buy marijuana and marijuana products
  - Some products have very high concentrations of THC, i.e. pink lemonade, brownies and candies
  - They will be highly regulated for 21 yrs. old
- Large enforcement issue with people driving
- Harms from an addiction stand point and mental health stand point are very concerning

Mr. Taylor opined he thought medical marijuana facilities would not be able to sell recreational marijuana as they are separate. Ms. Galvin informed him that is not the case. She said they will be doubly regulated for some time by the Department of Public Health and the Cannabis Control Commission, but they flip and regulations will be in place July 1, 2018. Ms. Galvin said she has seen the draft regulations and would be happy to share them with the Board. She indicated that she did give input on behalf of Scituate, much of it around advertising and signage. She said reality is there will be marijuana stores, they are nearby already and some communities are zoning them in for the tax potential.

Ms. Keefe, Director of Public Health, representing the Board of Health addressed the Board with reasons to enforce the ban:

- Significant social service need in the town, hired a Manager of Social Services to help meet the need
  - Deals with mental health issues
  - Works directly with Ms. Galvin and Scituate FACTS
- Any financial gains will be far out weight by social service needs and additional impacts, not just to children, but also adults
- Mental health services are already not enough
- Adding this element will increase the social service needs of the community
- Concern with the edibles, accidental blending of identical looking foods, brownies, gummy bears

Mr. Boudreau said another issue is the dosages, 1-2 squares in a dose. He said communities are seeing overdoses on the edibles because impact into blood stream takes longer. He opined the edibles are a huge issue.

Mr. Stewart, Chief of Police indicated to the Board below concerns:

- MA Law much more lenient than for Colorado and they are struggling
- Chemically enhanced – 90-95% TCH, what is going into edibles is more than you think
  - THC is the psychoactive ingredient, mind altering
  - Not the same marijuana from the 70's, that was 9%-18% THC

- Edibles are hard to regulate
- Have made arrests this year on Front Street driving, due to THC, not a kid
- Currently no good way to identify people impaired by THC
  - Some officers have been trained on drug recognition
  - There is no breathalyzer to detect
  - Blood test, marijuana can stay in blood stream for weeks

Mr. Pritchard opined the rational is the access to it in the hands of younger people, kids less than 25 yrs. old. He said what the ban is trying to do is manage the accessibility of it, not the private use of the substance. Mr. Pritchard said he just wants to be clear they are not proposing a ban on the use of the marijuana individually, but in public use.

Ms. Galvin clarified the ban is to try to reduce the access i.e. a store or a bar, etc. She said the big picture is to work on prevention for all ages and reducing outlets on any/all types of substances prescription drugs, alcohol, etc. Ms. Galvin said the data is mixed, i.e. more car accidents, more ER visits, and the big picture cost-benefit is not yet known. She said the proposal will let Scituate see how it plays out in MA, regardless of age. She opined for Scituate to ban it now, it can be added back and zoned in a later. She indicated that there is already a substance problem in the community that is difficult to handle. She said there are no scientific tests for verifying roadside impairment, no blood test; there is no way to charge people driving high. Chief Stewart said there is no benchmark for driving under the influence of THC.

Chief Stewart opined that he would like to see that these establishments are not allowed in Scituate, there are towns that allow it and one can drive over to Hanover or other town nearby.

Mr. Pritchard indicated you can already grow it individually.

No public comments.

Ms. Galvin gave her email and contact information for public record, [agalvin@scituatemama.gov](mailto:agalvin@scituatemama.gov).

Mr. Pritchard asked what the go forward plan is. Ms. Galvin indicated that the state Cannabis Control Commission is working on the issues. She said the town needs to see how it plays out and that it will take a long time for police departments to catch up.

Mr. Taylor opined the board is evaluating the accessibility.

Ms. Galvin said there would be 3% revenue to the town, but the 3% would not cover the alternatives. Mr. Taylor asked Ms. Galvin if she thought it will matter if a store is located in Hanover or Scituate. She opined a ban buys time; that the state could change regulations, fund prevention, fund interventions and community policing strategies. She opined that it would be ugly for a couple of years, but eventually marijuana stores will be like liquor stores. She said this is the time to philosophically plan and zone what you want in the town and how many you want in your community; it is hard to undo it. She said in terms of public health impact and density of stores like liquor, etc. it is not a benefit to a community. She does feel that it matters Hanover versus Scituate.

Mr. Bornstein said he respects public concerns and social services viewpoint; but as written finds the bylaw is a little overly stringent from a zoning perspective. He indicated he does not understand if the Board bans all retail locations, how that would preclude a testing laboratory or cultivation center,

and how would that make marijuana more available if there is a ban on retail establishments, smoking establishments from a zoning perspective. Ms. Galvin indicated a commercial piece would be different and does not know if there would be a place to do that in Scituate. Mr. Pritchard indicated that would be included in the prohibition. Mr. Taylor indicated that there can be cultivation for medical marijuana use. He did opine it is confusing as to what is allowed and what is not allowed. Ms. Joseph indicated this is only recreational marijuana, medical marijuana is already allowed. Mr. Pritchard said that recreational cultivation is part of the ban.

Ms. Lambert agrees that from a zoning point of view, that the ban is very stringent as well. She opined that we don't always want to wait and see all the time; we can be first and set the mark. She said that she understands the pros and cons and the issues that the town has, but feels it is stringent and also, feels cultivation is separate from use.

Mr. Pritchard opined that in his mind it comes down to taking it slow or being more liberal. He indicated he would fall more on the pre-emptive side and would be worried about accessibility for the younger ages. He said the Town needs to regulate appropriately, but he has been convinced it is better to be pre-emptive on the ban and the board come back and remove a ban in the future.

Mr. Taylor indicated the Board is just making a recommendation for town meeting and it will be voted on at town meeting.

Ms. Joseph said that while the ban may see prohibitive if there is no ban that between the time temporary moratorium ends and the time the Board enacts any other type of zoning, shops could go anywhere and the Board would not have any control where they would go.

Mr. Taylor said he would be pre-emptive and recommend the zoning change as is, if this is what the town desires.

Mr. Washburn said the Board could view this vote as somewhat of an extension of the moratorium, the Board has the opportunity to re-evaluate the zoning every year; this is not a forever thing.

Mr. Taylor would be in favor of both articles as written.

Mr. Bornstein feels the prohibition is overly stringent and would have liked to receive the wording of the bylaws earlier and had time to discuss.

The Board addressed each article:

*Extension of Business District and Village Business Overlay District-*

Mr. Pritchard said the article to extend the Village Business District and Village Business Overlay District. Mr. Taylor indicated he would highly recommend; the vote was unanimously in favor.

*Marijuana-*

Mr. Pritchard asked the Board about the article to support the prohibition of marijuana establishments. Mr. Taylor indicated that based on the Chief of Police and Board of Health recommendations he would be in favor of supporting the article. Mr. Pritchard seconded the motion; the vote was 2 in favor and 2 opposed of supporting the article.

**Continued Public Hearing – Residential Cluster Special Permit – 56.074 acres between Hatherly and Tilden Roads, 13.33 acres east of Hatherly Rd. and 38,535 sq. ft. east of Oceanside Dr. – Seaside at Scituate**

**Applicant: Toll MA Land III Limited Partnership, c/o Toll Bros, Inc.**

**Owner: Suburban Realty Trust, Benjamin Goulston, Trustee**

**Document**

- PDF of Toll Brothers response to Residential Cluster letter dated 2.21.18
- PDF of Phasing document to the Board dated 2.9.18
- PDF of Comment letter to the Board from Mr. Thomas Wlodyka dated 2.27.18
- PDF of Stormwater review by Horsley Witten dated 3.2.18
- PDF of letter to the Board from Proving Grounds Group dated 3.1.18
- PDF of LEC response to Proving Grounds Group letter (3.1.18) dated 3.6.18
- PDF of letter from GEI dated 3.6.18 response to Proving Grounds Group letter dated 3.1.18
- PDF of letter from Stantec dated 3.5.18 response to Proving Grounds Group letter dated 3.1.18

Attendees: Attorney William Ohrenberger, Attorney Jeff DeLisi, Dave Bauer, David Buckely, Scott Miccle, Kevin Klein (Stantec), Erin Furdette and Mark Manganello for the applicant

Mr. Pritchard indicated that two Board members are not present tonight; it is the intent that they will review this meeting and file a Mullen rule certificate.

Mr. Pritchard said he would like to address all remaining issues He indicated there have been some comments received from the public that should be addressed. He noted there have been some written responses to the public comments and would like to give everyone a chance to respond. Mr. Pritchard said he would like to proceed with the list of open issues from the Board.

Mr. Ohrenberger indicated they have received a letter from Horsley Witten as well as the Proving Grounds Group letter. He said the Applicant met with the Proving Grounds Group (PGG) earlier in the week and he will share the outcome with the Board.

List of open items:

- *Purpose document*
  - Summary document from the applicant was a good discussion of the purpose of the special permit
  - Mr. Bornstein said it was helpful to have the applicant's narrative
    - Overall comments that it was a good narrative and provided the requested information. The Findings of Fact will include a general statement of whether the project is in harmony with the bylaws.
- *Phasing:*

Mr. Ohrenberger indicated there was a meeting held last Wednesday with the Applicant and their attorneys, Horsley Witten Consultant, Ms. Joseph and Conservation agent to review a number of items including construction sequencing.

- #9 on phasing document – addresses model homes
  - Coming in of Hatherly Road, first 4 units on right hand side
  - No remediation in this area
  - Start construction of model homes and club house, at the outset simultaneously as infrastructure being built.

- These will be built during the same time as remediation is happening
- Ms. Joseph indicated from the meeting it became clear the phasing desires multiple items being done at one time.
  - Board can condition remediation to be done first
  - Existing entrance at Hatherly Road will be initial construction entrance for remediation, demolition and concrete crushing and the road will eventually be removed.
- Remediation will be going on at the same time as building of model units.
  - Units will not be for sale, just for marketing
  - Proximity of remediation to the units was shown to the Board by Mr. Ash.
  - No obstruction to the access of the 4 model units
  - Mr. Ash pointed out some soil removal on opposite side of Hatherly Road that would not affect the model unit development.

Mr. Taylor asked how long the model units would remain unsold. Mr. Bauer indicated if all goes well for the life of marketing the project and would be some of the last to convey.

*Recreational Facility at Wampatuck School:*

Mr. Ohrenberger indicated that as part of the mitigation agreement with the Selectmen, Toll Brothers is going to build a recreation facility behind Wampatuck School.

- Haul Road will need to be built and is proposed to go through the Phase Two area of the property
  - Field to be built in when school is not in session, likely July 2019
  - Road will be dirt, does not get paved per Mr. Miccile
    - Not managed in terms of drainage, runoff, etc.
  - Applicant says this is conceptual at this point
    - Will have to be permitted separately
    - Cannot evaluate and discuss where the road maybe and the sequence at this time
    - Applicant has been asked to consider this type of amenity and they are open to it and working on the concept

Mr. Pritchard indicated the road would need to be a condition reviewed by the Board. He said it is fine to suggest that the proposal is what the town would like; however it needs to be done in a way that does not affect the stormwater management, etc. on the site. He opined that conceptually it sounds fine, but it will need to be vetted through the town.

*Remediation:*

Mr. Pritchard said his only comment on remediation is that remediation will begin before construction on the model homes. The Applicant said it would. Mr. Pritchard wants to make sure that once started, remediation will be finished.

Mr. Bauer wanted to make clear the intent is to start remediation as soon as possible after they own the property. In tandem the applicant would like to pursue the model homes and club house, but one may move faster than the other and he predicts remediation will move faster because they have to go through the permitting process with the Building Department. He indicated that remediation work will start as soon have they have permits regardless of any other ancillary work, i.e. erosion controls,

etc. Mr. Pritchard said he would prefer that when remediation starts it will go continuously until done. Ms. Joseph indicated there will also be concrete crushing and demolition of existing structures going on simultaneously. Mr. Bauer confirmed remediation will not stop until they are done.

Mr. Bauer indicated there had been a meeting with the PGG earlier in the week where they addressed a number of concerns from the PGG letter submitted:

- Air monitoring
  - Feel strongly it has been addressed in their RAM plan
  - Will set up similar program for Phase II
  - First 30 days near the school of moving earth
- Demarcation of remediation areas
  - Orange construction fence so access is controlled
- Noise - concrete crushing:
  - No crusher on site at a substantial cost of over \$100,000
    - Will handle without a crushing machine
    - Extra handling of material, more labor involved
    - Some repurposed on site as clean fill where appropriate
    - Some material carted off site
  - Maybe more trucking, but can't quantify
  - Applicant feels they have eliminated the concern of noise
  - Mr. Pritchard said the Board has received the DEP regulations
    - Moving crushing does not eliminate the DEP noise regulations, same standards apply
    - Will applicant be able to stay within standards without the concrete crushing
      - Mr. Ohrenberger presumably yes, but does not know. Noise should be the same as another subdivision.
      - Mr. Pritchard there is demolition that does not happen on other subdivisions, particularly concrete.
    - Mr. Bauer indicated they would expect to comply with the regulations.
    - Mr. Pritchard - If noise is a problem the applicant will need to stop work to create a baseline so can measure what happens when start creating the noise
      - Applicant will have to deal with if issue comes up
      - Elimination of concrete crushing should go a long way, but unknown is what noise will be like with the concrete removal.
  - DEP noise regulations that apply to boundary of property
    - Will be part of overall permit requirement

*Phasing:*

Haul road proposal for field, applicant will come back to Board when design more feasible. Not anticipated until July 2019.

- RAM plan – covered major issues
  - Horsley Witten information

*Surety:*



Mr. Ohrenberger said they have changed what was originally proposed. Mr. Ohrenberger said "he spoke today with Jim Boudreau and he has sat down and spoken with the Treasurer and they're amenable to, what Toll Brothers normal protocol is they issue a surety bond for the entire cost or whatever the town consulting engineers and DPW says is needed for the infrastructure, so a surety bond for the full amount" is proposed as Toll Brothers is a national company. He said at the last meeting a covenant similar to that required under the subdivision control laws was discussed. The covenant would then be released when infrastructure was in and another form of surety provided. Toll Brothers are willing to bypass the entire covenant and will post a full surety bond for the entire the amount of construction. He said they would be willing to have the consulting engineer review the costs for the bond. He said the review could happen so that they would be able to put a bond in place at the end of the decision appeal period. Mr. Pritchard confirmed they would pay for the peer review engineer and the bond would be for the full cost of the project. Mr. Ohrenberger said "yes".

- *Sheets to record*

- Recommendations from Ms. Joseph
  - 3, 5, 49, 50, 59 - overview, opening and drainage sheets
  - Easements and something that is binding on the applicant
  - Something that would not be in a condition, but something the Board wanted, i.e. traffic lights at crosswalk
  - Don't want every plan recorded
- Ultimately decide as work through the Decision

Mr. Ohrenberger indicated:

- PG. 50 - will reflect the updates to Sixth Ave. and Hatherly Road drainage
  - Will reflect easement that is on applicant property
- For plans to be recorded that have to be approved by the Boston Land Court engineering division to re-draw the plans and backed up 3-4 yrs.
- 5 plans have been agreed upon, but need to be flexible as write conditions, there will be no objection to any changes of pages

- *Truck routes*

- Roads that will not be allowed use by heavy machinery or haul equipment
- Booth Hill Road, Mann Lot Road, Mann Hill Road, upper Tilden Road from proposed access beyond towards Wampatuck School, Front Street, Greenfield Lane, Meeting House Lane, Vinal Ave., Captain Pierce Road, Curtis Street, Arborway, Hollett Street
- Larger trucks have limited way
  - Could have a Van or a Ford 350, same as a passenger car
- List still be vetted through Fire Department and Police Departments
  - List has been vetted through DPW and Building Department
- Possibly add Stockbridge Road as a road not to use
- Qualify the road limitation based on the type and size of vehicle
  - Haul trucks of earth, concrete on routes discussed
  - Don't want to have fleet of F-150s going to down the road, driving the same way all the time.
  - Get additional input, then zero in

- *60' buffer encroachment*: Map shows highlight of areas that are in the buffer

- Stormwater basins can be landscaped, entrance road into site (need an access), Fire department turn around at end near Ermine, connecting Road F and cul-de-sac in Ermine Street and cul-de-sac Road B are in the buffer.
  - Mr. Ohrenberger indicated that the bylaw does not apply
    - That it only applies to residential structures and accessory uses, not to roadways.
    - None are structures or accessory uses to structures
  - Mr. Bauer indicated the landscape plan has a lot of planting at the buffers
    - Particularly Road B
    - Planting behind end of cul-de-sac
    - Planting along Marion Road
- Street access you have to do - so long as planted and replanted
- There are trails and utilities in the buffer as well.
- There is extensive planting shown on planting plan for a lot of the buffer area
- There will be demarcation for the buffer
  - Will be staked out and marked
  - Vested interest to keep buffer
- Construction fence along property line to the school with signage to keep kids out
- Protect buffer as much as possible, even replanting will take a long time for the buffer to come back.
- Replanting original roadway so benefit to the buffer
- Board to look at landscape plans prior to next meeting and determine if enough landscaping
  - May want to add trees to be placed randomly after site is all landscaped to enhance the buffer
- *Drain pipes:* HDPE or RCP
  - DPW has too much going on – applicant has not re-addressed with DPW
  - Perpetually private housing development applicant wants to use industry standard
  - Any piping in the public way or outside the development would be as per the DPW recommendation.
  - 350' of water line on Ermine Street desired by DPW in lieu of looping
    - No place to loop except back on itself
    - No engineering or scientific reason for installing 350' of water line in Ermine - that does nothing to address the issue of looping
    - Nothing back from DPW
      - Mr. Ohrenberger to sit down with DPW next week or two
      - To be resolved in the next month
  - Maybe a condition that this issue needs to be resolved
  - Hope to resolve in the next month
- *HOA:* - protection of town if it has to fix any infrastructure or roads
  - Mr. Ohrenberger waiting on Town Council
    - In original deed
    - Confusion on phasing and the master deed – phasing amendment of financing under Fannie Mae and Freddie Mac, nothing to do with construction phasing

- Perpetuity open space – common area, everything but units themselves, is owned by the association in perpetuity, it is not severable from the unit ownership, the decision condition will incorporate
  - Recommendation to be part of special permit decision verbatim
    - This property is subject to the restriction that the open space...of what the bylaw says.
    - Applicant feels that addresses the issue
  - Board will need this reviewed by Town Council
  - If infrastructure is not completed or after complete and town needs to do something
    - Town has zero obligation to anything to roads/infrastructure, but if town wanted to they could as an emergency action
      - Language in the Deed Section 5 last paragraph – easement for the benefit of the Town of Scituate, maintaining roadways, water distribution, sewer distribution, stormwater facilities, etc.
  - No comments from Town Council on master deed
- *Who is in charge and how do we monitor and manage during construction process:*
  - Mr. Bauer indicated an internal structure
    - Mr. Buck ley is contact person
    - Mr. Miccile in charge of site development project
  - All contact information collected at pre-construction conference
    - Will have 24 hour contact information
  - Applicant is open to unfettered access by Town
    - On site team lead by Mr. Buckley with licensed construction supervisors
      - Assume Town will want Consultant for site inspection
      - Any time BOH wants to inspect will be open to it
  - There will be condition for third party inspector for the town
    - Will be for all items in subdivision regulations
      - Drainage
      - Sewer
      - Water
      - Any other Board requirements including the roads
      - Agreement already that the Town's licensed site professional to be there for remediation excavation of the areas and agree upon the limits
      - Air Quality monitoring
      - Noise monitoring
      - Ultimately dependent upon conditions
- *Deed restriction for over 55:*
  - In the HOA
  - Condition of the permit
  - One occupant has to be of age
  - No children under the age of 18 for a period greater than 90 days
  - Highly governed by residents
- *Stormwater pollution Prevention Plan (SWPPP) plan will be a condition*
- *Irrigation wells:*
  - In process of permitting with Board of Health (BOH)

- Applying for single family dwellings as well as 8 for main site
  - Dependent on yield
  - Number can't be determined until yield seen
  - Already conditioned no use of municipal water, except for household use
- Bedrock wells
- BOH – has applications
- BOH standards very strict
  - Need to meet drinking water standards for irrigation
- *Conservation Commission*
  - Meeting next Monday per Mr. Ohrenberger
  - Applicant is confident they have addressed all issues
- Ms. Joseph coordinating with Conservation all the time
- Mitigation agreement with Selectmen
  - Mr. Ohrenberger indicated Selectmen will make decision on mitigation
    - Land that is not for building east of Hatherly will be offered to the town to be under the care and custody of the Conservation Commission. If the Selectmen agree, it will most likely be on warrant for Fall Town meeting
    - Field behind the Wampatuck School

*Letters from Proving Grounds Group (PGG):*

Mr. Pritchard indicated the Board has received letter from PGG and letters from applicant's consultants in various areas and understands the applicant has had conversation with the PGG and they have agreed to some additional things that have already been discussed. He asked if there was anything else that needed to be addressed. Mr. Bauer said they went over every item on the list in separate meeting and touched on items they had agreed upon.

*Bicycle Parking:*

Ms. Joseph asked if there will be any bike racks available. Mr. Buckley indicated he thought they were on the plans in front of the club house or maybe on the landscape plan. Mr. Bauer said if they are not on the plans they are easy to add.

Mr. Pritchard indicated there were two comments that were received from Horsley Witten. Ms. Joseph said Horsley Witten was happy with the stormwater; stormwater meets the requirement of no increase in rate and volume, recharge requirements are also met.

*Club House Parking:*

Mr. Ohrenberger made mention of a letter from Mr. Bob Vogel regarding club house parking. He said he will clarify with Mr. Vogel.

1. Club house is for residents only
2. 4 spaces at each unit, well over 100 spots
  - a. Number of spaces at the club house are what the applicant thought appropriate as a vast majority of people will be walking

*Public Comments:*

Ms. Elise Kline of 675 Chief Justice Cushing, indicated she still has concerns over the sinking of wells because water is such an issue and she remembers the difficulty of wells on the Green Estate, when she was on the Water Resource Committee. She does not know if the Board has contacted

people on that committee to get their feedback. Mr. Pritchard indicated that the Water Resources Commission has been copied on everything and is very aware. He said it has led to much larger discussion on the scope as to how capacity for water and sewer is determined. Ms. Joseph said there have been separate water and sewer studies done on the project to show there is capacity for this development.

Ms. Kathy Flynn Woodland, 95 Oceanside Drive between Sixth and Seventh Avenues, said there are massive amounts of water on Hatherly that flows down Sixth and Seventh Avenues and she knows there is a drainage plan and asked if this problem will be alleviated. She said she does not know what the water contains and if there are contaminants in it and flood water on the other end where it lands.

Ms. Woodland also asked if they will be offering parking on top of Sixth Ave for when flooding occurs. She asked what is happening to the marsh and opined what she was hearing it was going to be in perpetuity given over to the town. Mr. Ohrenberger said that is correct. She said that is a major drainage area and work with the town will be needed when it floods. She indicated they are very happy with the sea wall and it has made an enormous difference, but the drainage in the marsh is a major implication for residents in the area surviving the floods. She said the construction happening on the east side of Hatherly will have impact on the marsh and they want the town to be fully aware and work with Conservation, other engineering and other environmental engineering people to make sure the drainage system is appropriate for the community; they rely on it. Mr. Bauer indicated to Ms. Woodland she may want to review some of the meetings, because there are answers to all her concerns on stormwater. He said that the challenge with the site is managing stormwater properly. Mr. Bauer said the town has the most stringent regulations and they have to prove that they are not sending more or less water to anywhere from the site. He said it is a balancing act and the town's peer review has weighted in and plan changes have been made in response. He said the recorded meetings would give the details. Ms. Woodland said that she feels it is incumbent on the town to make create a partnership with Toll Brothers and continue the partnership. Ms. Joseph said stormwater has been very carefully looked at, especially with the ground water along Hatherly Road and it has been considered in the drainage design and extensive work on improvements along Hatherly Road is proposed. She indicated that in addition to the special permit for the Residential Cluster District there will also be a Stormwater permit issued simultaneously and the town will have to find that the applicant has met the requirement of no increase in rate and volume as confirmed by the consulting engineer for the whole site including the single homes.

Mr. Jacobucci of 29 Norwell Ave. asked if the water mains at Roads B and G are considered dead ends and indicated he thought Road F had been discussed as well. Mr. Pritchard said they are only talking about Road F and that all others have looped connections.

Ms. Woodland said she did not get an answer on the parking. Mr. Bauer said they do not have an answer right now, but it may be something they can discuss when they get out there. He said there may be a way to disclose to their buyers a way to address the parking, but they do not know that yet. He said Mr. Buckley can sit down with Ms. Woodland.

Ms. Laura Curtain of 58 Kenneth Road was wondering if the school committee or superintendent has made any comments. Mr. Pritchard indicated the Board has not received any comments from them, but have requested input from everybody in town. He said he does not know how that affects the fields. Ms. Joseph said that will be a Board of Selectmen issue. Ms. Curtain followed up with an additional question regarding the impact of traffic and trucks on the learning environment and recess

as it is held to the rear of the school. Mr. Pritchard opined the notion of a fence is a good idea, but beyond that nothing else has been identified. He indicated there was a comment that came in about possibility of having crossing guards at construction entrance during the school year. Mr. Bauer said they are looking into a push button cross walk sign. He further indicated that they have imposed an age restriction on the community to address the impact on schools and have been asked by the town to consider a ball field for the school. Mr. Taylor indicated that Tilden Road is proposed to be a restricted roadway for construction traffic so there should not be trucks traveling in front of the school.

Mr. Stephen Piotrowski of 119 Hatherly Road asked where the staging area would be for single family homes. Mr. Bauer indicated the lots will be used for staging, there is plenty of room on them.

No additional comments from the Board.

Mr. Pritchard indicated the next steps are the development of Finding of Facts and Conditions to reach a decision by May 10<sup>th</sup> and two members filing Mullen rules.

Mr. Ohrenberger indicated they will be waiting for a meeting on Monday and will submit draft conditions after Monday and will coordinate with Ms. Joseph on the decision and would like a vote on April 12<sup>th</sup>. Mr. Pritchard indicated there is no objection to providing a draft decision, but the Board will see first and then Ms. Joseph can work out the schedule to release the information. Mr. Taylor said the Board would want to get everything done before hand so not in the same situation as 90 Ann Vinal.

Ms. Joseph said the decision will be vetted with the town and then the applicant.

*Motion:*

Mr. Bornstein moved to accept the applicant's request to continue the public hearing for the Residential Cluster Special Permit for Seaside at Scituate by Toll MA Land III Limited Partnership, c/o Toll Brothers Inc. off of Hatherly and Tilden Roads until April 12, 2018 at 7:00 pm and continue the time for action to file a decision with the Town Clerk until April 30, 2018. Mr. Taylor seconded the motion; the vote was unanimously in favor.

### **Accounting**

### **Documents**

- PO # 1808402 (\$263.59), PO # 1808454 (\$291.52)

Mr. Bornstein moved to approve the requisition of \$263.59 to WB Mason for a file cabinet, for \$291.52 to Amory Engineers for stormwater inspection for 489 Country Way. Mr. Taylor seconded the motion; the vote was unanimously in favor.

### **Minutes**

### **Documents**

- Meeting minutes from 10/26/17
- Meeting minutes from 2/22/18

Mr. Bornstein moved to approve the meeting minutes of 2/22/18 and 10/26/17. Mr. Taylor seconded the motion; the vote was unanimously in favor.

### **Planning/Development Report**

- Capital Planning Committee is going to recommend the Master Plan update and if approved at Town Meeting, the Master Plan process can start in July
  - Last week Mariner article regarding Master Plan and Greenbush zoning
  - Misinformation in article as the February 15<sup>th</sup> meeting was ZBA not Planning Board and ZBA has not filed decision yet, so project has not come to Planning Board
  - Other article has misinformation too as there is confusion on Master Plan process being different from the EDC Greenbush visioning
- Planning Board needs to make the Town's plans cohesive to guide development for the next 20 years as some are out of date. The Master Plan needs to include what has actually happened.
  - Master Plan
  - Visioning Plan
  - Water and Sewer
  - Make sense of strategic plan
- Need to create a process that engages people on the comment process on the updated Master Plan
  - There is a process of public meetings

Ms. Lambert opined that some people in Greenbush feel they are going to be losing their homes for business because of all the development. Mr. Pritchard said that he thought the area was zoned residential. Ms. Lambert, Mr. Bornstein and Ms. Joseph said that the area is zoned for Business and that is part of the problem. Ms. Joseph noted that the Planning office has been doing a lot of research. Mr. Pritchard said there is an opportunity with the Master Plan process to do a long term plan to preserve certain neighborhoods, but also allow commercial and that might require rezoning.

### **Old/New Business**

#### *Microbrewery:*

- Parking issues with the Traffic Rules Committee heavily involved as emergency vehicles cannot always pass through the street. Solution is being studied.
- Mr. Taylor noted that the Brewery does post on Facebook to park at the MBTA station

Mr. Pritchard opined that is why we have zoning and requirements and doesn't think that will solve the problem. Mr. Pritchard opined that if the Board created a problem then the Board should understand it, so as not to repeat it in some other project and also solve the problem that has been created. Mr. Pritchard said he would be happy to have them come back and explain the issue and give update.

### **Documents**

- Email to the Board from Shari Young with Toll Brothers intention letter dated 2.21.18
- Email to the Board from Karen Joseph with agenda for 3.8.18 meeting

- Email to the Board from Karen Joseph with Zoning Map document, Toll Brothers materials and Staff Report dated 3.8.18.
- Email to the Board from Shari Young with Plans for Seaside at Scituate dated 2.9.18
- Email to the Board from Karen Joseph with comment letter from the Proving Grounds Group dated 3.1.18
- Email to the Board from Shari Young with Noise Regulation PDF
- Email to the Board from Karen Joseph with draft meeting minutes for 10.26.18
- Email to the Board from Karen Joseph with meeting minutes for 2.22.18 and letter from Horsley Witten dated 3.2.18
- Email to the Board from Karen Joseph with comment letter from Mr. Thomas Wlodyka dated 2.27.18 and letter from LEC dated 3.6.18.
- Email to the Board from Karen Joseph with comments from GEI dated 3.6.18 and Stantec dated 3.5.18 in response to Proving Grounds Group letter dated 3.1.18.

These items were distributed to the Board electronically.

Mr. Taylor moved to adjourn the meeting at 8:57 p.m. Ms. Lambert seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Benjamin S. Bornstein, Clerk

Date Approved 4/12/18