

## **SCITUATE PLANNING BOARD    MINUTES    March 23, 2023**

Members Present: Patricia Lambert, Chair; Ann Burbine, Clerk; Stephen Pritchard; Rebecca Lewis and Bob MacLean, Alternate

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

Members absent: Benjamin Bornstein, Vice Chair

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**

- 3/23/23 Planning Board Agenda

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

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**Continued - Public Hearing – Site Plan Administrative Review and Special Permit for Mixed-Use Building and Stormwater Permit in the VCN- GDG-NDTV – 61 New Driftway  
Assessor's Map/Block/Lot 53-03-2A**

**Applicant: John Tedeschi**

**Owner: John Tedeschi and James McInnis**

### **Documents**

- PDF 14-203 Planning Board Narrative & Applications - 2.15.2023
- PDF 14-203-Reponse to Peer Review Comments – 2.15.2023
- PDF 14-230 Site Plans – 2.15.2023
- PDF 14-203 – Stormwater Report - 2.15.2023
- PDF 14-203 – Vanasse Response to Peer Review
- PDF 14-203 – Vanasse Response to Planning Board Comments - 2.10.2023
- Jpeg 61 New Driftway-Rendering- March 2023
- PDF 61 New Driftway-Design Set March 2023 – Part 1
- PDF 61 New Driftway – Design Set March 2023 – Part 2
- DOC REV 3
- DOC DRAFT Motion form 4 Continuance
- DOC Summary of Issues 3-23-2023
- PDF 2293 3<sup>rd</sup> Review Letter 032023
- PDF Letter to Karen Joseph RE Supplement 3.20.23
- PDF Memo Stepback By J Kelliher 3.15.23
- PDF 61 New Driftway Architectural Set March 2023 Part 1
- PDF 61 New Driftway Architectural Set March 2023 Part 2
- DOC DRC – letter of recommendation 61 New Driftway

Attendees: Steve Guard, Attorney; Greg Morse, Engineer; Jamie Kelliher, Architect; John Tedeschi, Owner; Scott Thornton, Traffic Engineer; John Chessia, Town's Consulting Engineer; Kirsten Braun, Town's Consulting Traffic Engineer

Mr. Guard indicated since the last meeting there have been several meetings with Design Review (DRC) and their recommendations have been incorporated into the plan. He said he would defer to the Chair as to how to proceed with tonight's meeting.

Ms. Lambert said the Board is here listening tonight and is not making any promises, but hopes a decision can be made on the building itself. She said there is a list of items the Board would like to address.

*Building:*

Mr. Kelliher provided some new plans. He said they have had a positive process with the DRC. He reviewed the drawings for the building; the rendering shows the main view coming down the Driftway, he pointed out where some changes were made to a portion of the gable roof and cupola area and that the site has 2 setback/stepback requirements because it is a corner lot; it was discussed that a portion of the roof does not meet the setback/setback, but it was decided that aesthetically it was appropriate because it helps to have the fourth floor roof really blend in and disappear. Additionally, Mr. Kelliher said some of the gable elements were reduced in size that over the entrances, changes were made to the store front windows to transom windows to accommodate signage and several balconies were reduced in size, the porch roof was wrapped around the building on the Old Driftway side. He said they have also addressed issues with an arcade that was pulled into the right-of-way which was a concern for DPW; all the columns and overhanging elements have been moved out of the right-of-way, stairs leading up to the businesses have been turned sideways so they also do not encroach on the right-of-way.

There was discussion about accessibility to the building. Mr. Kelliher pointed out 2 main egresses on the plans that are accessible, he said the sidewalk is level with the first-floor level and pointed out where it goes around the building and the proximity to the ADA parking spots.

Mr. Kelliher showed several different views of the building showing where it had been modified.

Ms. Lambert asked about the condenser units and meters, etc. Mr. Kelliher said there are 18 condenser units planned to be placed on the rooftop, sheet A105, but that is just an estimate and it is possible that more could be accommodated on the roof. The updated elevations show potential wall mounted units on the rear showing 6 additional locations hidden as much as possible on the back side. He also said the roof top access was reconfigured and the overhanging roof top structure was minimized. He said a modification was made to the 4<sup>th</sup> floor roof to make it softer looking and create more of a hip style roof in the rear corner with dormers rather than having the eve-line at the top of the windows.

Mr. Pritchard asked what the wall mounted condensers on the side face; Mr. Kelliher explained they will face the abutting property, but it appears that most of the building that it faces are circulation elements. Mr. Kelliher did not know if there are any residences facing the applicants building nor did he know how many windows there are; he has not seen the actual floor plans for the buildings. He pointed out the electrical service room that will house the electric meter banks on the rear side of the

building; he said that given the size the of electrical room there is potential the meters could be recessed into the wall.

Ms. Burbine asked about the location of water meters; Mr. Kelliher said they have not determined that yet. Ms. Joseph said they are usually inside so they do not freeze, but she noted gas meters will be an issue. Each apartment will have its own water meter per the request of the Water Department.

Ms. Joseph indicated the DRC wrote in their recommendation that the applicant is to go back to DRC to review the location of all the mechanical equipment and utilities once it has been determined.

Mr. Tedeschi commented that the Gas Company will not look at the project until it is approved; at this point it is out of the applicant's hands because the gas company decides where the meters go based on the location of the gas line.

Ms. Lambert said the DRC wants to see the project again because they feel that it is very busy on the outside with all the mechanicals, utilities, dryer vents., etc. Mr. Kelliher said they also want to see things like trim details, etc. once they reach a certain level of construction drawing details the applicant would be back to review with the DRC.

Mr. Guard said the letter from DRC states the project should come back before a building permit is issued.

*Stepback/Setback:*

Mr. Kelliher provided the Board with a memo to explain the stepback/setback and reviewed the plan to show how the stepback/setback was being calculated. He showed on the plan where the building is not meeting the requirements. He said they have calculated on one façade that 0.4% area of the façade exceeds the allowance, on the other side the Old Driftway façade it has been calculated that 7.4% of the total façade pops through the allowed stepback/setback. He said the design helps to hide some of the stuff on the roof and helps so that there is not a pyramid affect created. Mr. Kelliher said he categorized the gable elements into the vertical articulation design guidelines; this is their effort to provide elements that break up the building from becoming too horizontal. He said they are asking for this element to be accepted as something positive for the design and a benefit to the look of the building.

Mr. Guard said this was reviewed by DRC and it is included in the letter for waivers the applicant is requesting.

Mr. MacLean opined for him this is the most pleasing design and pleasing look; it is busy, but it is the right amount of businesses. He said it has some character to it and a more historical look to it and fits in.

Ms. Lambert said the building is attractive, but it is still a little too big.

Ms. Burbine said the building is lovely, but the building has been shoehorned into a piece of property. She feels very strongly that it is too big. She also said she does not like how the elevator is being handled on the fourth floor, "it looks like a box has been placed on top of it". She said there does not appear to be place for people to store things if they are being encouraged to take lawn

chairs, etc. up to enjoy the view. She said she understands the building and agrees with Mr. MacLean it is very good looking, but it is too big for the lot.

Mr. Pritchard asked about the view along New Driftway and asked if there is a reason why the last balcony was different and more like a Juliette balcony. Mr. Kelliher said it is addressing the right-of-way issue. There was discussion that the structure below supporting the balcony was originally in the right-of-way and needed to be moved so the balcony needed to be shortened. Mr. Pritchard questioned why the columns all lined up across the façade, but the balconies did not. Mr. Guard said the lot line and right-of-way run parallel and run away from each other; Mr. Kelliher added the right-of-way line is a little skewed. Mr. Morse added that the building façade bumps out approximately 2'. He said originally, there was the arcade and balcony which per the bylaw are allowed to extend into the right-of-way, but DPW opined they needed to be moved. He said pilings are all lined up outside the right-of-way. Mr. Guard added they are not parallel to the road layout, but are parallel to the right-of-way. Mr. Guard referred the Board to architectural page A102. Mr. Guard said the alternative was to move the wall back and then there would have been a straight flat wall with no interest and the unit would be smaller without the bump out; they thought better to have a smaller balcony than a smaller living room.

Mr. Pritchard said it feels like the balcony is the bump out and now there is an asymmetrical balance. Mr. Kelliher said that was the intent; to provide three of the same gable and same balconies was something they opined was too repetitive, bringing a large element to the end of the building was making a statement. Mr. Guard opined this gives the building more interest and dimension.

Ms. Lewis commented on Ms. Burbine's comment about the roof; she opined she likes the roof, but asked what the plan is; do they expect people to bring up their own chairs or will things be supplied? Mr. Kelliher said most places that have roof top access provide some sort of permanent furniture/outdoor items, but it has not really been discussed in detail.

Mr. Kelliher addressed the comments about the elevator enclosure on the roof; there are dimensional rules that surround it so it cannot be seen from the ground. He opined they have been successful in hiding that access pavilion from the street. Ms. Lewis agreed, but said the applicant may want to consider having somewhere to put things in the case of storm/wind. Mr. Kelliher said there is potential the attic space could accommodate storage for both roof top amenity levels.

Ms. Burbine said she is concerned the wind will take cushions up and over; she thinks something needs to be considered. She does not like the design of the access pavilion.

Mr. Guard said it is not uncommon for headhouses to look this way, they are boxes, they house the mechanicals for the elevator and access staircase. He said Mr. Kelliher has done what he can with it so it does not start to look like a fifth story. He said generally the goal is to minimize the impact of it on the site; in this location and a building of this height there are not too many places it will be seen from the street.

Ms. Burbine referred to page A107 and suggested that some type of storage, i.e. lockers, be placed along the wall. There was discussion that maybe windows should be added to help with the aesthetics; the applicant is to look at the potential of adding a transom window to allot for storage space underneath.

Mr. Pritchard said it is a good size building on a piece of property, he wants to hear more about the green space and other elements, but generally thought the building was okay.

Mr. MacLean said the design elements remind him of the Scituate Cliff Hotel that he has seen in pictures and he likes it.

*Density Bonus:*

Mr. Guard said there is an error in his letter noting 7 units for a density bonus, but it should be 9 or 10 units. He said they are allowed 12.7 by-right based on the lot area maximum would be 28.7; the applicant is proposing 22 units which would be 9 additional density bonus units. He said there is a rounding mechanism that they understand could say there are 10 additional density bonus units. The applicant is offering \$15,500/unit for a one-time payment paid before the issuance of an occupancy permit.

Ms. Lambert said the money would have to be provided at the time a building permit is issued. Mr. Guard agreed that timing would be appropriate.

Mr. Guard also said the applicant is offering an easement at no cost to the Town for a sidewalk that is on the applicant's property, no eminent domain taking or any compensation for the easement. The applicant is also proposing to extend the sidewalk 250' along the New Driftway side of the building; Mr. Guard and Mr. Morse's reading of the bylaw is that a sidewalk is not required, but often in these large-scale projects it is offered. Ms. Lambert and Ms. Joseph said if there is a pedestrian frontage zone so a sidewalk is required.

Mr. Morse pointed out where the sidewalk would extend to; it would stop at the applicant's property line. At this point there are no plans to connect a sidewalk to the free-standing building on the Drew property.

Ms. Joseph recommended the Board take this all under advisement, she is having a meeting with the Town Administrator and DPW Director to discuss the proposed easement and sidewalk.

*Affordable Units:*

Mr. Guard said they will be using MetroWest for their monitoring agent for the affordable units. The applicant is proposing 80% AMI for the affordable units.

Ms. Lambert said the Board would take that under advisement. She indicated that at one of their last meetings the Board discussed AMI at 60% for a different project. Mr. Guard said he is aware of the discussion, but they felt it was better to give the payment to the Town for housing uses versus the long-term reduction in the rent for a period of time.

There was discussion about where the applicant came up with \$15,500/unit. Mr. Tedeschi said it should be on record that Ms. Lambert said she would not take less than \$15.5K/unit at the first meeting. Ms. Lambert said the Board will take it under advisement and will go back and check the record.

Ms. Lambert said everything needs to be squared away with MetroWest before anything starts.

Ms. Joseph confirmed there will 5 affordable units.

Ms. Joseph indicated there have been no comments submitted yet from DPW regarding the water and sewer studies.

*Parking:*

Ms. Lambert said the dead-end parking is difficult for her.

Mr. Guard said the theory behind the parking is that with proper signage the only people going into that location are those with assigned spots, there would be no worry about people pulling in for a spot not finding one and backing out. Ms. Lambert said the parking is tight. Mr. Guard argued that with tighter parking spaces it makes more sense to have them be designated spaces so there is not public traffic going back and forth. He said he understands the concern, but opines with proper signage and numbered spaces allocated to the residential units it mitigates the chance of problems. Mr. Morse pointed out the parking spaces on the plan that would be dedicated to the residential units and those that would be open to the public for the businesses, etc. He said there are total of 41 parking spaces, they are required to have 40.

Ms. Burbine said people are not going to want to park on the other side of the parking lot to get to the retail businesses. Mr. Morse pointed out the access to the retail is on the back of the building.

Ms. Tedeschi commented it is no different than the Mill Wharf. Ms. Lambert said the Board will not discuss that area.

Mr. Morse said he does not understand the concern; he pointed out the two-way traffic in and out and then a portion that is only one-way traffic as an exit to Old Driftway. The Board asked him not to note as two entrances, but as one entrance and two exits; it is not 2 entrances.

Ms. Burbine opined with the configuration of the parking the applicant is better off having some kind of opening for people to get across so they are not trapped. Ms. Burbine said it makes no sense for people to have to back up all the way. There was continued discussion, Ms. Burbine suggested that the landscape island could maybe move down to create a better flow of traffic.

Mr. MacLean said that having the dead-end parking be resident only will deter people from using it for the retail/commercial areas.

Mr. Guard said it will be pretty obvious with signs that parking is residential only.

Ms. Burbine disagreed.

There was discussion about the dimensions of the parking spots, 9'x18' which is standard size for a parking space.

Mr. Pritchard said he understands what Ms. Burbine is saying, but he opined it would be fine. There are numbered spots and violators would be towed. He does not know if it is that big of an issue.

Mr. Morse pointed out where the snow storage is and where the dumpster is located. He said a turning analysis was provided that shows a truck turning in, backing up, emptying the dumpster and exiting the site.

Ms. Lambert noted that Ms. Burbine does not like the parking, but she is kind of okay with it.

Mr. Guard discussed the janitors closet and the rental office as it relates to the calculation for parking. He said the janitor's office/closet is just a closet, there is not a full-time maintenance person on site the area that was labeled as a "rental office" has been turned into a residence lounge there is no access to the commercial space it is only accessible to the residence. The spaces are not considered in the gross floor area for determining the number of parking spaces.

Mr. Kelliher also pointed out where the mailboxes would be located; a system that would likely accommodate a 24"x 24" box could be supplied.

*Traffic:*

Mr. Thornton, Traffic Engineer, opined the circulation for the parking would be fine; it is common to have an area for residents only, but it has to be signed. He said he understands the concern about the retail area, but the retail area is not right against the parking and he does not expect it to be an issue.

In terms of the traffic review a couple letters were issued, one dated 2/10/23 that responded to peer review comments and most of comments were noted as resolved. There were some modifications to the traffic study and analysis that were done, comments on the site plans were addressed. A letter to the Planning Board, c/o Ms. Lambert, regarding the addition of the intersection of Country Way and Stockbridge Road to the study discussed at a previous meeting, questions related to the time that the gas station/Lucky Finn/General Store were open and when the counts were conducted. He said the facility was open 3-weeks before their counts were done so the traffic was included in the study. He said they asked the Town for the status of road improvements for the area and they are waiting for a review of the traffic signal of Old Driftway and New Driftway. He said a comment letter was received dated 3/20/2023 from the Town's Consultant and it seemed to state all comments were resolved. He said he commented back on the monitoring program once the site is built regarding the length of time for the program; 5 days is being suggested by the peer reviewer. Mr. Thornton opined 5 days of counts is excessive and a great deal of expense; he suggests it be done just for 1 day.

Ms. Braun, the Town's Consulting Traffic Engineer, commented the majority of comments were addressed in the third submission of materials. She spoke about the parking and circulation suggesting that even the residents in the last two spaces at the very end of the aisle may have difficulty getting out of their spots if the other spots were occupied around them. She said typically when there is a dead aisle there is a bump out to provide more maneuvering space for the vehicles in the end spaces and they would suggest that for this project. She said there is a cost associated with counting traffic for 5 days, but the Board should consider that if the applicant counts for 1 day that it is not much lower than what they typically see on an average work day which is why they suggested 5 days, Monday-Friday to get an average. She said it is up to the Board to decide what they are comfortable with for a traffic monitoring study. She said they want to make sure what is collected is representative of what is going on.

Ms. Lambert said that a weekend day should be included because everyone is going to the transfer station.

A member of the public asked why the Drew traffic study couldn't be used. Ms. Lambert said every project has to do their own traffic study. There was discussion about what the Drew Company has to do; Ms. Joseph indicated the Drew Company has to monitoring of the light timing when they are 60% occupied; they have mitigation as well.

Mr. Thornton said the traffic study because it is primarily a residential development looked at weekday morning and weekday evening; they will compare the results of what they observe after it is built to what they projected. He said they do not have a weekend day in the study.

Mr. Pritchard said the applicant should look at a couple of days. The Board suggested the applicant look at Tuesday-Wednesday.

Mr. Pritchard asked if the applicant would be able to look at creating a bump out as recommended. Mr. Morse said it looks like there is room, but they will have to look at it.

*Waivers:*

Mr. Guard reviewed the list of waivers:

- 750.5 – Deviations from the setback/setback - .4% and 7.4%. The Board is good with the presentation.
- 25% impervious in the front yard setback – district has 0'- 20' front yard setback the building is allowed to be on the property line along the right-of-way. He argued this building is penalized because it is a corner lot, there needs to be an entry way, asphalt paved entryway/exit. He said everything in the space has been designed with pervious materials except for the sidewalk that the Town owns which is on the applicant's property and the traveled way to and from the parking lot; the other elements would be pervious. He said they are penalized by the sidewalk because it needs to be built to Town standards and it is Town owned on their property; they don't have the ability to count it towards the pervious surface calculation. He said his letter is more technical and talks about the built-to-zone versus the setback and how that wraps around the building and is considered the front-yard. Mr. Guard said there is no definition in the bylaw of "front-yard"; it is up to the Board to determine what is the "front-yard". He said typically there is a front-yard setback where the building can't be, that would be called the front-yard. In this district a structure can, be put in the front yard because there is a zero front-yard setback minimum and 20' maximum. He said the bylaw is difficult to manage with respect to the pervious surface number of 25%. Mr. Guard indicated the patio is pervious, there are some grass strips, putting pervious asphalt in an entryway for vehicle traffic is not ideal it is going to wear out fast. He said they are asking for the Board to consider that they will not comply with the 25% because the building is located in the front-yard, the sidewalk in the front-yard, and entrance and exits in the front-yard.

Mr. Morse added that the existing site already does not comply with the 25% it already exceeds it at 28.6%; largely because the Town has a 5'- 6' concrete sidewalk which they feel they are being penalized for. Mr. Morse reiterated that the walkways and patio at the front of



the building are pervious; the only impervious materials in the front-yard are the access driveway and the egress driveway and any of the parking. He said he met with Ms. Joseph and Mr. Vogel early on to determine how to make the calculation because there is no definition of "front-yard". He would have opined the front-yard is the area in front of the building; what was determined from the meeting is that the front-yard extends all the way to the side lot lines on either side of the building. Mr. Morse said the impervious area is at 45.3% and the existing site is 28.6%.

Mr. Guard does not agree with the description of front-yard. He said it is a pre-existing non-conforming coverage if the Board does not choose to grant the waiver the applicant would like to go to the ZBA to get a finding that the extension or alteration of the impervious surface would not be substantially more detrimental. He said if the Board grants the waiver they would not have to follow up with ZBA, but if it is an issue for the Planning Board, Mr. Guard opines it falls in the lap of the ZBA because it is a pre-existing non-conforming dimensional element of the lot already.

Ms. Burbine commented that it goes back to what she said initially, they designed a lovely building and it is put on lot that is too small; she said they are creating a non-conformity and she cannot support it.

Mr. Pritchard commented if the applicant wanted to go to 28.6% that is one thing, but 45% is a lot. Mr. Guard said there is no way to do it, a building that is financially feasible couldn't be put on the lot if the applicant was held to the 25% for the perceived front yard.

Ms. Lambert interjected this Board does not sit in support/not support of how much money someone makes on their property; the Board's job is to make sure they get the very best project for the Town; often they are oppositional and they need to work together to make it the very best. She said the Board is struggling with this and will take it under advisement. She said from day one the Board has said there are these kinds of issues because there is not a lot of space. Ms. Lambert said a list needs to be provided for the proposed plantings. She said the Board is trying to work with this, but it is a big difference, they understand there needs to be driveways. These are the rules, bylaws and regulations and things need to be done within those restrictions and parameters. She said she knows it is difficult, but it is also difficult for the Board to be able to say "yes or no" on an individual basis. The Board looks at every project individually and it is difficult to sometimes make these extraneous decisions; it takes a lot of time and a lot of thought.

Mr. Pritchard said the standard is 25%, but he is not seeing the mitigating arguments that say this is a specific case/reason. He said everyone is going to come in and want 45% instead of 25% and the Board is not inclined to do that.

Mr. Guard said that in an urban type of development with a zero front-yard setback and a bylaw that requires 25% impervious surface for driveways, walkways, and paved patios it is almost impossible to do; the applicant is being told they can't have more than 25% impervious surface for the access to the lot and building. He said this is a tiny front-yard because there is a zero front-yard setback allowed; he is having a difficult time with balancing the bylaw and what is put on the ground.

Ms. Joseph suggested for the next meeting the applicant provide more specifics about what the 45% includes. She said just because there is a zero-foot setback does not mean it has to go to a zero-foot setback; the building is at 5'. Mr. Guard said they would break it out for the next meeting. Ms. Lambert said they can grant a waiver, but they need to understand why they want so much.

Mr. Tedeschi commented that there is a density bonus involved and there is a great deal of money going to the Town and tax money for the Town for forever. He said that is why they are over and has fueled the size of the building as well. He said they have worked very hard, it is the entrance to Scituate it means a lot to him and he is very frustrated with where this is going. He commented about the Drew development next to this property.

- Crosswalk Waiver – Mr. Guard indicated it was addressed at the last meeting; 10' crosswalk is required they are asking for 6', because the sidewalk is 5'. Reason for the waiver is it is attaching to an existing sidewalk.
- Low Impact Development - asking for a waiver for the buffer zone; proposing an 11' buffer where a 15' buffer is required. Mr. Guard indicated the reasoning for the waiver is to accommodate parking areas for 41 cars.

*Drainage:*

Mr. Chessia provided comments regarding the drainage.

- Inlet capacity on the catch basins that are on the slope
  - Calculations work for the low point, need to ensure it does not bypass the ones on the slope heading toward Old Driftway
- Soil testing
  - 3 tests done on the system
    - 2 do not go to the bottom
    - Could be conditioned that it is inspected at the time at the applicant's risk
- Pervious pavers – more information needed
- Erosion control plan
  - Need to be aware of the construction phase aspects in terms of runoff; it is a very tight site
- EV Charging stations
  - Location and accessibility need to be considered

Ms. Joseph made additional comments.

- Abutters on the opposite side of the road need to be labeled
- By-right requirement for density needs to be added to the plans, maximum is noted
- Setback/Stepback numbers need to be update to match with the Bylaw

Ms. Lambert said she knows Mr. Tedeschi is frustrated, but when/if this is done it will be the best project.

Mr. Tedeschi agreed, but said there has not been one Town's person that is opposed to this project; some people have come in support of the project.

*No public comment.*

Mr. MacLean made one last comment regarding the waiver for impervious surface; there will have to be a reconciliation on the by-right density allowances and the parking required for them and the impervious surface or a grass parking area. There are going to be trade-off's to having a parking lot that is going to last or having a higher percent of impervious surfaces.

*Motion:*

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for a Mixed-Use Building and Stormwater Permit in the Village Center and Neighborhood District – Greenbush Gateway District- New Driftway Transit Village Subdistrict (VCN-GDG-NDTV) until May 25, 2023 at 6:30 pm and to continue the time for action for filing with the Town Clerk until July 28, 2023.

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

**Public Hearing – Special Permit Accessory Dwelling – 27 Pineview Drive  
Assessor's Map/Block/Lot 36-5-4  
Applicant: Kimberly Devine Reedy  
Owner: Colin J. Reedy and Kimberly Devine Reedy**

**Documents**

- PDF 27 Pine View, Structural Plans
- PDF 27 Pine View Dr. Field Card
- PDF 4390 PB Special Permit Filing 1-27-23
- PDF 4390-ADSP-01-25-23
- PDF 4390-ADSP-02-16-23
- PDF TC filed legal posting - 27 Pine View Dr.
- Email dated 3.10.23 from BOH
- Email dated 2.22.23 from BOH
- Email dated 2.22.23 from Water Department
- DOC cover-transmittal letter 27 Pine View
- DOC Draft Motion 27 Pine View Drive 1

Attendees: Paul Mirabito, Engineer; Kimberly Devine Reedy, Applicant/Owner; Colin Reedy, Owner

Ms. Burbine read the legal posting into the record.

Mr. Mirabito reviewed the plan.

- Lot is 46,620 sq. ft.
- Existing home was built in 1965
- Wetlands to the rear of the property
  - Order of conditions issued by the Conservation Commission

- Site is located in the Scituate Flood plain and Watershed protection district
- Approval of ZBA
  - Improvement in the Water Shed Protection District
  - Increasing the gross floor area by more than 20%
    - Total increase is 37.5 %
- Accessory dwelling is proposed addition to the rear of the garage
  - 14' deep and 22.5' wide
  - 2 entrances
  - Enough parking for both the accessory and primary
  - Foundation will be built on piles, because in FEMA flood zone
  - Septic system is in the front yard
  - 4-bedrooms now and will remain 4-bedrooms as approved by the BOH
  - Below the 25% threshold for stormwater
  - Garage will have second floor
  - Parents of the applicant are proposing to live in the structure

Ms. Lambert said this is a big addition, but it falls within the bylaw.

Ms. Lewis asked about the parking. Ms. Joseph said there is parking in the garage and the driveway is large enough to fit multiple spaces. She indicated this project is in a Zone II and Zone A.

Mr. Pritchard asked about the egresses; Mr. Mirabito pointed out an entranceway in the front and then a second in the rear.

*No public comment.*

There was discussion about the exterior finishing of the new addition with the old; it will be clapboard to match, they will be the same. Ms. Reedy said the only difference from the front of the house that will be visible is the room above the garage.

Mr. Pritchard said any new lighting must be down lighting.

Ms. Joseph indicated there were 3 comments on the project.

- Water Department – had no comments
- BOH – Title 5 Inspection will be needed
- BOH – one bedroom needs to be taken out from the primary dwelling, BOH will review again when the building permit is pulled.

*Motion:*

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

1. On February 7, 2023 applicant Kimberly Devine Reedy applied for a special permit for an accessory dwelling in a single-family home at the property at 27 Pine View Circle.
2. According to the Town of Scituate Assessor's records and the deed, the property at 27 Pine View Drive is owned by Colin J. Reedy and Kimberly Devine Reedy. The applicants signed a notarized authorization allowing Ross Engineering Company and Grady Consulting LLC to

represent them at meetings before the Planning Board. Paul Mirabito as agent signed the application.

3. Based on a floor plan submitted with the application, the application and the new Assessor's card, the Planning Board finds the floor area of the Accessory Dwelling to be 1,559.66 sq. ft. This includes the dining room, den, bath, closets, hall, second floor bedroom and the existing family room which will be part of the accessory dwelling. The floor area of the primary dwelling is 3,351 sq. ft. according to Assessor's Records. A finished basement also adds 1,058 sq. ft. The existing family room will be taken out of the primary dwelling and moved to the accessory dwelling, thus the primary dwelling square footage is 4,156.34 sq. ft. The accessory dwelling is 37.52% of the floor area of the primary dwelling not counting the entry area. 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 floor area 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-2 Zoning District and Water Resources Protection District with a majority of the property in the Zone II. The proposed accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
6. The proposed accessory dwelling is to be located in a first-floor addition to the single-family home with a second-floor bedroom over the garage. Access will be via a door at the front of the house and from a stairway at the rear of the house from a new deck.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Accessory Dwelling Site Plan for 27 Pine View Drive in Scituate, MA by Grady Consulting, L.L.C. dated January 25, 2023 with revisions through 2-16-23 shows the location of the existing primary dwelling and the proposed accessory dwelling. The plan shows an existing bituminous driveway which can fit at least four parking spaces. This appears adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling. Ample parking appears to be provided.
9. The applicant/owners have submitted a signed, notarized statement that they will continue to reside on the property in one of the dwelling units.
10. The accessory dwelling will be serviced by Town water and a private septic system. The Water Department has no comments. The Board of Health has commented that a Title 5 inspection will be necessary *prior to the issuance of a building permit*.
11. The application **meets** the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Mr. Pritchard seconded the motion for discussion.

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

Ms. Burbine moved **to approve** the Special Permit for an accessory dwelling at 27 Pine View Drive 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 plans submitted with the application by Brenda Tower dated 11/16/22 consisting of 8 sheets for the Devine Reedy Residence including Front Elevation 1 of 8; Left Elevation 2 of 8; Rear Elevation 3 of 8; First Floor Plan 4 of 8; Second Floor Plan 5 of 8; Cross Section 6 of 8; Cross Section 7 of 8; Existing First Floor Plan Sheet 1 of 2 undated; Existing Second Floor Plan sheet 2 of 2 undated; Foundation Plan 8 of 8; Accessory Dwelling Site Plan for 27 Pine View Drive in Scituate, MA by Grady Consulting, L.L.C. dated January 25, 2023 with revisions dated 2/16/2023.
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 an 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. Any lighting installed shall be down lighting to not shed light on abutting properties.
8. 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 state and federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
9. Runoff from the proposed accessory dwelling shall not be increased from the property. As the property is in the Water Resource Protection District, rooftop runoff must be designed to recharge the first inch of rainfall. An Order of Conditions has been issued by the Conservation Commission allowing for overland flow for the single-family dwelling. A plan for attaining runoff requirements must be provided to the Building Commissioner as part of the building permit application.
10. 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.
11. The appearance of the accessory dwelling will be in keeping with the primary dwelling unless otherwise required by the Massachusetts Building Code and new exterior stairs needed to provide primary or secondary means of egress for the accessory dwelling shall be located on the side or rear of the building.

12. At least two private off-street parking spaces shall be available for use by the occupants of the accessory dwelling in addition to those parking spaces required for the primary dwelling.

Mr. Pritchard seconded the motion as amended, a vote was taken and was unanimously in favor.

**Public Hearing – Special Permit Accessory Dwelling – 62 Pin Oak  
Assessor’s Map/Block/Lot 48-2-51-F  
Applicant/Owner: Robin L. and Bryan D. Kelly**

**Documents**

- PDF Accessory Dwelling Application
- PDF ARCH 22024 Pin Oak Schematic Design 20230120
- PDF Site Plan 62 Pin Oak
- PDF TC filed legal posting – 62 Pin Oak Dr
- DOC Transmittal
- DOC DRAFT Motion 62 Pin Oak Drive
- Email dated 2.16.23 Sewer Department comments
- Email dated 2.15.23 Water Department comments
- PDF img20230214-11492799 - abutter comment Jeffery Sill
- Email dated 2.27.23 Sewer Department comment 2
- Email dated 3.7.23 Water Resources comment
- Email date 2.27.23 from Will Branton – Sewer Department

Attendees: Greg Morse, Engineer; Robin Kelly, Applicant/Owner

Ms. Burbine read the legal ad into the record.

Mr. Morse reviewed the plans.

- Ms. Kelly has lived in the house her entire life
  - Purchased from her parents in 1996
- Lot is fully conforming, located in the R2 Zoning District
- Serviced by municipal water and sewer
- Existing home built in 1964
  - 1,652 sq. ft. – 3-bedroom house
- Proposed addition off the back of the garage
  - 750 sq. ft.
  - 2 egresses, one on right side of the building and second into the backyard
  - Single story
  - 1-bedroom
  - 6 parking spaces available – 2 in the garage, 4 in the driveway
- Two letters of support submitted

Ms. Lambert questioned the driveway, changing from asphalt to gravel and why would the Board approve making something less stable.

Mr. Morse said that there is no requirement that a driveway be paved. The property is located in the Water Resource Protection District, they are trying to eliminate impervious surface which is encouraged in the district. He said the driveway is flat in topography and he does not see any problem. He said people have removed asphalt and replaced with gravel, shells, etc. he opined it would not be subject to erosion and there are no wetlands on the site. He said it is to keep the project under the thresholds of the Stormwater Bylaw and keeps it under the 25% increase in impervious surface.

Ms. Joseph showed a picture that was sent to the Board showing the driveway is not flat.

Mr. Pritchard said it is fine with him, it will be the homeowner's problem; he would not tell someone that they have to have an asphalt driveway. He said it does have to be designed in a way that manages water flow.

Mr. MacLean said he was fine.

There was discussion about the exterior; Mr. Morse confirmed it will match and will be wood shingle.

Ms. Joseph indicated there were comments received

- Two abutters provided letter of support
- Water Department had no comment,
- Sewer Department commented that there will be a ½ privilege fee due,
- Water Resource Commission commented the requirements for the WRPD need to be met, Section 520.5, they will need to show artificial recharge will not result in degradation of ground water quality and that the operations and design guidelines of Section 520.5 are met.

Mr. Pritchard asked if it recharges into the driveway; Mr. Morse said yes and it is shown on the plans.

*Public Comment:*

Ms. Kelly, homeowner, thanked the Board for considering the project. She has lived in the house since she was 2 years old and is looking to bring her mother back home to live with here family and friends close by.

*Motion:*

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

1. On February 14, 2023 applicants Robin L. and Bryan D. Kelly applied for a special permit for an accessory dwelling in a single-family home at the property at 62 Pin Oak Drive.
2. According to the Town of Scituate Assessor's records and the deed, the property at 62 Pin Oak Drive is owned by Robin I. and Bryan D. Kelly. Both owners signed the accessory dwelling special permit application.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 749 sq. ft. The floor area of the primary dwelling is 1,652



sq. ft. according to Assessor's Records. The accessory dwelling is 45.3% of the floor area of the primary dwelling. 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 floor area 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-2 Zoning District and Water Resources Protection District. The proposed accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
6. The proposed accessory dwelling is to be located in a first-floor addition to the single-family home. Access will be via a door at the side of the house and a second door on the back side of the house leading to a deck.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Accessory Dwelling Site Plan for 62 Pin Oak Drive in Scituate, MA by Morse Engineering Co., Inc. dated 2/3/2023 shows the location of the existing primary dwelling and the proposed accessory dwelling. The plan shows an existing bituminous driveway which can fit four parking spaces. This appears adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling. Ample parking appears to be provided. The existing bituminous concrete driveway, which is on a slope, is shown on the site plan to be partially removed and replaced with gravel.
9. The applicant/owners have submitted a signed, notarized statement that they will both occupy the dwelling upon completion of the project.
10. The accessory dwelling will be serviced by Town water and sewer. The Water Department has commented that they have no comments. The Sewer Department has commented that the accessory dwelling will require a ½ sewer connection fee of \$8,000.00 to connect to town sewer and will require a utilities plan.
11. The application **meets** the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Mr. MacLean seconded the motion; a vote was taken and was unanimously in favor.

Ms. Burbine moved **to approve** the Special Permit for an accessory dwelling at 62 Pin Oak Drive 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 plans submitted with the application by Designs by Marshall, LLC dated 1/20/2023 consisting of Kelly Residence, Project No. 22024 In Law Addition, 62 Pin Oak Dr., Scituate, MA 02066 Cover Sheet; Demo Basement & 1<sup>st</sup> Floor Plans D1.1; Demo 2<sup>nd</sup> Fl and Roof Plans D1.2; Basement Plan A1.1; First Floor Plan A1.2; Roof Plan A1.3; Exterior Elevations A2.1; Exterior Elevations A2.2; Accessory Dwelling Site Plan for 62 Pin Oak Drive in Scituate, MA by Morse Engineering Co., Inc. dated 2/3/2023.
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 an 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. The Sewer Connection must meet all the requirements of the DPW sewer division which is requiring an \$8,000 connection fee and a utility plan.
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 state and 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. As the property is in the Water Resource Protection District, rooftop runoff must be designed to recharge the first inch of rainfall. Infiltration basins or trenches shall be constructed with a three-foot minimum separation between the bottom of the structure and maximum groundwater elevation. An artificial system of recharge shall be required which does not degrade the groundwater as there is more than 15% impervious area for the site. A plan for attaining runoff requirements must be provided to the Building Commissioner as part of the building permit application. The detail for the pervious pavement walkway should be included on the building permit plans.
11. The lower part of the asphalt driveway shall not be removed and replaced with gravel as the site is in the Water Resource Protection District and stabilization is important. The Board supports leaving the asphalt driveway or replacing it with permeable pavers provided a detail is provided with the building permit application.

*Language change: The lower part of the asphalt driveway is to be removed and replaced with pervious pavers and shall be designed to ensure stabilization and ensure no runoff and cannot be changed without permission of the Planning Board.*

12. 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.

13. The appearance of the accessory dwelling will be in keeping with the primary dwelling unless otherwise required by the Massachusetts Building Code and new exterior stairs needed to provide primary or secondary means of egress for the accessory dwelling shall be located on the side or rear of the building.
14. At least two private off-street parking spaces shall be available for use by the occupants of the accessory dwelling in addition to those parking spaces required for the primary dwelling.

Ms. Lewis seconded the motion for discussion.

Mr. Pritchard seconded the motion as amended, a vote was taken and was unanimously in favor.

**Continued - Public Hearing – Stormwater – Laurelwood Drive Lots 3 (#5), 4 (#7), and 5 (#9)  
Assessor's Map/Block/Lot 30-2-22C and 30-1-6C for Lot 3, 30-2-22D and 30-1-6D for Lot 4,  
30-2-22E and 30-1-6E for Lot 5**

**Applicant: Mary E. MacKay**

**Owner: Mary E. MacKay et. al., Trustees**

**Documents**

- PDF 4065-SWA-Lot 3-WS
- PDF Laurelwood St. Lots 3, 4 & 5 Overall Site Plan
- PDF Lot 3 – Stormwater Report
- PDF Lot 3 Site Plan-stamped
- PDF Response to T121.03-Peer Review #3
- PDF T1241.03-Peer Review #4
- PDF DRAFT Motion for 5 Laurelwood (Lot 3) SW Permit
- Email dated 3.13.23 from Town Counsel
- PDF 4065-SWA-Lot 4-WS
- PDF Lot 4 – Stormwater Report
- PDF Lot 4 Site Plan – stamped
- PDF DRAFT Motion for 7 Laurelwood (Lot 4) SW Permit
- PDF Response to T1241.04-Peer Review #3
- PDF T1241.04-Peer Review #4
- PDF 4065-SWA-Lot 5WS(POST)
- PDF 4065-SWA-Lot 5 – WS (PRE)
- PDF Lot 5 Cover Letter 3<sup>rd</sup> Response
- PDF Lot 5 Site Plan
- PDF Lot 5 Stormwater Report
- PDF Response to T1241.05-Peer Review #3
- PDF T1241.05-Peer Review #4
- PDF DRAFT Motion From for 9 Laurelwood (Lot 5) SW Permit

Attendees: Bill Ohrenberger, Attorney; Gabriel Padilla, Engineer; Peter Ellison, TEC, Town's Consulting Engineer

Mr. Padilla indicated that since the last meeting all comments have been addressed with the Peer Review and a plan was submitted showing all three lots on one sheet. He said it is more of an information sheet.

Ms. Lambert asked when the permanent drainage would be installed, since there had been discussion about the sequence of building. Mr. Padilla said the erosion control will be set up first and after that the basins will start and then continue on with the work, keeping everything out of the basins. He said there will be a SWPPP submitted as required.

Ms. Joseph indicated that the Consulting Engineer reviewed all the lots and found all the drainage characteristics are following the DEP and Stormwater Regulations and Bylaw. She recommends approval of the stormwater permit.

Ms. Joseph explained the sequence of construction doesn't really say when all the utilities are going to be installed; she said she has asked that this be noted be done prior to a building permit. They will need to do whatever temporary drainage is needed, but the timing of when they will likely open the site will be during the summer time when ground water is not so high.

Mr. Padilla said there is no date at this point, but the sequence of operations will have the stormwater pollution controls out there and the drainage will be one of the first things done because it is an underground structure; the driveway will be one of the last things built.

Mr. Ellison commented that the Board should feel comfortable that TEC performed a very thorough review, this was the fourth review and he confirms that the stormwater for all three lots meets the State standards as well as the local Town of Scituate bylaw.

Ms. Lambert said, Town Counsel has opined a modification of the Subdivision was not needed for the water line installation.

Ms. Joseph commented that on Lot 4 the tree line needs to be made to align with the erosion control; it has been conditioned. The dewatering detail has also been conditioned to be shown on a resubmitted plan and consistent with the O&M Plan so they both say the same thing. All the conditions proposed are the typical conditions imposed for any Stormwater Permit issued.

The Board discussed if all three motions need to be read; Ms. Burbine read Lot 4 motion.

*No public comment.*

*Motion:*

Ms. Burbine indicated she will be reading Lot 4, and that Lot 3 and Lot 5 are basically the same.

Ms. Burbine moved to approve the Stormwater Permit with The Stormwater Permit Site Plan for Lot 4 (#7), Lot 3 and Lot 5, Laurelwood Drive in Scituate, MA dated November 9, 2022 with revisions through 2/21/23 consisting of 4 sheets and Stormwater Management Design Calculations dated November 9, 2022 with revisions through February 21, 2023 with the conditions noted below:

1. Construction shall comply with the Stormwater Permit Site Plan for Lot 4 (#7) Laurelwood

Drive in Scituate, MA dated November 9, 2022 with revisions through 2/21/23 consisting of 4 sheets and Stormwater Management Design Calculations dated November 9, 2022 with revisions through February 23, 2023 by Darren M. Grady, P.E. of Grady Consulting, L.L.C. and the Operation and Maintenance Plans for construction and post construction for Laurelwood Drive latest revision February 21, 2023 except as they may be modified to conform to the conditions below. Any or all owners of the property or site contractors for grading, site work, and installation of utilities, foundations, and/or driveways shall be advised of this approval and these conditions. A copy of the approved plan and conditions shall be kept on the site at all times during construction.

2. Any plan changes or changes from the proposed materials shall be submitted to the Planning Office to determine if the changes are insignificant or require a permit modification approved by the Town Planner. The stormwater management system including underground chambers, sand filters, infiltration basins, grass swales, water quality swales, grading, dwelling and site amenity locations shall not be changed or expanded without the prior written approval of the issuing authority. Expansion includes additional pavement areas. Failure to obtain written approval is a violation of the Town of Scituate General Bylaw and subject to fines.
3. Copies of this approval and the approved Stormwater Permit Plan and Conditions shall be provided to subsequent owners who shall be advised of the need for periodic maintenance of the stormwater system and the need to retain the grading of the lot as approved. Prior to the transfer of the property, the owner shall provide to the subsequent owner and the Planning Office an inspection report certified by a Professional Engineer showing compliance with the Operation and Maintenance Plan. **The Planning Office must receive written notification at least one week prior to any change in the ownership of the property occurring during construction.**
4. Where this Stormwater Permit requires approval, permitting or licensing from any local, state or federal agency, such permitting or licensing is deemed a condition of this Stormwater Permit. All necessary permits and approvals must be received prior to commencement of construction. This includes a NPDES Permit if applicable. If a NPDES Permit is needed it shall be provided to the Planning Office two weeks prior to construction commencing to verify it is consistent with the Stormwater Permit.
5. The Applicant shall consent to allow members and Town officials from the Planning Board and other persons acting under the Planning Board or its agents, to enter upon any lands and carry out such inspections as may be deemed necessary. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their effort to verify that the layout, design and construction work for the Stormwater Permit are satisfactory and conform to Town specifications and requirements of the Board.
6. **This Stormwater Permit must be recorded at the Registry of Deeds with proof furnished to the Planning Office prior to construction.** Failure to record the Stormwater Permit is a violation of the permit and subject to fines included in the Town of Scituate General Bylaws.

7. The infiltration dry wells shall be installed to have the bottom elevation a minimum of three feet above seasonal high groundwater elevations. **Stormwater during construction as well as after construction is not allowed to increase in rate or volume to adjacent properties, the street or offsite.** No sediment (including silty water) is allowed to leave the site during construction.
8. No clearing beyond the limit of work/limit of clearing/erosion control line as shown on the plan is allowed. The limit of clearing shall be staked in the field prior to construction commencing and shall be maintained throughout the construction phase.
9. The limit of work shall be revised to reflect the tree line shown on the 2/21/23 plan. No work beyond the tree line to remain is allowed. The plan shall be resubmitted to the Planning Office for approval prior to application for a building permit.
10. The sequence of construction shall be revised to reflect when the permanent drainage features are to be installed. The plan shall be resubmitted to the Planning Office for approval prior to application for a building permit.

*Language added: the sequence of construction will be revised to reflect that the permanent drainage feature will be installed prior to the house construction.*

11. Construction work shall not begin prior to 7:00 AM on 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 state and/or federal holidays. Construction work includes any operation of machinery and idling of vehicles. No truck idling on the site or on adjacent streets is allowed.
12. Any temporary sediment control traps and swales must be installed in the initial stages of construction prior to any foundation construction. All underground recharge chamber areas must be fenced off during construction to prevent over compaction of the soils and minimize construction traffic over the recharge areas.
13. There shall be no flow to the subsurface systems until the tributary area is stabilized.
14. The infiltration basin, sand filters, water quality swales and underground leaching chambers must be retained and maintained as designed as they are components of the stormwater management system. Maintenance must be per the approved Post Construction Operation and Maintenance Plan.
15. Snow is not allowed to be stored in the infiltration basin, sand filters or in any component of the Stormwater System.
16. **A Stabilized construction entrance per the plan detail shall be installed prior to any work on the site and shall be maintained throughout construction.**

17. Prior to any land disturbance, erosion control shall be installed and inspected by the Town Planner or approved agent. At this time the site shall also be staked to show the house and drainage improvements. All stockpiles shall be surrounded by an erosion control barrier. Additional erosion control, such as silt fence, silt sock and/or haybales placed **prior** to a precipitation event, may be needed to prevent sediment from reaching the road or adjacent properties during construction. **All erosion control shall be installed per the plan and shall be maintained in good working condition throughout construction.** The Applicant is responsible for maintaining and managing stormwater on-site throughout the construction period and during the transition to fully functional operations and maintenance. Construction approval in no way relieves the Applicant from its obligation to ensure stormwater does not impact the abutting properties and the Applicant shall take all necessary steps to prevent such occurrences.
18. **The Town Planner shall be notified when installation of the construction entrance and erosion control are complete. If any permit inspection is being requested this notification shall occur 48 hours in advance of an inspection.**
19. No on-street parking or loading or unloading of construction equipment or vehicles shall be permitted during construction unless a police detail is provided if warranted as determined by the Police Department. Noise mitigation and proper dust controls shall be used.
20. All disturbed areas associated with this Stormwater Permit shall be loamed and seeded with **6"** of screened clean loam. A bill of laden shall be provided to the Planning Office to show that the loam is clean.
21. Only organic fertilizers shall be used as the lot is in the Water Resource Protection District.
22. All slopes on site shall not exceed 25% or 4:1.
23. The Operation and Maintenance Plan during construction shall be followed as written. The dewatering detail on the plans shall be revised and approved by the Planning Office prior to a building permit to reflect the ~~verbiage~~ *requirements* in the Operation and Maintenance Plan for during construction.
24. A pre-construction conference will be required on site to verify the contractor is aware of the Stormwater Permit conditions and required inspections. Recording of the permit must occur prior to the pre-construction conference with proof of recording furnished to the Planning Office.
25. Construction inspections will be provided as follows:
  - a. All inspections for the Town shall be performed by the **Town Planner or a designated representative of the Planning Department or Planning Board and by the record design engineer.** All inspections shall be documented with written reports that describe compliance with the approved plan(s) and supporting application documents and construction specifications. Any variations shall be noted.
  - b. The Town Planner and record design engineering firm must be notified 48 hours prior to:

- i. Installation of construction entrance and erosion control, and staking of corners of the dwelling, limit of work, driveway and the drainage improvements;
- ii. Installation of siltation sumps including directional swales;
- iii. Bottom of the infiltration basin prior to backfilling;
- iv. Bottom of infiltration chambers;
- v. Installation of infiltration chambers;
- vi. Rough grading of site including swales, site and driveway to verify grades are as designed including slope and driveway grading;
- vii. Finish grading of the infiltration chambers and basin and all stormwater management systems with the elevations submitted to the Town Planner and design engineer for verification;
- viii. Inspection of site amenities including house, driveway, walk and loamed & seeded areas;
- ix. Inspection of final completion of site work including cleanup to determine compliance with the conditions prior to issuing a Certificate of Completion (COC). All grass must be growing and landscaping completed.

**Work shall be subject to removal if necessary inspections are not requested. If the property is sold prior to completion of the work, the Planning Board reserves the right to inform the buyer that the Stormwater Management System is incomplete.** Spot grades shall be performed during rough grading and finish grading to insure any swales will drain and no standing water will be present.

26. The applicant will provide a construction and plan completion guarantee of \$5,000 *cash bond* prior to issuance of a building permit to guarantee that the Town will be notified when site inspections are required, the as-built plan will be provided and construction will be completed in accordance with the approved plan and grass will be growing. A Certificate of Completion must be issued prior to return of the construction and plan completion guarantee.
27. The Property Owner shall be responsible for the proper maintenance and operation of the stormwater control system. A best management practices inspection schedule and maintenance checklist and plan is attached and shall serve as a guide for the proper maintenance of the system which is required in perpetuity.
28. Construction of the proposed stormwater management system, site utilities, site amenities and grading shall be supervised by a registered professional engineer who shall certify to the Planning Board that the site was constructed according to the approved plans. The certification shall be accompanied by an As-Built Plan stamped by a registered surveyor and the registered professional engineer who designed the system and shall be submitted to the Planning Office within ten days of completion of the work. This plan shall include the construction conditions of the stormwater management system including top and bottom elevations and inverts, spot grades as necessary, grading, house, site amenities and driveways. Prior to application for a Certificate of Occupancy, an interim As-Built must be



submitted to the Planning Office for verification that the stormwater management system and grading is following the design. The final As-Built Plan must be submitted prior to obtaining a Certificate of Completion for the Stormwater Permit and all work must be found in compliance with the approved permit. All grading and landscaping must be complete prior to the final as-built submittal.

29. If the drainage system is not performing as designed and conditioned or stormwater is observed going to abutting properties or the street, the ~~Stormwater Authority~~ *Planning Board* can request necessary mitigation to remedy the situation at the applicant's expense. This condition applies to all construction activities and survives the issuance of a Certificate of Completion.
30. Underground irrigation systems are prohibited from connecting to the town's water distribution system or in any manner using municipal water. All irrigation systems installed must be supplied by on-site sources at the expense of the property owner. Violations of this policy shall result in a fine to the property owner, with an equal fine levied on the installer of the system
31. Any condition contained herein that varies from the plan supersedes the plan where different.

Mr. Pritchard seconded the motion for discussion

Mr. MacLean second the motion as amended; a vote was taken and was unanimously in favor.

#### **Minutes** **Documents**

- Meeting Minutes 3.9.23

Ms. Burbine moved to approve the meeting minutes for March 9, 2023.

Mr. MacLean seconded the motion; a vote was taken and was unanimously in favor.

#### **Accounting** **Documents**

PO #2318073 (\$525.00), PO #2317795 (\$2,310.00), PO #2317792 (\$2,590.00), PO #2317793 (\$840.00), PO #2317794 (\$490.00)

Ms. Burbine moved to approve the requisition of \$490.00 to Chessia Consulting for peer review services for 7 New Driftway, for \$840.00 to Chessia Consulting for peer review services for 61 New Driftway, for \$2,590.00 to Chessia Consulting for peer review services for 33 New Driftway/7 MacDonald, for \$2,310.00 to Horsley Witten for peer review services for 16 Crescent Ave., for \$525.00 to Karen Straley for return of unexpended peer review funds for 31 Allen Place.

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

**Liaison Reports:**

**Zoning Board of Appeals – reported by Ms. Lambert:**

- Chair has stepped down; other members are speaking up much more
- Moving ahead with Old Oaken Bucket, next meeting end of April

**Community Preservation Committee – reported by Ms. Burbine:**

- Plan for 5 tennis courts at the High School presented
  - \$2.0M
  - Taking 4 existing courts out and will expand up the hill
  - Current courts are falling apart
  - Need to have 5 courts for MIAA participation
- Discussion over \$300K approved for Pier 44 design and engineering
  - Advisory voted unanimously against
  - Money is just to go forward with engineering and design of the project
  - Discussion got caught up with parking and pavilion
  - \$100K-\$200K to take down the building
  - Town meeting vote
  - Ms. Lambert said she did listen to Advisory on the topic and opined they didn't want to move forward because there is no real plan.
  - Ms. Joseph commented about some meetings she has been involved with where it as presented that there be a pavilion for 100 people, parking, pier going to the water, food trucks, design is very much up in the air
    - Parking would be 5-15 spaces, but unknown
    - Park would consider flooding and have mitigation

**Select Board Meeting – reported by Ms. Lambert:**

- Sidewalk seating for restaurants in the harbor
  - Approved Hibernian, Salt Society, Oro
  - Galley has been put on hold

**Planning and Development – reported by Ms. Joseph:**

- Town Meeting – April 10<sup>th</sup>
  - Common Driveway
  - Parking
  - Ann and Bob to present at Town Meeting
  - Changes are very simple and supported by everyone
- MBTA Compliance Action Plan has been approved
- Applied for technical assistance for MBTA communities
  - Waiting for Consultant to contact us for next steps
- MassWorks grants being applied for
  - Support letters from 7 New Driftway, 33 New Driftway and waiting on 61 New Driftway – need to leverage projects
  - Support letters from Town Rep Patrick Kearny and Senator Patrick O'Connor
  - Corey Miles putting application together – I & I
- Ms. Joseph and Ms. Lambert attended a conference on MBTA Communities
  - Asked if any leeway in the number of units allowed, i.e. off by 10 units from what is required would be allowed; answer was no

- Asked if any changes will be made surrounding mixed-use; no changes proposed to be made
- NDTV District will not count because it has a pedestrian frontage zone, it requires mixed-use retail/commercial be on the ground floor
  - We may be able to tweak something in the language
    - Technical Assistance will help
- Central field construction will be starting
- Residential Compound
  - Verizon has been working, hopefully pole to be removed soon and then final paving can be done
- Several stormwater permits under construction
- Multiple projects under construction
- April 13<sup>th</sup> Planning Board meeting canceled

Ms. Lambert commented that people keep asking for forgiveness instead of permission, people need to follow their decisions; if they are not being followed she has encouraged the Town Planner to issue citations or ceases and desist orders. The only way to get people's attention is to issue stop work orders. Decisions are legally binding documents and need to be followed.

#### **Documents**

- Email to the Board from Shari Young dated 3.17.23 with agenda for 3.23.23.
- Email to the Board from Karen Joseph dated 3.17.23 with meeting materials for 61 New Driftway, 27 Pine View Drive, 62 Pin Oak Drive, Laurelwood Drive Lots 3, 4 & 5.
- Email to the Board from Shari Young dated 3.22.23 with DRAFT minutes 3.9.23.
- Email to the Board from Karen Joseph dated 3.22.23 with materials for 61 New Driftway
- Email to the Board from Karen Joseph dated 3.23.23 with materials for 61 New Driftway

These items were distributed to the Board electronically. Ms. Burbine moved to adjourn the meeting at 9:36 p.m. Ms. Lambert seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Ann Burbine, Clerk  
Date Approved: April 27, 2023