

SCITUATE PLANNING BOARD MINUTES March 12, 2020

Members Present: Ann Burbine, Chairman; Stephen Pritchard, Vice Chairman; William Limbacher and alternate member Rebecca Lewis.

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

Members absent: Patricia Lambert, Clerk; Benjamin Bornstein.

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 Burbine called the meeting to order at 6:45 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 3/12/20 Planning Board Agenda

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

Executive Session – to discuss the strategy with respect to litigation. - Senior Center

A roll call vote was taken to move into executive session.

Burbine - yes
Pritchard – yes
Limbacher – yes
Lewis - yes
Bornstein – absent
Lambert - absent

The Board voted to end the Executive Session and reconvene in open session at 7:10 pm. A roll call vote was taken.

Burbine - yes
Pritchard – yes
Limbacher – yes
Lewis – yes
Bornstein – absent
Lambert - absent

**Continued - Public Hearing – Definitive Subdivision Plan – 7 MacDonald Terrace
Assessor's Map/Block/Lot 53-5-19 and 53-5-20A
Applicant/Owner: SAOIRSE, LLC**

Documents

- PDF Letter to Planning Board from Ohrenberger, De Lisi and Harris, LLP date 3.9.20
- Doc 3-1-20 Motion Withdrawal MacDonald Terrace

Motion:

Ms. Burbine moved to accept the applicant, Saoirse, LLC, request as owner of the properties shown on the Definitive Subdivision Plan in Scituate, MA showing a division of Parcels 53-5-19 and 53-5-20A located at 7 MacDonald Terrace to withdraw the Definitive Subdivision plan without prejudice.

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

Form A – ANR Plan – 24 Wellesley Road

Assessor's Map/Block/Lot: 46-8-8

Applicant/Owner: David Friend

Documents

- PDF ANR Stamped
- PDF Form A App
- Doc Transmittal 24 Wellesley Rd.
- Doc Draft Motion Form A 24 Wellesley Rd.

Ms. Lewis recused herself from the hearing

Attendees: Rob Gugliotta, Morse Engineering

Mr. Gugliotta reviewed the plan; splitting off a small parcel from a vacant lot to be combined with 190 Glades Road; the vacant lot has access from a right of way on Glades Road and 190 has access from Glades Road.

Ms. Joseph indicated it is a change in the lot line that does not change the access or frontage for either parcel; the plan should be endorsed.

Motion:

Ms. Burbine moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, Massachusetts Showing a Division of Assessor's Parcel 46-8-8 24 Wellesley Road prepared by Morse Engineering Co., Inc. for applicant/owner David Friend dated February 11, 2020 as the division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw. In addition, the following note shall be added to the plan "Planning Board endorsement of this plan is not a determination as to conformance with zoning regulations."

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

Continued - Public Hearing – Special Permit Accessory Dwelling – 755 First Parish Road

Assessor's Map/Block/Lot: 30-2-18

Applicant/Owner: Maud Meulstee

Documents

- PDF 755 First Parish
- PDF 011720 Planning Board Letter – 755 First Parish Road
- PDF Application
- PDF Building Commissioner Response to O'Connor Letter
- PDF Plans for Accessory Dwelling
- Email to Karen Joseph from Sewer Department date 12.30.19
- Email to Karen Joseph from BOH dated 1.21.20
- PDF Photos of Potential Accessory Dwelling
- Jpeg ACDU pkg and dilapidated garage entry
- Jpeg Existing Backyard
- Jpeg Plan of pvmt
- Jpeg Plans
- PDF 3-9-20 Plan with Driveway added
- Doc Draft Motion 755 First Parish Road

Attendees: Jeff De Lisi, Attorney; Maud Meulstee, Applicant/Property Owner

Mr. De Lisi reviewed the plan.

- Plan is to convert the garage to a detached 1-bedroom accessory dwelling with a 166 sq. ft. storage area
 - No internal access to the storage area
- Meets all height and yard requirements
- Living space will be in lieu of the garage
 - One bedroom, kitchen, living room and bathroom, with small storage area
- 520 sq. ft. for the accessory dwelling
 - Son will be living in the accessory dwelling
- Primary dwelling is 3 bedrooms, 912 sq. ft.
- Potentially would rent the accessory dwelling out while she lives there if here son were to move out
- Septic system designed for three bedrooms
- BOH requires one bedroom in the primary dwelling be turned into an office
 - Door to be removed and deed restriction will be filed
- Increasing the length of the driveway and total impervious area of the property
 - Does not require stormwater permit
 - Extension of driveway will allow for 2 more parking spaces
- Water and electric already out to the building and are in code compliance
- ZBA voted to allow a change in gross floor living space, voted the change would not be more detrimental to the neighborhood.
 - Lot size less than 40,000 sq. ft.
 - ZBA decision has not been filed yet with the Town Clerk
- Meet the purpose and design criteria – under 750 sq. ft.

Ms. Joseph indicated the proposal meets the bylaw; it is under 750 sq. ft.; it was legally converted from a barn to a garage and now Ms. Meulstee is looking for a legal conversion to make it an accessory dwelling. There is a signed statement she will live on the property and the changes will not trigger the stormwater bylaw. It is conditioned that all Board of Health (BOH) requirements will be met; BOH deed restriction has be done prior to occupancy.

There was discussion about when the ZBA decision will be available; the ZBA has 90 days to file its decision and the decision is being circulated to the ZBA members now. The Planning Board likes to have the ZBA decision prior to approval; but with the current state of affairs the Board agreed to proceed with a decision; a condition would be added that the decision from the Planning Board could not be released without the filing of the ZBA decision.

The Board said this is not a precedent to be set for the future.

Mr. Pritchard asked about the parking; Mr. De Lisi said currently there is a driveway that would be extended towards the front door of the proposed dwelling. Ms. Joseph reviewed pictures provided by the applicant with the Board for further clarification.

Ms. Meulstee said the storage area is attached to the exterior of the building and she needs it since she will no longer have a garage, the septic system already exists but still needs to be connected.

There was discussion about the abutters; the closest is the home with the shared driveway.

No public comments.

Motion:

Ms. Burbine moved to make the following Findings of Fact:

1. On December 6, 2019, Maud Meulstee applied for a special permit for a detached accessory dwelling on the property at 755 First Parish Road.
2. According to the Town of Scituate Assessor's records, the property at 755 First Parish Road is owned by Maud Meulstee.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 498 520 gross sq. ft. This is greater than 40% of the total square footage of the primary dwelling which is 912 net sq. ft. according to the Assessor's card. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the bylaw allows 750 sq. ft. or 40% of the total square footage of the primary dwelling, whichever is greater. The accessory dwelling is subordinate to the existing single family home.
4. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
5. The property is in the Residential R-1 zoning district. The proposed detached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling. The height of the accessory dwelling is approximately 15.5 feet tall.
6. The proposed accessory dwelling is located on the south side (rear) of the primary dwelling in a detached car garage which was legally renovated from a barn. Access will be via doors at the front and side of the dwelling.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Proposed In-Law Tie In: Sanitary System Plan in Scituate, MA for 755 First Parish Road shows an existing paved driveway for the existing dwelling and garage. The applicant will be

modifying the existing driveway so that there will be parking for two cars at the house and two gravel parking spaces by the accessory dwelling. This appears adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling. Ample parking ~~appears to be~~ is being provided.

9. The owner has submitted a signed, notarized statement that she will be occupying one of the units at 755 First Parish Road.
10. The accessory dwelling will be serviced by Town water and an on-site septic system. DPW requirements for water connections will be met. Board of Health requirements for the septic system will be met when a bedroom is decommissioned in the primary dwelling and a deed restriction is given for a 3 bedroom septic system to the Board of Health.
11. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

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

Ms. Burbine moved to approve the Special Permit for an accessory dwelling at 755 Hatherly Road with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to *the following documents*: Proposed In-Law Tie-In: Sanitary System, 755 First Parish Road, Scituate MA prepared for Maud Meulstee dated 3/21/2018 with revisions through 2/19/19 by Webby Engineering Associates, Inc. modified site plan dated 3-9-20; architectural plans by BetsyLaughton.com Custom Home Design, Orleans, MA consisting of 3 sheets including: 1. Proposed Renovation for Existing Garage with Front and Right Side Elevation latest revision 4-14-18, 2. Proposed Renovation of Existing Garage Left Side Elevation and Rear Elevation and Section latest revision dated 4-14-18, 3. Proposed Renovation of Existing Garage First Floor Plan latest revision dated 4-14-18; Main House 755 First Parish Road Floor Plan.
2. The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application.
3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that she is living in one of the dwelling units. A yearly certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
5. All requirements of the Board of Health, Building Department, Zoning Board of Appeals, Department of Public Works, Fire Department and other Town agencies must be met prior to occupancy of the accessory dwelling.
6. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
7. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling.

8. Any lighting installed shall be down lighting to not shed light on abutting properties.
9. Construction work shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
10. Runoff from the proposed accessory dwelling shall ~~not be~~ increased *runoff* from the property.
11. Erosion and sedimentation control devices shall be installed as necessary to prevent any erosion or sedimentation from leaving the site during construction. Silt sock shall be used as necessary.
12. *The accessory dwelling special permit will not be filed with the Town Clerk until the Zoning Board of Appeals Special Permit has been filed given the current conditions of coronavirus.*

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

Endorsement of Approved Definitive Subdivision Plans

14-16 Old Country Way

Documents

- Doc Draft Motion for endorsement OCW

Motion:

Ms. Burbine moved that the Planning Board endorse the Definitive Subdivision Plan for 14 & 16 Old Country Way in Scituate, MA for Robert Proctor, Manager of 14 – 16 Old Country Way, LLC by Ross Engineering Co., Inc. revised dated 2/21/20 as the mylars are consistent with the approved plans.

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

One Buckeye Lane and Stockbridge Road

Documents

- Doc Draft motion for endorsement Buckeye

Motion:

Ms. Burbine moved that the Planning Board endorse the Definitive Subdivision Plan of Land Buckeye Lane and Stockbridge Road in Scituate, MA for First Buckeye Corp.; Richard W. & William E. Hoffman, TRS SWET Brothers Trust; Richard W. & William E. Hoffman, JT; and Wilson H. and John R. Brown by Ross Engineering Co., Inc. revised dated 2/21/20 as the mylars are consistent with the approved plans.

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

Minutes

Documents

- Meeting minutes 2.27.20

Ms. Lewis moved to approve the meeting minutes for February 27, 2020.

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

Accounting

Documents

PO #2008044 (\$125.00), PO #2007933 (\$1,650.00), PO #2008122 (\$1,500.00)

Ms. Burbine moved to approve the requisition of \$125.00 to Chessia Consulting Services, LLC for stormwater peer review for 36 Barker Road, for \$1,650.00 to Merrill Corporation for peer review services for 16, 18 and 20 Mann Hill Road, for \$1,500.00 to Merrill Corporation for peer review of 443-461 CJC Highway common driveway and stormwater.

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

Liaison Reports:

CPC - reported by Ms. Burbine:

- CPC is withdrawing the proposal for sidewalk from Hughey Road to Greenbush

Public Hearing – Special Permit Accessory Dwelling – 304 Clapp Road

Assessor's Map/Block/Lot: 17-2-16

Applicant: Jared Giroux and Debra Reny

Owner: Jared Giroux, Jen Scappini-Giroux and Debra Reny

Documents

- PDF 304 Clapp Rd. Application
- PDF 304 Clapp Rd. Deed
- PDF 304 Clapp Rd. Elevations. Floor Plans
- PDF 304 Clapp Rd. Site Plan
- Doc Transmittal Letter 304 Clapp Rd
- Doc Draft Motion 304 Clapp Rd.
- Email to Karen Joseph dated 3.4.20 from BOH
- Email to Karen Joseph dated 1.22.20 from Sewer Department
- PDF Revised Application dated 3-5-20

Attendees: Jared Giroux, Property Owner; Debra Reny (mother) Property Owner

Mr. Giroux discussed their intentions for an accessory dwelling.

- Recently moved to Scituate in 2019

- Would like to build an in-law apartment for his mother who helps with the kids
 - 520 sq. ft. structure above an existing garage that is attached to the primary house
 - Convert a bedroom in the primary house to an office
- Primary dwelling is 3,120 sq. ft.

Ms. Joseph indicated it meets the size requirements under 750 sq. ft.; there is an existing garage and the applicant will build up adding a second floor. She indicated there are some outstanding Conservation items that need to be addressed, but the issues are being worked on. She indicated this meets the criteria for an accessory dwelling; there is 4 bedroom septic system; a bedroom will have to be decommissioned and the BOH will require a deed restriction.

Mr. Giroux indicated there are 2 means of egress, inside the garage and a back deck with stairs, another water hook is needed, septic system is good for 4 bedrooms, original renovation took 3-4 years to be completed, 2 garage parking spots and room for two cars in the driveway.

Motion:

Ms. Burbine moved to make the following Findings of Fact:

1. On January 14, 2020 Jared Giroux and Debra Reny applied for a special permit for an attached accessory dwelling on the property at 304 Clapp Road.
2. According to the Town of Scituate Assessor's records and the deed, the property at 304 Clapp Road is owned by Jared Giroux and Debra Reny.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 519 gross sq. ft. This is 17% of the total square footage of the primary dwelling, which is 3,123 sq. ft. according to the Applicant who indicated that is what his architect calculated. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the bylaw allows 750 sq. ft. or 40% of the total square footage of the primary dwelling, whichever is greater. The accessory dwelling is subordinate to the existing single family home.
4. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
5. The property is in the Residential R-1 and Water Resource Protection zoning districts. The proposed attached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
6. The proposed accessory dwelling is proposed to be located on the second floor of the attached garage of the primary dwelling. Access will be via an internal staircase inside the two-car garage. There is a secondary access to the rear of the building with exterior stairs.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Plot Plan of Land in Scituate, MA showing 304 Clapp Road shows an existing bituminous concrete driveway for the existing dwelling and a 2 car garage. This ~~appears is~~ adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling. Ample parking ~~appears to be~~ *has been* provided.

9. The owner has submitted a signed, notarized statement that ~~she~~ *the owner* will be occupying one of the units at 304 Clapp Road.
10. The accessory dwelling will be serviced by Town water and an on-site septic system. DPW requirements for water connections will be met. Board of Health (BOH) requirements for the septic system will be met when a bedroom in the house is decommissioned and a deed restriction is given for a 4 bedroom septic system to the BOH.
11. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

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

Ms. Burbine moved to approve the Special Permit for an accessory dwelling at 304 Clapp Road with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform *to the following documents*: Giroux Residence, In-Law Above Garage, 304 Clapp Road, Scituate, MA 02066 by Designs by Marshall, LLC dated 1/11/2020 consisting of a cover sheet, Demo Plans D1, New Floor Plans A1, Exterior Elevations A2; Certification Plan #304 Clapp Road Scituate, MA dated July 17, 2018 by Grady Consulting, L.L.C.
2. The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application.
3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that ~~she~~ *the owner* is living in one of the dwelling units. A yearly certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
5. All requirements of the Board of Health, Building Department, Zoning Board of Appeals, Department of Public Works, Fire Department and other Town agencies must be met prior to occupancy of the accessory dwelling.
6. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
7. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling.
8. Any lighting installed shall be down lighting to not shed light on abutting properties.
9. Construction work shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.

10. Runoff from the proposed accessory dwelling shall not be increased from the property.
11. Erosion and sedimentation control devices shall be installed to prevent any erosion or sedimentation from leaving the site during construction. Silt sock shall be used as necessary.

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

Discussion and Vote – Seaside at Scituate - Sidewalk Cross-section and Surety Reduction

Documents

- PDF 2020-02-17_ScituateEstBondRedReqPlanning
- PDF 200304_sidewalk
- PDF GM191624.000 – Scituate MA Sidewalk Review 11-13-19
- PDF ScituateBondReductionEstimate 021720
- Excel ScituateBondReductionEstimate 030320_HWedit
- Email to Karen Joseph from Bryan Massa dated 2.18.20
- Email to Karen Joseph from Keith Curran dated 2.18.20
- PDF Letter Seaside sidewalk 2020-03-11
- PDF Subdivision regulations

Attendees: Keith Curran, Toll Brothers; Katy Konary, PE, Stantec

Ms. Joseph indicated the Board is holding a \$4.5M bond for completion of the project. The applicant submitted documentation to reduce the bond that has been reviewed by the Town's consulting Engineer who has recommended \$2.4M. She said after discussion with the consulting engineer it was determined that street sweeping, dust control, maintenance of the permeable pavement and work still to be done on the Tilden Road right of way it is recommended the Board to keep at least \$2.8M.

Mr. Limbacher opined \$2.4M or \$2.8M might not be enough.

Mr. Curran indicated the original bond was \$8.6M; there was a previous reduction so the bond is now \$4.5M.

Ms. Burbine said the Board has seen pictures of shingles flying off roofs and walls falling down because of the wind; she opined that is not good public relations. She hopes that the applicant understands they are building in an exceedingly windy area. Mr. Curran said they are well aware.

Mr. Limbacher wants \$3.0M verses \$2.8M.

Mr. Pritchard would support \$3.0M

Ms. Burbine was looking for \$3.5M, but will support \$3.0M

Ms. Lewis will support \$3.0M

Motion:

Ms. Lewis moved to accept Toll Brothers request to reduce the amount of the bond being held for the Seaside at Scituate Residential Cluster Project by the Planning Board from \$4,500,000.00

to \$3,000,000.00 for completion of the project. The current bond is to remain in effect until the new bond is provided to the Town Planner.

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

Gravel under Sidewalks:

Ms. Burbine said the reduction of sidewalk gravel from 15" to 8" is a non-starter; that it is not going to happen.

Ms. Joseph said it is required as part of the Town's Subdivision Regulations and that is how Stantec designed it. She addressed the letters from Whitestone and Stantec stating that some of the fill used "nearly meets" MassDOT specification; she said that this standard is required in all subdivisions.

Mr. Curran argued the reason it is on the approved plans is because it is standard and he opined as a P.E. it is overkill; these are private roads, they are not proposing to reduce the gravel along Hatherly Road or Tilden that would still be 15". He said they have three letters saying it would be fine; he said that material that was brought in for the roadway is granular free-flowing material; he opined it is ridiculous overkill and the letter from the geotechnical engineer says they do not need the 8". He said it is a waste of money.

Ms. Konary said the project is built on gravel fill; the applicant has taken a representative sample and tested it. She said they would be removing fill to come back and bring in the same fill. She indicated that the fill that was brought in and tested "generally meets" the MassDOT standard. Mr. Pritchard asked if the MassDOT specification is the same as the gravel that was brought in; Mr. Curran said it is not exact.

Mr. Pritchard opined there is no compelling reason to change; when the project is complete and the sidewalks fail residents will be complaining to the Board even if they are private.

There was continued discussion about removing only 8" of gravel; the applicant has already brought the roadway/sidewalk up to grade with gravel fill. Whitestone has tested what was brought in and compacted for the sub-base, the applicant said there is no reason to take out 7" and then bring in another 8" of the same material; they propose the material is already there.

Mr. Pritchard said it is not the same material. Ms. Konary explained the testing that Whitestone did to get a representative sample, but she did not have the information of where the samples were from or how many, the test did meet the MADOT spec. The applicant is proposing to add another 8" on top of what is there and then another 3.5" of bituminous collar.

Ms. Lewis said in order to put the 15" that is required the applicant would have to take 7" off. Mr. Curran explained the sidewalk is already at sub-grade and instead of removing 15" they are proposing to remove only 8" and bring in the MassDOT M3.311 gravel borough; the requirement is 15" of the MassDOT M3.311 gravel borough.

The Board questioned why the sidewalk was not left with room for the 15" of required material. Mr. Curran explained that there would be a drop-off from the roadway, so they brought it up. Mr. Pritchard said that was always part of the plan and said the applicant would have done it the same way no matter what. He asked if they have used the identical material that was in the plan.

Ms. Joseph asked what is under the existing sidewalks from Hatherly and Tilden. Mr. Curran indicated the required 15". The applicants said that some areas did not require as much fill therefore they would not need to be stripped for the 15". Mr. Curran indicated some sidewalk areas do not have as much fill; some areas do not already have 15" of the tested material. He said the only reason they did not come in earlier is they needed to get the sidewalk down before they lost the season; they did what they needed to for the first set of homes, they are now moving into more interior areas of the site where they did more fill. Ms. Konary added there is not a lot of cut in the site and there is mostly fill; there is good fill that has been compacted.

Mr. Pritchard said the applicant is asking for a waiver.

Ms. Joseph indicated that the Town's Consulting Engineer reviewed the Whitestone assessment and concurred that what is there is very similar to the MassDOT spec; however, they did not make a recommendation for or against the removal of only 8". The applicant is proposing this change for all sidewalks within the site.

Mr. Curran said 2-3 samples were taken from the site, but he did not have the information available as to where. He said the sample came from exactly the same yard where all the fill materials came from so it is representative. The fill material that was used was not certified to the standards. The applicant opined that Whitestone is certifying with the tests taken it meets the criteria.

Ms. Joseph read from the letter from Horsley Witten regarding the assessment done from Whitestone. They agree that it is permissible, but they reference the plan dated 2/9/2018, which has the detail of 15" gravel.

The Board had an issue with the Whitestone assessment of "generally meets". Ms. Konary explained why "generally" would be used; there is a range that the DOT uses.

Mr. Limbacher asked what is the benefit to the Town to make the change. Mr. Curran said there is no benefit.

The Board opined the applicant is requesting a waiver; they would not give a waiver to something that "generally meets". The Board would want more information, more sampling, etc. The Board said if the applicant wants to proceed, they need to come back with something more definitive and proof that it is necessary; that it meets the standard of what is required.

Ms. Lewis opined the wording in the letter does not make the Board confident that what is being left behind is to the DOT standard and what is required by the Town of Scituate. The applicant needs to prove that it is apples to apples. Mr. Curran says that depends on how many samples would be needed and what the cost would be to them.

Mr. Pritchard opined there is no real value to the Town to approve this and it may set a precedent for future development that the Board does not want to set.

Ms. Burbine opined that while Horsley Witten may be in agreement with the Whitestone letter; their letter references the approved plans and the way it is supposed to be done. Ms. Burbine opined the Board wants it done the way it is supposed to be done; they need to really understand the difference before they would approve this.

Mr. Curran said the Scituate standards/detail are well above what other towns do. The Board said they are very proud of that; the applicant is asking for a variance and there needs to be a lot more data and rigor before the Board were to approve the change.

Motion:

Ms. Burbine moved for Toll Brothers to withdraw their request to reduce gravel without prejudice.

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

Vote Planning Board Report to Annual Town meeting – Section 830

Documents

- Doc PB Report Section 830-1

Ms. Burbine discussed the meeting she attended with the Advisory Board regarding the Sign Bylaw. She said that Mr. Goodrich was opposed to the time limit for temporary sign; Ms. Burbine explained if there is no time limit then it is not a temporary sign. Mr. Goodrich also had issue with signs being illuminated. The Advisory Committee voted 4 to 3 to approve the bylaw proposal. There could a motion to change it on the floor of town meeting.

Motion:

The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on February 27, 2020 and closed on the same date. On February 27, 2020, the Board voted unanimously not to support passage of the Article at the April 13, 2019 Annual Town Meeting.

The article is too ambiguous and potentially opens up repair and restoration on nonconforming lots to an uncertain time frame. The Planning Board does not support this article.

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

Planning and Development – reported by Ms. Joseph:

- Waiting on direction for public meetings with regards to Coronavirus
- Next few meeting very busy
- Working to get stormwater regulations before the Planning Board for public hearing
 - Need to have last working group meeting
 - Been working on it for 2 years
 - Will have informal meeting to discuss the changes that are proposed
 - Developers want default standard for single family home
 - Calculation on how many gallons need to be stored in chambers - contain the runoff on site; make it easier for single family homes
 - Working group – Josh Bows from Merrill, John Chessia, Morse, Mirabito, Bjorklund – group of developers and engineers working on it
 - Record certificate of completion

- Stormwater permits take a lot of time – single family homes can put the most pollutants out in the road
- Minor stuff changing
- Bylaw does not agree with the regulations so needed to a few tweaks

Documents

- Email to the Board from Shari Young dated 3.6.20 with agenda for 3.12.20
- Email to the Board from Karen Joseph dated 3.6.20 with meeting materials for 7 MacDonald Terrace, 24 Wellesley Road, 14-16 Old Country Way and Buckeye Lane
- Email to the Board from Karen Joseph dated 3.9.20 with meeting materials for Seaside at Scituate, 755 First Parish Road and 304 Clapp Road
- Email to the Board from Shari Young with AMENDED agenda for 3.12.20
- Email to the Board from Karen Joseph date 3.10.20 with meeting materials for 7 MacDonald Terrace
- Email to the Board from Karen Joseph dated 3.11.20 with meeting materials for Seaside at Scituate
- Email to the Board from Shari Young dated 3.12.20 with meeting minutes from 2.27.20

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 8:37 p.m. Ms. Lambert seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Chair

Date Approved: March 26, 2020