

SCITUATE PLANNING BOARD MINUTES April 13, 2017

Members Present: Stephen Pritchard, Chairman; William Limbacher, Vice Chairman; Ann Burbine, Clerk, Richard Taylor and Gerard Wynne, Alternate member.

Others Present: Ms. Laura Harbottle, Town Planner.

Others Absent: None.

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

Location of meeting: Selectmen's Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chairman Pritchard called the meeting to order at 7:30 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 4/13/17 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Limbacher moved to accept the agenda. Mr. Taylor seconded the motion and the vote was unanimous in favor.

Update Discussion - 30 Whittier Drive and 7 & 9 Blanchard Farm Lane

Documents

- Email to the Board dated 4/4/17 with Stormwater photos from 4/1/17 and 4/4/17
- Email to Jacqui Quinn dated 3/30/17 from Laura Harbottle with proposed swale design
- Letter from Patrick Brennan of Amory Engineers dated 4/4/17
- Picture of temporary trench working behind Lot 8 Blanchard Farm Estates

Chairman Pritchard started the meeting by indicating having seen the stormwater on Lot 7 (#9) Blanchard Farms in action, there is a lot to do out there. He said it was a mess in more than one location and he would like to hear about a comprehensive solution to correct the problem. Gregory Morse, PE was present for the applicant. He indicated that the front portions of Lots 8 and 9 was supposed to drain to Blanchard Farm Lane and the stormwater basin and the back yards of the lots were to flow north along the stone wall in an existing slight natural swale. He indicated that he signed certifications for Lots 8 and 9 that the grading was done according to the plan; however he has not signed a certification for Lot 7. He indicated that the subdivision conditions required that the grading certificate be signed prior to building occupancy, but the building is occupied. Mr. Morse said that the grading on Lot 7 is the crux of the problem.

Mr. Morse indicated the design intent was to keep the natural swale. He said the catchment plans shows where the water was intended to flow. He indicated that the grading on Lot 7 is causing a dam and ponding in the back yard of Lot 8. He said the proposed fix is to remove the excess fill and put the swale back in place. He said the general contractor is aware of the swale and the final grading will be complete this spring which should alleviate the flooding. He said it is just getting dry enough to do the work. He said two weeks ago the developers, John Barry and John Tedeschi and engineer Jeff Hassett were at the site during the rain. He indicated the grading on Lot 7 is the issue and can be corrected via the swale as shown on the plan.

Ms. Harbottle indicated that she went to the site in the afternoon on 4/1 after a temporary swale was dug and the rain was lighter. She said there was a lighter rain on April 6 with less than 3/4" of rain and there was no ponding, but the temporary swale was full of water and there was erosion of the steep banks. She said the stone lined swale seems to run uphill at several points and grading changes need to happen on Lot 7 - #9 Blanchard Farm Lane as it is not done per the plan. She indicated that the home was purchased and occupied and the problem is not the fault of the homeowner or Planning Board. She said there was a condition for the grading to be verified before occupancy which did not happen. She indicated there were discussions with the building department whether the accessory dwelling unit for #9 needed a separate occupancy permit. She said that would have been a good place for some things to be caught.

Pat Brennan of Amory Engineers indicated he submitted a letter on 4/4/17 after a review of the Morse Plan. He said that the as-built grades extended further out toward the wall causing puddling on Lot 8. He indicated in the existing conditions there was a channel to take water in the northerly direction. He said the depth of the existing swale was 6" to 1 foot and was wider. He indicated that the grading on Lot 7 diverted the water so it would not flow.

Chairman Pritchard said he is not convinced that the proposed solution is complete. He asked if the solution would work as originally designed or will a new solution be needed. He said that he keeps hearing that the grading can't be fixed now; however, no one receives a permit to flood basements. He said the problem needs to be fixed now and said he has heard evidence that small storms don't work and is concerned about the larger 25 and 100 year storms. He said he wants a design that will work and if needed to be redesigned it should be.

Since the rain, Mr. Morse said the backs of Lots 9 and 8 did what they were designed to do with the large puddle on Lot 8 forming from the dam on Lot 7. He said water did not go to the abutting Whittier lots. He said a temporary swale has been excavated and it has rained since then. He said the swale cannot be fully constructed yet as it is too wet. He said the plans show a wider shallow swale that will convey water back to the drainage lot where it is intended to go. Chairman Pritchard said water was everywhere including abutting lots and the Whittier Drive residents are entitled to a working subdivision plan. Mr. Morse agreed. Mr. Brennan said that re-establishing the swale with a small berm should provide the working drainage. He said when the swale is fully vegetated it should work as designed based upon the drainage calculations he reviewed. Chairman Pritchard asked if Mr. Brennan had looked at the engineering data provided at the last meeting showing the swale goes up and down and was not really capable of handling stormwater.

Mr. Morse indicated that the man made swale goes to a corrugated metal pipe that has been under Whittier Drive for 50 years and that the design point is in the northwest corner of the site. He said there has always been some seepage through the stone wall to Whittier Drive and most of the yards have swales to Whittier too. He said the groundwater is high in the backyards and there has always been a problem on Whittier Drive. He said the swale should alleviate additional water from Blanchard Farm Estates. Ms. Burbine and Mr. Limbacher agreed with Chairman Pritchard that they do not want to be chasing the fix down the line. Mr. Taylor commented that roots could be affected with existing trees falling over at the swale. Mr. Wynne said he wants surety that the design will work and there is evidence that the design is not working. Chairman Pritchard reiterated that the Board is not giving people permission to flood other people and stormwater needs to be managed from beginning to the end of the project. He said it looks like the first repair and inquired when it will be done. He asked who had the responsibility for it as Mr. Morse said the contractor was not in the audience.

Mr. Tedeschi said that he is here representing Blanchard Farms as one of its developers. He said he does not want to see flooding and it is obvious that there is a dam blocking Lot 7. He said he is caught in the middle and indicated as the developer he sold lots and one is graded poorly and he apologizes to the neighbor. He said he came to the site when phone calls were received early on April 1 from Mr. Quinn and saw that water was diverted to the Quinn and Kelly property. He said water was everywhere, not just on the above properties. Chairman Pritchard asked who will correct the problem for the whole subdivision. Mr. Tedeschi said that Kerri and Ed Johnson will do the work when they get an approved plan and it is dry. He said that Jim Merritt is the actual subcontractor to do the work. Mr. Tedeschi said he would do the work tomorrow if he still owned the lot. Chairman Pritchard said the fix proposed is a temporary repair and the board can issue an order to have the work done by a certain date. He said a stop work order will be issued if need be. He indicated it is the contractor's problem to manage stormwater during construction and he and Mr. Tedeschi both agreed they never thought they would be in this position. Mr. Tedeschi said he is here to help correct a problem. Chairman Pritchard reiterated he wants a permanent fix and a temporary fix and it is the contractor's job to manage stormwater all through the construction process. He said the grading does not work in small storms as well as the larger ones. Mr. Tedeschi said he will comply with the orders of condition and show a final as-built.

Ms. Burbine said if the fix was done after the last meeting then when it rained again water wouldn't have gone to basements. Mr. Tedeschi agreed the trench should have been dug following the last meeting. Chairman Pritchard said he is not convinced this is the only problem and the developer has a stormwater permit that needs to be followed. Mr. Tedeschi said that he does not have total control over what was done on the lots. Mr. Morse said an occupancy permit was granted for Lot 7 without his certification to the Planning Board and Building Department that the grading did not impact the drainage, he said that Mr. Hassett did sign off on a septic system as-built for Title V. Mr. Morse said that there are three certifications on a project. One is for the foundation, the second is for the septic system as-built and Title V and the third is the final as-built topography to verify the stormwater works prior to occupancy. Chairman Pritchard said the developer is responsible for the whole stormwater system. Mr. Morse said the developer is responsible for the road infrastructure, swales, basins and easements and there would need to be easements over the entire lot area if the developer was fully responsible. He said the lot developer has to assume some responsibility; but it is limited. Chairman Pritchard said that there was a full stormwater system design and a piece of it doesn't work. The developer was issued a stormwater permit and the Board expects a completed functional system and once a lot is done the homeowner is responsible for maintenance. Mr. Tedeschi said that the original pieces of the swale were there until the dirt pile diverted the water and disturbance of the 20 foot area occurred. Chairman Pritchard said that there was a problem before Lot 7 as Mr. Quinn can attest to.

Mr. Quinn said one year ago, Lot 8 was not conforming to the Definitive Plan and Stormwater report which he brought to the attention of Ms. Harbottle. He said he hired an attorney and met with the Board on 3/24/17 where evidence was presented to the Board of stormwater on his property from Blanchard Farms. Mr. Taylor confirmed that it was the garage on the property that was turned. Mr. Quinn then indicated that at the time the foundations on Lot 7 created problems with the dirt pile created from the foundation work. Chairman Pritchard confirmed with Mr. Quinn that the swale was blocked then. Mr. Morse agreed. Mr. Quinn said there was a rain storm on 1/24/17 and he called Ms. Harbottle to view the "lake" that was present. He said that Ms. Harbottle said she contacted Mr. Morse who said it was a puddle that it was working as intended. He indicated that a letter from Pat Brennan of Amory Engineers dated 3/9/17 said that "the septic system... provides a physical barrier

so surface or groundwater won't flow to Lot 8." He said it is scary that two engineers looked at it and saw something different than what the chairman saw.

Chairman Pritchard said the temporary fix was needed yesterday. He said the system is supposed to handle the 25 and 100 year storms and he wants a design to make it work and he is looking to the developer for the fix. He said the developer was issued a permit and the Board is looking to them to make it right. Ms. Burbine agreed that it needs to be fixed immediately within 10 days with enforcement provisions and would like the matter on the next agenda. Mr. Tedeschi offered that the temporary fix is about 1 ½ days' worth of work and he will talk to Jim Merritt in the next day but he needs approval of the town. He said it will take time for the seed to grow to prevent erosion and until then hay can be put down. He said he needs permission from the property owner to go on private property and said he would communicate with Kerri and Ed Johnson in the morning.

Chairman Pritchard said the Board will write an order for the temporary fix to be done in 10 days with a provision for fines. Ms. Harbottle said she is working on a motion. Chairman Pritchard indicated the Board will need to clarify in the future who has responsibility for stormwater throughout a project. Mr. Tedeschi said he would speak to his attorney. He said it is the builders' responsibility to follow stormwater as planned. Chairman Pritchard indicated that a permit is given for a fully functional system. He said he wants a comprehensive review as a system should work as designed. Mr. Tedeschi agreed it is not fair to the abutters. Chairman Pritchard said he wants a comprehensive review of the permanent fix and is not sure that the dam is the total issue as there was water behind Lot 6 too when he was out in the rain. Mr. Taylor offered to email Mr. Tedeschi Chairman Pritchard's pictures from April 1.

Mr. Quinn said he thinks there should be another set of eyes looking at the engineering of Mr. Morse as Mr. Brennan did stamp something that is not true. He said his engineer is available. Frank Kelly, an abutter at 34 Whittier Drive behind Lot 7 said he had a feeling there could be a problem when the plan was approved; but emailing with Ms. Harbottle with pictures and items that were ignored and the fact that K & E construction is not present is an indictment of them. He inquired what the temporary fix was as he had not seen a plan. Chairman Pritchard said it involved regrading a swale and removing fill at the back of Lot 7 and possibly Lot 8. Mr. Kelly said that the front lawns are dead flat and was supposed to go to the circle and the retention pond. He said in theory it was great in practice it is not. Mr. Morse said he has not certified the grades on Lot 7, but he did on Lot 8. He said it is a flat pitch of 1%. Mr. Quinn asked if the Board was going with Mr. Morse's engineering fix. Chairman Pritchard said as a temporary fix it will be done with a verification that it all works and this may result in bringing in an additional engineer to have the system work for every storm.

Ms. Burbine moved to approve the plan titled Proposed **Temporary** Grading Modifications by Morse Engineering dated March 21, 2017 and to require the completion of these improvements within 10 days with notification that a fine of up to \$300.00 a day may be imposed if the work is not completed to the Planning Board's satisfaction and the plans shall also be reviewed and further improvements be proposed to make the entire system work reliably for the 2, 25 and 100 year storm events. Revised plans shall be provided for review by the Planning Board's consulting engineer for their meeting on May 4, 2017 when a more permanent solution can be addressed. All responsible parties will be asked to attend the May 4 meeting. Mr. Quinn commented that a professional engineer will need to review the work. Chairman Pritchard said the Board has several engineers under contract and added to the motion that this immediate action is a temporary grading measure and will be discussed at the next full Board meeting. Mr. Limbacher seconded the motion as modified. Motion was unanimously approved.

Discussion - Dog Park – 167 Driftway

Documents

- March 30, 2017 updated application submission for the future Scituate Dog Park
- Email from the Stanton Foundation dated 4/6/17 with approval of Dog Park application

Adrienne Rowles, President of the Friends of Scituate Dog Park was present. She said the Board had a list of suggestions from the meeting on 9/27/16 which her package addresses with two minor changes. She said a design grant was received and hopefully regular funding will be received too from the Stanton Foundation. She indicated that shredded cedar mulch will be used in place of grass as there will be no irrigation. She said the cedar mulch is a deterrent from ticks, dogs usually will not eat the mulch, it won't result in black paws and it is accessible with a wheelchair. Chairman Pritchard asked about runoff issues. Ms. Harbottle said there shouldn't be a problem. Ms. Rowles said there will be no electricity and thus no locking mechanism on the gate to the dog park. She said the signage will provide the hours.

Ms. Harbottle said the changes came about through the process of dealing with the grant agency. Unfortunately grass needs irrigation thus the change to mulch. She said everything else is on track. Chairman Pritchard asked about the Driftway path usage and the mechanism to prevent people from getting run over. Ms. Rowles said there would be signage. Ms. Harbottle said she thought there was going to be a stop sign. Ms. Rowles said this will be a park so that changes the speed limits along Driftway according to John McLaughlin of the Disabilities Commission. She said he indicated it related to ADA issues. Ms. Burbine suggested checking with the Traffic Rules Committee. Ms. Rowles said she would check with the Town Engineer too. Mr. Taylor asked if there would be a connection to the McEachern Trail. Ms. Rowles said that there will not be a physical connection, but people will make a connection. She said the next step is to file for the Site Plan Administrative Review after the Town Meeting vote. Chairman Pritchard indicated many issues have been addressed and the Board will withhold final judgement until the filing occurs. Ms. Burbine commented that coming before the Board was beneficial to the project. Ms. Rowles thanked Ms. Harbottle for her work in helping to obtain the design grant.

Discussion – North Scituate Playground – 15 Henry Turner Bailey Road

Documents

- Letter from Deborah Myers Landscape Architecture dated 4/6/2017
- Site Plan Administrative Review decision for North Scituate Playground dated 9/13/16
- 6 photographs of pine trees existing at site
- 4/4/17 memo from Police Chief Stewart to Maura Glancy

Maura Glancy and Mike Westort were present. Ms. Glancy indicated that as they got into the design of the playground, they realized that the existing buffer that was required to be kept could not be. She indicated the pine buffer was put in for the MBTA parking lot to screen the parking from the abutters. Ms. Glancy said the parking lot is hardly used which is why the MBTA is allowing the town to use some of the spaces for playground parking. She indicated she forwarded a letter from the Police Chief who concurred that the trees should be removed so that there is a clear line of sight into the playground area as the police do receive numerous complaints of underage drinking there. Mr. Westort said the police want to be able to drive in and shine their lights and see into the playground. She said the bids were opened this afternoon.

Ms. Burbine said they talked about the buffer at the CPC and the trees really do need to go. Mr. Westort said they need to be removed for ADA compliance and if they were to stay the pine needles would be a problem. Ms. Glancy agreed that the police need to see in as drugs and drinking have been a problem in the playgrounds in Scituate and the ends of some of the pine needles are very sharp. She said they desire to have some shade trees and their landscape architect has recommended some varieties.

Ms. Harbottle said that buffer has lived its life and the planning office supports the concept of shade trees along the edge of the parking lot. She said we put together recommendations for trees based on their landscape architect report and a site visit. She indicated that at the site visit we talked about a specimen tree outside the WPA building to highlight the building.

Ms. Burbine moved move to modify the Site Plan Administrative Review decision for the North Scituate Playground dated 9/13/2016 to remove the portion of finding 9 that indicates the row of trees will remain as a buffer. The row of existing pine trees along the parking lot is desired to be removed for park visibility, to provide an accessible route to the playground, safety and maintenance reasons. The trees are not in great condition and have not been maintained. The project landscape architect recommends the trees be replaced with red maples or honey locust. The Board concurs and finds that the honey locust variety should be specified as 'Shademaster' or 'Skyline' with a branching height of 6 foot minimum and a minimum caliper of 3-3.5", Balled and burlapped. A minimum of eight (8) trees shall be provided – three (3) on the east side of the entrance between the fence and the handicap parking and five (5) on the west side of the entrance centered between the fence and the rubber play surface. In addition one 'Scarlet Fire' Dogwood shall be located at the limit of work to highlight the existing WPA Building. Mr. Westort asked how the numbers in the motion were arrived at. Chairman Pritchard said that there is a Registered Landscape Architect on the Planning staff, Karen Joseph. Ms. Joseph indicated she drew a plan with typical landscape standard spacing and located trees along the walkway in the types suggested by the project landscape architect with varieties added. Ms. Joseph provided the plan and explained that branch height would be 6 feet so police can see under the future canopy of the trees. Mr. Westort said he was looking for flexibility in the number and sizing. Chairman Pritchard said the applicant can come back in the future if their landscape architect disagrees with the number or variety. Mr. Westort said he is happy that the bids came in in budget and the playground will be built after the Selectmen award the contract.

The Board decided the motion did not need modification. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Form A – 84 Branch Street
Assessor's Map/Block/Lot 38-2-3
Applicant/Owner: Kenneth and Gale Michaud

Documents

- Application, deed and Plan of Land in Scituate, MA Showing a Division of Parcel 38-2-3 84 Branch Street prepared by Morse Engineering Co., Inc. dated 3/27/2017 with support information showing a way in existence prior to zoning, a request for a fee waiver and other ANR information
- Transmittal to Departments dated 3/28/17
- ANR Handbook revised September 2010

- Email chain dated 3/27/17 with Laura Harbottle, Greg Morse, Al Elliot, Stephen Pritchard and Karen Joseph
- Five photographs of Manor Road taken 3/29/17
- Site visit memorandum dated 3/29/17

Gregory Morse, PE was present for the applicant. He said he was looking for approval for a new lot with frontage on Manor Road. He indicated that he presented the Board with information that a fire access road of 20 feet wide is not applicable to this application and this has been verified by the Fire Department so the major stumbling block to ANR approval has been remedied.

Mr. Morse said that Manor Road was laid out prior to the subdivision control law and there is adequate access for utilities with overhead electric down the street and a fire hydrant along the frontage. He said the road is generally 16 feet wide and is compacted gravel with the road traversable to six other houses and the Board has previously endorsed other ANR's for the road. He said the lot area and frontage of the lot both comply.

Ms. Harbottle said the road did not fit into the obvious public way category. She said the road did exist prior to the subdivision control law so that the Board can look at width, grade and construction of the road. She indicated that Al Elliott, Jeff Hassett, Karen Joseph and herself measured the road width and found it to be generally 16 feet wide. She said she had correspondence with the Fire Department on the regulation of November 2016 for existing single family homes to be exempted from the fire access road requirement. Ms. Harbottle said the road had many potholes which could have been a problem with a driveway location; however the potholes were fixed so that should not be an issue now. Ms. Burbine remarked that Manor Road used to be called Flower Lane. Chairman Pritchard asked if it had adequate width, grade and construction. Ms. Harbottle indicated it did as the potholes were filled most of the way through.

Deb Lenahan of 71 Lawson Road said her driveway was across from the property on Manor Road and that the potholes were filled two days ago by a neighbor down the road. She said it is a private road maintained by the people who live on the road and hopes the applicant is not taking credit for the pothole repair. She inquired if the driveway location was known yet. Ms. Harbottle advised her to talk to DPW as a curb cut permit will be needed.

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land in Scituate, MA Showing a Division of Parcel 38-2-3 84 Branch Street prepared by Morse Engineering Co., Inc. for applicant/owner Kenneth and Gale Michaud dated 3-27-17 as the division of land shown on the accompanying plan is not a subdivision because Lot 1 has access and frontage of at least the distance presently required by the Scituate Zoning Bylaw on Branch Street. Lot 2 is on the private way of Manor Road which has a 40' right of way with a 16 foot way, a grade of 1-3% and is compacted gravel construction. Manor Road was a way in existence on August 3, 1947 when the subdivision control law took effect in Scituate and there is sufficient width, grade and construction to provide for the needs of vehicular traffic in relation to the proposed use and for installation of municipal services to serve the land and buildings erected. Manor Road has an existing 8" ductile iron water line with a hydrant at the frontage of the proposed lot. Mr. Taylor seconded the motion. Motion was unanimously approved.

Form A – 104 & 108 Captain Peirce Road
Assessor's Map/Block/Lot 26-3-8 & 10
Applicant: Albert & Donna Bangert

Owner: Richard & Wendy Peters

Documents

- Application, deed and Plan of Land in Scituate, MA Showing a Division of Parcel 26-3-10 104 Captain Peirce Road prepared by Moran Surveying, Inc. dated 4/5/2017
- Transmittal to Departments dated 4/7/17

Gregory Morse, PE was present for the applicant. He indicated that Mr. & Mrs. Bangert would like to purchase the shown Parcel A of approximately 9,000 sq. ft. from the abutters at 104 Captain Peirce Road and add it to their property at 108 Captain Peirce Road. He said it is a proposed conveyance of land with no new buildable lots proposed. He indicated that the both lots are fully compliant with access and frontage. Ms. Harbottle indicated the ANR proposes no new buildable lots and the parcel created is for a transfer of land. She indicated there are no issues.

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land in Scituate, MA Showing a Division of Parcel 26-3-10 104 Captain Peirce Road prepared by Moran Surveying, Inc. for applicant Albert and Donna Bangert and owner Richard and Wendy Peters dated 4-5-17 as the division of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or change in a lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Accounting

Documents

- PO # 1709563 (\$75.00 of \$140.00), PO # 170 (\$), PO # 170 (\$), PO # 170 (\$), PO # 170 (\$), PO # 170 (\$), PO # 170 (\$), PO # 170 (\$) and for the following invoices paid under the Municipal Modernization Act: PO # 1709641 for \$124.62 to Gatehouse Media for a legal ad, PO # 1709808 to William and Patricia Griffiths for \$5,021.84 for return of a stormwater bond and PO # 1709801 to Woodlind Construction for \$380 for return of stormwater inspection fees.

Ms. Burbine moved to approve the requisitions of \$75.00 of \$140.00 to B.L. Makepeace for service on the large format copier machine and for the following invoices paid under the Municipal Modernization Act: PO # 1709641 for \$124.62 to Gatehouse Media for a legal ad, PO # 1709808 to William and Patricia Griffiths for \$5,021.84 for return of a stormwater bond and PO # 1709801 to Woodlind Construction for \$380 for return of stormwater inspection fees. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Minutes

Ms. Burbine moved to approve the meeting minutes of 3/23/17. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Liaison Reports

Ms. Burbine said that the CPC had met and rescinded the funding of \$350,000 for ballfield lights at the High School, but the proposal would be back in the future. She also indicated that the EDC met and endorsed the new position of Director of Planning and Development. She said a new business is going to be moving to the former Comcast location and it will be a change of use so it should come

to the Planning Board. She said the EDC will not be putting the Sea Scituate logo on T-shirts. Ms. Burbine said that there will be a visioning session for Greenbush on May 13. She indicated it was predicated on infrastructure.

Town Planner Report

Ms. Harbottle indicated that department heads were not invited to the Advisory Board hearings this year leading to the Advisory Board having questions on the recreational marijuana moratorium. Ms. Harbottle indicated the Town Administrator offered to forward the concerns to her. She said she attended a forum on recreational marijuana and learned that there are many things being done to make the use of marijuana appealing to young people. She said the forum consisting of police, social services and nurses among others gave support to the moratorium. She indicated that Town Counsel approved the moratorium wording.

Ms. Harbottle indicated that the library and public safety buildings will have signs with the Sea Scituate logo. She said the schools will be addressed in the fall. Mr. Taylor inquired if there was going to be an informational sign at the public safety building. Ms. Harbottle said there wasn't. Ms. Burbine offered that it was to be donated by Columbia Gas.

Ms. Burbine reported that the Selectmen met with Al Bangert on the Route 3A and High School driveway preliminary proposals. She said Option 1 was to redo the lights at First Parish Road, Option 2 would include one big rotary and Option 3 would be two rotaries – one at First Parish and the other at the High School driveway. She said the Selectmen have taken the issue under advisement with a projected cost of approximately \$2 million. She said she was not sure if Mass Highway has been approached yet. Ms. Burbine reminded the Board that during the permitting of the new Middle School, the Planning Board was told traffic was not in their purview.

Ms. Burbine also reported that Toll Brothers was in to the Selectmen's meeting on 4/11/17 with a revised proposal of 142 age restricted condominiums and ten single family homes. Ms. Burbine said she spoke at the Selectmen's meeting indicating that she did not like age restricted housing as it affects the vibrancy of a community. She said Attorney Ohrenberger was asking the Selectmen to vote on the concept which she spoke out against as it is within the Planning Board purview not the Selectmen's. Ms. Burbine said the issue is the water and sewer and indicated Toll Brothers said they would come back to the Selectmen on 4/18/17 for a vote.

Ms. Harbottle said that she and Ms. Joseph met with Bill Ohrenberger and Jeff DeLisi today on the Toll Brothers Development. She said they will be submitting in the next few weeks and there will be required several reports including fiscal analysis, traffic, sewer and water etc. She said they are proposing condominiums so a definitive subdivision plan will not be required. She indicated that the main entrance will be on Hatherly Road with another access on Tilden Road and an emergency access from Ermine Road. Chairman Pritchard indicated that he hopes their analysis will address the infrastructure and how the development will fit in along with the capacity issues. Ms. Harbottle said that one year ago Horsley Witten reviewed a study. She said they will review the drainage and all other reports in their role as the Town's consulting engineer. Chairman Pritchard said he would like to meet with them. Ms. Harbottle said that the Town Administrator is to be kept in the loop in a global way.

Chairman Pritchard said that he and Ms. Harbottle met with Mr. Vogel on accessory dwellings. He said they discussed establishing a Planning Board policy of a waiting period before a garage etc. is

converted to an accessory dwelling. He said Town Counsel did not like this as it would need to be in the zoning bylaw. Chairman Pritchard said that they discussed the issue of asking for permission versus forgiveness and determined that a bylaw change would be needed. He said the building department can suggest that an owner seek permission from the Planning Board, but the building department cannot question people's credibility of what their plan says. Ms. Harbottle said that Town Counsel recommended that the Building Department say the approval is issued for an office etc. to make clear they are not issuing a building permit for an accessory dwelling.

Chairman Pritchard indicated that stormwater enforcement was also discussed with Mr. Vogel and separately with Town Counsel. He said the bylaw and regulations gives authority for fines. Ms. Harbottle said that the bylaw or regulations do not say that stormwater improvements must be done prior to occupancy; but this can be added to the regulations and will be the topic of a stormwater summit that the Town Administrator would like to have. Mr. Limbacher and Chairman Pritchard expressed concerns about protecting abutters and once a lot is built there is no single person to go after. Chairman Pritchard said the Board does not want to be in the business of chasing individual lot builders and would like to see permit language incorporate something for the full build out. Ms. Harbottle suggested surety for individual lots.

Ms. Harbottle said there have been a number of stormwater problems throughout town due to the recent rains. She said that there was a lake in front of 93 – 97 First Parish Road. She indicated that Greg Morse is seeking permission for the site to be tied into Town drainage. She said it appears that drainage is coming on-site from the Bowen property. Chairman Pritchard said that stormwater has not been managed during construction there. He said topsoil placement has impeded stormwater flows and stormwater must be managed throughout the construction process. Ms. Harbottle said neighbors from Aberdeen Drive have been complaining about runoff from 529-531 Country Way. Chairman Pritchard reported that there was abundant water discharging to Frank Snow's property from Studley Farm.

Ms. Burbine asked if anyone minded if she attends the ZBA meetings along with the Board's liaison Reggie Wynne. The Board does not mind.

Ms. Harbottle asked if the board would still like to meet with the Design Review Committee (DRC). She said other towns have more guidelines and said the EDC consultant is working on some guidelines. Mr. Limbacher said it is inherent that the Board agrees with the DRC recommendations. Ms. Harbottle stated that she will try for the Board to be more involved with the DRC projects and asked if the Board would like applicants to come to the Board first prior to the DRC.

Chairman Pritchard said that the Master Plan update and work the EDC is doing dovetail.

Old Business and New Business

Documents

- Email to Board dated 4/7/17 from Karen Joseph with agenda for 4/13/17 meeting and meeting minutes from 3/23/17
- Email from Laura Harbottle to the Board dated 4/7/17 with meeting materials
- Email to the Board from Laura Harbottle dated 3/24/17 forwarding an email sent to her by Zarla Ludin on 3/23/17

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 9:55 p.m. Mr. Taylor seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Ann Burbine, Clerk
5-4-17
Date Approved