

SCITUATE PLANNING BOARD MINUTES March 14, 2024

Members Present: Patricia Lambert, Chair; Rebecca Lewis, Vice Chair; Ann Burbine, Clerk and Patrick Niebauer alternate.

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

Members absent: Stephen Pritchard

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

Location of meeting: Select Board Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chair Lambert called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television and streaming live on Facebook with in-person and remote access available.

Documents

- 3/14/24 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chair Lambert indicated there was a posted agenda. Ms. Burbine seconded the motion for the posted agenda a vote was taken the vote was unanimously in favor.

Public Meeting – Site Plan Review and Stormwater Permit – Common Driveway – Laurelwood Lots 1 & 2 (#1 & #3) Assessor's Map/Block/Lot 3101-06A, 30-01-06B, 30-02-22B Applicant/Owner: Mary E. MacKay

Documents

- PDF 4065-SWA-Lot 1 & 2-WS(POST)
- PDF DB 46426-125
- PDF DB 57136-169 – Lot 2 Deed
- PDF Easement Plan - #1 & #3 Laurelwood Drive – 2024-02-28
- PDF Laurelwood Lots 1 & 2 Common Driveway
- PDF Laurelwood Lots 1 & 2 Stormwater Plan
- PDF 65-987
- PDF Planning Board Stormwater Application Cover Sheet
- PDF Signed Common Driveway Application
- PDF Stormwater
- PDF T1241.06-Peer Review #1
- DOC Common Driveway Agreement
- DOC DRAFT Motion Form 1st continuance

Attendees: William Ohrenberger, Attorney; Gabriel Padilla, Engineer; Alex Sellar, Town Consulting Engineer

Mr. Ohrenberger indicated they are awaiting comments from peer review from their response to the second review. They will not speak to those updates made in response; however, they were asked to breakout the easement plan and they have done that so that it is easier to read.

Mr. Padilla discussed the easement plan.

- Project designed with Lots 1 & 2 in tandem
- Previously they engineered Lots 3, 4 & 5 individually
- Followed similar design for these lots in terms of stormwater
 - Driveways with sand filters on each side
 - Sand filters go into underground storage basins
 - Store the water until it is discharged in a controlled manner
- Easement Plan
 - 2 Easements
 - Driveway easement
 - 14' wide, in accordance with the regulation
 - Shoulders are also shown
 - Slope issues have been addressed
 - Radii of curbs have been revised from peer review comments
 - Drainage easement
 - Storage basin for Lot 2 is on Lot 1
 - Easement also for Lot 1
 - Only location that worked
 - Easement is because the water will come off of Lot 2 and go on to Lot 1

Mr. Padilla pointed out on the plan where the water is traveling; the design will provide enough TSS removal for the Water Resource Protection District (WRPD) which the property is partially located in. He said the infiltration areas are outside of the WRPD, but there are sand filters and a water quality swale that will provide all the treatment needed. It is the same design that was used for the other lots. Mr. Padilla pointed out on the plan where the infiltration systems that are outside the WRPD are located.

Mr. Ohrenberger indicated the applicant has an agreement with the same developer to build the two houses and the common driveway; it is one person who will build the entire infrastructure and it will be done at the same time.

Ms. Joseph asked when the plan is revised for the applicant to show the wall that is at the entrance of Laurelwood Drive that is in the right-of-way on the plan. Mr. Padilla said he will show it more clearly on the next set of plans. He said the wall, as it is existing, is currently located in the middle of the water quality swale shown on the plan. He said the way they are grading and working the area they will be eliminating the wall and the headwall and moving it back. He said removal of the wall will increase the sight distance coming out of the common driveway.

Ms. Joseph questioned the removal of the wall that is within the roadway. Mr. Padilla said the wall is within their property bounds and is on their property. Ms. Joseph said she will have to review that, because it is believed that the wall is part of the roadway and was needed to actually build the road.

Ms. Joseph indicated she has a comment from the Fire Department that they find the common driveway width acceptable.

Ms. Burbine continued to question the removal of the wall. Mr. Padilla said they need to cut it for the design because of the way the slope is, they need to soften the slopes and they need to get all the water down to a point. He said it is no a digging of everything, but a softening of the slope. He said there is not much of a difference between the roadway and the wall.

Ms. Burbine said the wall was a big issue when the roadway was being proposed. She said they are fortunate the Form A was done because of the wall; it was never said that the wall would be removed. She said the applicant didn't have the access; they had the size and frontage but the access was illusory. They went to the ZBA got a Section 6 Finding with the easement which enabled the applicant to get the ANR on Lot 1. She said there was a lot of discussion if the wall allowed access; it was never said the wall would be coming down.

The Board said the applicant needs to go back and look at the wall.

Mr. Ohrenberger said the purpose of the wall is to hold back some of the ground/water, but what the stormwater design is doing is changing the flow so the wall is no longer necessary. There was discussion about a peer review comment; Mr. Padilla indicated the peer review comment asked for more clarity on the area.

Mr. Ohrenberger said if the Consulting Engineer says the stormwater is complied with and this design serves the same purpose, what is the difference. Mr. Ohrenberger said it has been on the plans since the first submittal in February/January. Ms. Joseph said she did not see it because the laundry list of issues was so long. She said the wall was put in with the original subdivision, taking the wall out doesn't seem right for the people living on Laurelwood. She said she needs a blow up to see where the wall actually is located. Mr. Ohrenberger said they will take a look and address it.

Ms. Lambert said the wall issue needs to be looked at and that Grady uses the Planning Office as quality control; the applicant needs to go back and look at it and provide more information.

Mr. Alex Sellar, Town's Consulting Engineer, indicated that for the initial peer review they reviewed the wet swale that was designed so that it discharged to the retaining wall and they asked for the applicant for some clarification and too look to see if there is another avenue to change the location of the discharge. He said as part of the recent submission it appears that the applicant would prefer to remove the retaining wall and it appears it would meet what the retaining wall is intended to do in terms of functioning for stormwater treatment purpose and grading. He said he does not know the history of the wall, but removing the wall and regrading for stormwater is actually a positive.

Mr. Ohrenberger said it is a 20' wide segment.

Ms. Joseph asked for a plan that shows what the applicant really wants to remove and how will the drainage outlet change so the retaining wall is not needed and where is it outletting to. Mr. Padilla explained where it is outletting to and that it goes back into DP1 which is the design point used for the stormwater analysis. Mr. Padilla said no increase in water is going to the swale in Laurelwood Drive, no increase in flow rate and no increase in volume.

Ms. Joseph questioned if the front face of the wall is in the right-of-way of the road; Mr. Padilla said the section they are proposing to remove is on their property which is 25’.

Mr. Ohrenberger made mention of a comment regarding the Bylaw that a common driveway is supposed to be 50’ away from an adjacent driveway on another lot, the closet point for the project is 57’ and if you enter the right-of-way it is closer than that. He referenced Section 720.1 of the Bylaw that a common driveway starts at the street; the layout is the focal point. It is 57’ from the driveway at #5 Laurelwood.

Public Comment:

Mr. Charlie Saluti resident at 44 Vernon Road asked for clarification on the stormwater to make sure it is not affecting his property as there is already a high ground water table. He asked if this meeting is discussing the 2 new houses already built on Laurelwood or 2 new houses. Ms. Lambert said this is for 2 new houses. Mr. Saluti was not clear on that and asked if he could see the plans. Ms. Joseph said he is welcome to see them in the Planning Board Office by appointment.

Ms. Joseph said hopefully we will be receiving the second Peer Review letter soon, the Common Driveway Easement has been forwarded to Town Counsel for review. There was discussion about continuance to the April 25th meeting.

Ms. Lambert reiterated for the abutters that stormwater is not supposed to leave the property and if it does they should call the Planning Board office. Ms. Joseph commented it would be unusual if water went the other way from this site; stormwater is for surface water only.

Motion:

Ms. Burbine moved to continue the public meeting for the Site Plan Administrative Review Common Driveway and Stormwater Permit at Laurelwood Lots 1 & 2, (#1 & #3) to April 25, 2024 at 7:30 pm and to continue the time for action for filing with the Town Clerk until June 14, 2024.

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

Discussion/Vote – Endorsement of Plans – 61 New Driftway

Documents

- DOC DRAFT Motion Form for Endorsement
- DOC Pre-Endorsement Review 3
- PDF 14-203-61 New Driftway – Endorsement Set Stamped
- PDF 14-203-61 New Driftway – Response to Endorsement Set Comments 2

Ms. Joseph indicated the plans have been reviewed and are ready for endorsement.

Motion:

Ms. Burbine moved to endorse the Site Plan Administrative Review and Special Permit for a Mixed-Use Building and Multi-family Building and Stormwater Permit in the Village Center and Neighborhood District – Greenbush Gateway District – New Driftway Transit Village Subdistrict

(VCN-GDG-NDTV) at 61 New Driftway as all of the conditions required prior to endorsement have been addressed.

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

Discussion/Vote – Endorsement of Plans – 18 Drew Place

Documents

- PDF 3897-SITE-Stamped Mylars -03-07-24
- DOC DRAFT Motion Form for Endorsement

Ms. Joseph indicated the plans have been reviewed are ready for endorsement.

Motion:

Ms. Burbine moved that the Planning Board endorse the Site Plan for 18 Drew Place in Scituate, Massachusetts, prepared by Grady Consulting, L.L.C. dated May 17, 2023 with revisions through 2/20/2024 consisting of 5 sheets. Conditions and changes needed for endorsement have been added to the plan per the Site Plan Administrative Review in the Village Center and Neighborhood District, Greenbush Driftway Gateway District, Greenbush Village Center Subdistrict. (VCN-GDG-GVC). The property is owned by David Larsen.

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

MBTA Communities – Section 3A Compliance

Ms. Joseph provided and update on where the Town stands in the process of MBTA Compliance.

- Additional materials for clarification where sent to the State for the pre-adoption review
 - Consultant has provided the information and it has been resubmitted
 - Minor tweak to the GIS files and compliance model
- Submittal for Mandatory Mixed-Use District review is coming up on 90 days, March 20th
- Submitted to the Municipal Law Unit for Bylaw review and we are awaiting response
- Hope to get feedback in the next 3 weeks prior to Town Meeting on April 8th

Ms. Joseph let the Board know that current grants that the Town is applying ask whether the Town has compliance. The Town has temporary compliance because we submitted an Action Plan. Non-compliance can affect a lot of money for this town. We are optimistic that it will pass at Town meeting.

There was discussion that Scituate really addressed this law all the way back to 2006 and then again in 2019 and 2021 for Greenbush and North Scituate. Ms. Burbine said there was tons of public outreach at those times. Ms. Joseph said it will be emphasized that Scituate already started this back in 2006 when the Village Business Overlay District was adopted that allowed for Multi-family housing and then the Greenbush VCN and North Scituate VCN's were adopted. The Town has been allowing multi-family and mixed-use since 2006. This is zoning, it does not mean it will be built.

There was discussion that this is a zoning exercise, but the Town changed the zoning to get results; zoning was put in place around the transit areas. The Town is now addressing the shortfalls of what was originally approved to what the State is requiring. This is really just housekeeping. Ms. Joseph said the Select Board and Advisory Board both support the changes. The Town technically has interim compliance, for current grant applications, but the Town needs to vote for it.

Ms. Burbine commented that some of the pushback is the concern that the State is telling Towns what to do, but it is the same as 40B. The Town needs to comply if they want grants. Ms. Burbine said that is how we got \$2.2M MassWorks Grant for Cedar Point. The Town of Scituate was proactive before and now it is just housekeeping.

Minutes **Documents**

Ms. Burbine moved to approve the meeting minutes from February 8, 2024 and February 22, 2024.

Ms. Lewis seconded the motion; a vote was taken, and was unanimously in favor.

Accounting **Documents**

PO #2407914 (\$217.50), PO #2407913 (\$232.50), PO #2407912 (\$217.50), PO #2407609 (\$285.00), PO #2407556 (\$594.50), PO #2407555 (\$130.00), PO #2407995 (\$3,960.00), PO #2407997 (\$2,620.00)

Ms. Burbine moved to approve the requisition of \$130.00 to Horsley Witten Group for peer review services for 18 Drew Place, for \$594.50 to Horsley Witten Group for peer review services for 334 CJC Highway Lots 2 & 3, for \$285.00 to Rockland Trust for attended to CPTC Annual Conference, for \$217.50 to Chessia consulting for peer review services for 61 New Driftway, for \$232.50 to Chessia Consulting for peer review services for 19 Ford Place, for \$217.50 to Chessia Consulting for peer review services for the Residential Compound on Country Way, for \$3,960.00 to TEC, Inc. for peer review services for Laurelwood Lots 1 & 2, for \$2,620.00 to TEC, Inc. for peer review services or 817 Country Way.

Ms. Lewis seconded the motion; a vote was taken, and was unanimously in favor.

Liaison Reports

No Reports

Planning and Development – reported by Ms. Joseph:

- Jennifer Smith appointed as the Conservation Agent this week, promoted from the Assistant
- Next meeting will be a long meeting
 - Accessory Dwelling
 - 817 Country Way
 - High School Tennis Courts

- SAIL/809 Country Way Town Counsel opinion received that the applicant needs to apply for a limited Site Plan Review
- Stormwater permit was issued for the new garage on Country Way (545)
 - Many Stormwater permits are issued through the office that Board does not see
- Town Meeting on April 8th
- Planning Board meeting will be canceled on April 11th
- Ms. Lambert will be at April 25th meeting via Zoom

Documents

- Email to the Board from Shari Young dated 3.8.24 with agenda for 3.14.24 and DRAFT Minutes for 2.8.22 and 2.22.24.
- Email to the Board from Karen Joseph dated 3.8.24 with meeting materials for Laurelwood Lots 1 & 2, 61 New Driftway and 18 Drew Place.

These items were distributed to the Board electronically.

Ms. Lambert moved to adjourn the meeting at 7:13 p.m. Ms. Lewis seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Clerk
Date Approved: March 28, 2024