

## **SCITUATE PLANNING BOARD    MINUTES    April 27, 2023**

Members Present: Patricia Lambert, Chair; Benjamin Bornstein, Vice Chair; Ann Burbine, Clerk; Rebecca Lewis and Bob MacLean, Alternate. Mr. MacLean was participating remotely.

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

Members absent: Stephen Pritchard

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

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

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

### **Documents**

- 4/27/23 Planning Board Agenda

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

Ms. Lambert – yes

Mr. Bornstein – yes

Ms. Burbine – yes

Mr. MacLean – yes

Ms. Lewis arrived late to the meeting

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**Public Hearing – Scenic Road/Public Shade Tree – 493 Country Way to 4 Arborway Dr.  
Assessor's Map/Block/Lot 26-2-4 to 37-7-18  
Applicant: National Grid  
Owner: Town of Scituate**

### **Documents**

- PDF National Grid Scenic Road Application – Country Way
- PDF Support Letter from Tree Warden
- PDF TC filed Legal Notice – National Grid Trees
- Doc DRAFT Motion National Grid

Attendees: Joe King, National Grid Forestry Supervisor; Nate Nicopor Consultant with National Grid and Certified Arborist; Mike Breen, DPW Tree Warden

Ms. Burbine read the legal notice into the record.

Mr. King indicated they have identified 10 trees along Country Way that pose a risk to the utility infrastructure and the public roadway. He said National Grid (NG) is not a tree company, they are

not interested in cutting down trees haphazardly, but the trees have been identified as posing a risk and they would like to remove them. He indicated NG sought abutter authorization for all removals; the closest abutters have signed-off on the removals and they can provide that information. He said Mr. Breen, the Tree Warden for the Town of Scituate, is also in support of the trees being removed.

Ms. Joseph indicated there is a letter from Mr. Breen stating he is in support of the removal of the trees, there are photos and a list of the trees to be removed.

*Public Comment:*

Ms. Schlegel resident at 9 Westgate Lane said her property is directly across the street from the trees on Country Way. She opined that the trees do look like they are in poor condition and there are other trees that have fallen, she asked if there is anyway new trees could be planted since the area is part of the Water Resource Protection District. She said we are going to need more trees.

Mr. Breen responded that usually if a tree is removed from someone's property or another shade area they try to accommodate them with new trees if funds are available. He said they do try to plant as many trees as those that are removed, but money can be tight and they are not always able to replace what comes down. If someone wants a tree they should contact Mr. Breen. Mr. Breen said he spoke with a bunch of abutters today and no one had mentioned wanting any of the trees replaced; they were happy that some of the trees were going to be taken down.

Ms. Schlegel said she is not in disagreement that some of these trees need to be taken down, but said the root systems does protect the runoff into the street and there is a lot of runoff in that particular area. She feels if a tree is taken down a tree should be planted.

Ms. Burbine said she couldn't agree more with what NG is proposing based on the images provided; many are scrub and the 18" maple is a Norway Maple which is a weed. She said we have to do what we have to do.

Mr. King said from a utility standpoint they are not removing perfectly healthy trees. He said he understands replanting and trying not to lose all the trees; he said the right tree in the right place is always the best mindset. He said as a utility representative the trees being removed are not capable species to be planted under wires anyways; he would not replant the same species in the same locations.

Mr. Breen said NG has been great to recommend trees that are better suited for the area when trees are replanted. There was discussion if Scituate has a tree farm in Scituate; Mr. Breen said Scituate no longer has tree farm.

Mr. King said he can work with Mr. Breen on tree plantings; if they find a suitable location or if someone needs tree replanting they work to accommodate that request.

Mr. Merritt resident at 495 Country Way and owner of 475 Country Way asked several questions,  
1. Public Notice on the website is different than the notice posted on the trees; the notice on the website refers to 10 trees and the notice posted on the trees enumerates 23 trees with parenthesis as number 10

2. List includes taking and trimming of trees from 4 Arborway to 493 Country Way, he questions why trees are tagged at 475, 477, 479 Country Way and the Egypt Garage, he said there is an inconsistency that needs to be cleared up.

3. He said there is a maple tree planted by his father 65 years ago that is on his property not on the public way; is it a mistake, why is the tree ticketed.

- He said the tree probably does need trimming which he supports, he asked about another maple tree that is intruding on the wires that is not being taken down and asked why?

Mr. Breen said the original trees are on the posting, but it also included trees he and NG felt were problems, so he tagged all the trees. He said anyone could have gotten in touch with him if needed.

Mr. King said the 10 shade trees associated with this meeting are all in the public right-of-way that is the reason for the public shade tree hearing; he acknowledged that there are trees slotted to be removed that are outside of the public way on private property. He said the trees are identified for removal that are not part of the public hearing. He said Mr. Breen put the posting on some of the private property trees just to increase the awareness of the trees that are coming down and to see if anyone had any additional questions.

Mr. King asked if Mr. Merritt would like NG to re-evaluate the tree, but indicated that they do have a signature from Mr. Merritt acknowledging permission for the proposed work.

Mr. Merritt said it is a tree in good health on private property and does understand why it is being evaluated for removal.

Mr. Breen said they will put that particular tree on hold and meet with Mr. Merritt at another time to discuss its removal. Mr. Breen said it is proposed to be removed because of the danger it poses to the public.

Mr. Breen said in the future he would make sure to just post the trees that are included in the shade tree hearing so to avoid any confusion with trees on private property that are recommended for removal. He said he will do a different kind of posting for all those kinds of trees. Mr. Breen said he just wants to make sure things are safe.

*Motion:*

Ms. Burbine moved that the Planning Board vote to approve the removal by National Grid under the Hazard Tree Mitigation Program of the following trees under the Scenic Road Act/Public Shade Trees in accordance with the attached list and as summarized herein as the trees are being removed to reduce tree outage problems affecting large numbers of National Grid customers:

Country Way – Scenic Road - Remove ten trees over 3” caliper and prune one tree

Replacement trees may be provided if requested and funds permit.

Mr. Bornstein seconded the motion; a roll call vote was taken and was unanimously in favor.

Ms. Lambert – yes

Mr. Bornstein – yes

Ms. Burbine – yes

Ms. Lewis - yes

Mr. MacLean - yes

**Public Hearing – Site Plan Administrative Review and Special Permit for 4 Multi-family Buildings and Stormwater Permit in the Village Center and Neighborhood District – North Scituate Village District – Outer Village (VCN-NSV-OV)**

**Assessor's Map/Block/Lot 12-2-38-F**

**Applicant/Owner: Option C Properties, LLC**

**Documents**

- PDF 817 Country Way – Scituate MA – Lighting Layout -01-23-2023
- PDF 817 Country Way Stormwater Report – 2023-01-16
- PDF Application Set-Building 3
- PDF Application Set – Building 1 + 2
- PDF Country Way Estates – Site Plan – Submittal Set 2023-02-02
- PDF Operation and Maintenance Plan - 817 Country Way Stormwater Report – Stand Alone Doc
- PDF Planning Board – Site Plan Applications – 817 Country Way
- Jpeg Rendering – Final Copy
- PDF Site Plan-Public Benefit Impr
- PDF 817 Country Way Initial DPW Memo
- PDF 817 Country Way Peer Review #1
- PDF Scituate Planning Board Letter re 817 Country Way
- PDF Transmittal 817 Country Way
- Email from Conservation Commission dated 4.19.23
- Email from Building Commissioner dated 2.24.23
- Email from BOH dated 4.18.23
- Email from Sewer Department dated 2.24.23
- Email from Water Department dated 2.24.23
- PDF Transmittal 817 Country Way
- PDF TC filed Legal posting 817 Country Way
- Doc DRAFT Motion Form for 1<sup>st</sup> Continuance
- Email dated 4.27.23 with comments from Olivia Falk
- Doc Plan Issues
- Jpeg 817 CW1
- Jpeg 817 CW2
- Email dated 4.27.23 with comments from Fire Department
- Doc List of Comments

Attendees: Bill Ohrenberger, Attorney; Kevin Grady, Grady Engineer; Peter Ellison, TEC, Town's Consulting Engineer; Jamie Kelliher, Architect; Mike Mitchell, Attorney; Chris Bruce, Option C Properties; Sean Stockbridge, Option C Properties; Kenny Sanchez, Option C Properties;

Ms. Burbine read the legal notice into the record.

Mr. Ohrenberger indicated they have filed with the Conservation Commission for a Notice of Intent which is being continued until the project is further along with the Planning Board as the stormwater permit granting authority.

Mr. Grady gave an overview of the site plan.

- Village Center and Neighborhood District – North Scituate Village – Outer Village District
- Property borders town line with Cohasset
- 101,000 sq. ft., 244' of frontage on Country Way
- Existing conditions
  - 8-unit building in the front and 4-bedroom single-family home in the rear which has been removed, building with a landscape business on bottom floor and apartment on second floor
  - Zoning changes in the last few years allows for some density development in the area
  - Site bounded
    - North by Cohasset town line and some residential properties
    - East Country Way
    - South is a commercial development
    - West is the MBTA
  - Topography slopes to the street without any drainage controls
    - Breaks to an existing catch basin
  - Site utilizes town water, electric, and has a septic system
  - No gas service to the property
  - Site is 2/3rds developed the rear is undeveloped, wooded area
  - Site borders a vegetated wetland and a river zone
- Proposal is for 4 buildings
  - Retain the existing front building at 8-units
    - Proposing the building to be age restricted to 55 years plus
  - 3 additional buildings
    - Building 2 - 16 units, 24 bedrooms
    - Building 3 – 15 units, 21 bedrooms
    - Building 4 – 16 units, 24 bedrooms
  - Setbacks
    - Front build-to-zone – existing building does land in the 10' - 30' zone
    - Side setback – minimum requirement is 15', closest points they have are at 16'
    - Rear setback – required to have 20', proposal is for 77'
  - Buildings are spaced out throughout the lot 70', 48' 85', providing open space between the buildings
  - Access proposed to be a 24' wide drive, goes through the middle of the site
  - 70 parking spaces provided
    - 9'x18' easy maneuvering with 24' wide drive
    - 8 accessible spaces – 2/building
      - At grade and line-up with the entrances or walkways
  - 3 bike racks proposed on the property

- 22,600 sq. ft. of amenity space
  - Proposing open amenity space between the buildings
  - Seating areas proposed around the development
- Landscape plan
  - 65 trees proposed around the site
  - Numerous shrubs and bushes proposed
  - Maintain the stonewalls around the property
- Stormwater
  - Trying to match grade as much as possible
  - Site will be raised in the middle to accommodate separation to ground water
  - Runoff from the development runs off the site
  - Proposing catch basins on site to subsurface drainage systems
    - Will improve the runoff that is going out to Country Way
    - Runoff dispersed around the site, not discharging all in one area
  - Roof drains are piped around the buildings to directly discharge into the subsurface community systems
    - Water today runs off with no catch basins
    - With development water/sediment will be collected in catch basins and go through infiltration systems
      - Providing removal of sediment and water cooling
  - Designed to minimize peak rates and volumes
    - Holding back storms in the infiltration systems before letting it go at a rate that is less than what currently happens
- Septic system
  - Existing system for 8-unit building has tankage, there is a singular pressure dosed leaching field - will age restrict the building to reduce the flow
  - A couple units from the existing 8-unit building will be routed to another system
  - Currently working with the BOH to approve the septic system design
  - Each unit has its own septic tank
    - Over 2,000 gallons/day
  - 2 Presby Advanced Enviro Septic Leaching fields
    - Great success with high grease, high flow sites
- Proposing to connect to Town Water
  - 8" main from a 12" main
- Buildings have fire suppression systems
  - 6" pipe connecting to each building
- Fire hydrant
  - 1 proposed in rear of site on an island
  - 2<sup>nd</sup> hydrant in the front of the property
  - Fire Department requesting 2 additional hydrants
    - Working to place them on the site
- Electricity
  - Overhead electric to the existing building
  - Will keep the overhead, but will connect it to a transformer for the other buildings, etc.

- Utility company to determine the location
- Dumpsters proposed, 20'x20' space, will require regular trash pick up
- Erosion and sediment control plans prepared
- Lighting
  - Handful of 16' light poles
  - Bollards along walkways
  - Not casting light on to the abutting properties

Mr. Ohrenberger said that the traffic report is forth coming. He also said they understand there is a density bonus associated with the project, they will be providing 20% affordable units, all units will be rental units, he said the public realm improvements still need to be discussed. He said they are reviewing some streetway improvements, affordability requirements 80% vs. 60% AMI and some other ideas that they would like to get input on from the Board. He said they have provided the required number of parking spaces, but with the close proximity to the MBTA the Board could waive the requirement and more green space could be provided. Mr. Ohrenberger also asked that the project have a meeting with the Design Review Committee (DRC).

Ms. Burbine asked about snow removal; Mr. Grady pointed it on the plan.

There was discussion that this project is going to go through several more meetings; Ms. Lambert said it is a huge project.

Mr. Ohrenberger opined this is a huge opportunity for the Town; he said they are aware of several comments from the abutters and are planning to get together with them for a more robust conversation and address some of the concerns with screening, etc. Mr. Ohrenberger also said what is unique about this project is that with all the discussion around sewer capacity they have been able to do a septic system in an area that does not have great soils.

Mr. Kelliher reviewed the architecturals.

- Existing building
  - Propose to replace and updated materials to match the 3 new buildings
  - Regrading and new landscaping of the front yard
  - New retaining wall to create a flatter front yard
  - New buildings sit back from the front the building
- Buildings 2 and 4
  - More of a cubic foot print
  - These buildings mirror each other inside and out
  - Approximately 22,000 sq. ft. of building area
  - 4 units/level - total of 16 units
  - Floors split to same number of 1 and 2-bedroom units
  - Each building proposed to have 1 accessible apartment on the first level
  - 2<sup>nd</sup> and 3<sup>rd</sup> floors identical in configuration
- Elevations
  - Tried to create New England style shingle style architecture to match the aesthetics of the Town.
  - Materials change to accent the bump outs and gable projections
- Building 3
  - More of an elongated shape

- 15 units
  - 3-bedroom unit on the 1<sup>st</sup> floor mixed with 1-bedrooms
  - Floors 2-4 mix of 1 and 2-bedrooms
- 18,300 sq. ft. of building space
- 11 one-bedroom units
- 3 two-bedroom units
- 1 three-bedroom unit
- Similar to other buildings using multiple kinds of materials
- Rendering has not yet been produced

Mr. Ellison, Town's Consulting engineer said he has performed a civil and stormwater review of the site plans and other documents provided for the project. He said his review focused on the site, site plan characteristics, drainage characteristics, the stormwater system and conformance with the zoning bylaw. He provided with the Board with some high-level comments for them to consider.

- Accessibility
  - The slope of the proposed parking and driveway into the site is 9%
    - He opines that exceeds industry standards for parking, walkways, sidewalks, etc.
- Stormwater system
  - Proposal for underground infiltration chambers
    - Several comments were made regarding the system that need to be addressed
- Zoning
  - Opines the applicant would need to request a waiver for Section 750.6, Front yard built-to-zone
    - Bylaw applies to all four building not just the building along the street
  - Amenity space
    - Very close to the required minimum for outdoor amenity space
    - Questions whether or not the outdoor leaching fields for the septic system should or should not be included in the calculation of amenity space
      - Currently it is included in the calculation

Ms. Lambert commented on the buildings and said the building is a big building and it is a little "too New Englandie", she was hoping there would have been something a little sleeker.

Ms. Burbine said the buildings are big and she is vehemently opposed to age restricted housing, regardless of the septic system. She indicated she has a relative that lived in one of the units and they are not great; 2 small bedrooms, no dishwasher and paid communal laundry. She also said she has some issue with the amenity space being on top of the septic system; but she cannot subscribe to 55 years and over.

Mr. Bornstein said he also does not subscribe to the age restriction and is disappointed to hear it; this is the first redevelopment in North Scituate. This is a really transit oriented development and he opines that housing needs to be provided for younger commuters, people that want to come live here and provides smaller rental units for different types of families or different types of young people that would not have a point of entry to live in this town. He said if there are going to be waivers for



parking he would be more amenable to granting that towards commuters and people more likely to use the train rather than those depending on automobiles to get around town. He also thinks it would help lead to a more vibrant downtown village center in North Scituate to have a range of different age groups within walking distance. He commented that the buildings seem very massive and somewhat institutional, something doesn't work for him. Mr. Bornstein also commented on the amenity space and provided an analogy, that it is like painting basketball court striping on a parking lot, parking is a requirement it is a given, the septic system is infrastructure it is a given, amenity space is a bonus to help with more creative open space and aesthetics on these properties. He said he is on the fence right now and it is a good question; is there a different use because there will be design limitations on that amenity space if it's being placed on a leaching field. He also questions if there is an emergency with the leaching field/septic the design may have to change and the amenity space would have to be redesigned. Mr. Bornstein also commented that the landscape plan did not seem robust enough, he would like to see what is existing and what would be retained if anything. He asked about what low impact development principles were used with the stormwater management plan.

Ms. Lewis was concerned about the parking as there is nowhere for any visitors to park. She would like to see the buildings go to DRC. She asked why the applicant chose to go to 55 years or older. Mr. Ohrenberger said it has to do with septic capacity, but it is an existing building and is less than 20% of what the occupancy of the development would be. He said they will look at it and would be shocked if the occupancy wasn't already 55+ with the demographics in town, but they will look at it.

Mr. MacLean had no additional comments.

Ms. Joseph indicated there had been 10 comments received regarding the project. She summarized the comments indicating they have to do with meters, height concerns being out of character for the area, resource areas, septic systems. She indicated a water study is required, there were comments about fire hydrants and sidewalks. She asked if the Board wants the project referred to the DRC because the Board has made some clear directives that they do not like the buildings as is; the Board referred the project to DRC. Ms. Joseph will work on setting up that meeting.

Ms. Joseph said an identified sequence of construction is needed and needs to be included on the plans, the landscape plan needs beefing up and the existing trees to remain should be identified, the sheet titles and numbers need to be bigger, calculation for impervious area in the front yard is needed and a density bonus is required. She said the density bonus is for 21 units, the applicant has proposed a sidewalk in front from Lincoln Park to the site. DPW has provided a comment that they support a sidewalk, but it needs to be concrete with vertical granite curb. She said several people have made comments that the sidewalk should go to the Town line and DPW supports that as well. She said that would not be the entire public amenity benefit, but it needs to be per the bylaw; she opined a sidewalk would be huge benefit to get people to the commuter rail station.

*Public Comment:*

Mr. McCusker, resident at 50 Gannett Pasture Lane, questioned the parking and opined 77 spaces isn't enough for a project like this; people might have more than one car and they might take the train, but they need a car for everything else, reducing the parking is a big mistake. He also questioned the buffer zone between the Housing Authority and the project itself as he only saw 2 proposed trees and thinks it should be beefed up. He questioned what the proposed rents would be; Ms. Lambert said the rents are not in the Board's purview. He also questioned the roof peaks and the

pitch of the roofs; it was noted they were thought to be a pitch of 10. Mr. McCusker said the zoning requires a minimum pitch of 6; Ms. Joseph said there are standards in the zoning bylaw. Mr. McCusker asked what variances if any are being required and what is the time line. Ms. Lambert said this is a very preliminary meeting and she is glad everyone has come out because public participation can shape a project.

Mr. Collins, resident of 404 South Main Street, Cohasset is a retired US Marine Engineer and has lived in his home for 52 years and he is delighted to hear about a sidewalk as he has written many letters to the Select Board. He said he is concerned about the amount of paving for the project; it looks to be impermeable. He discussed the catch basins and that they discharge into what was called Hunters Pond which discharges into the gulf and carries all the discharge from the Bound Brook area in Scituate and from other areas in Cohasset and Norwell. He said there is incredible discharge. Mr. Collins is on the Board of Coastal Research in Cohasset and they do water quality studies every year; he said the worst water is right in that area. He said he has lost 25'-30' of marsh in the last 20 years as it is just dissolving. He made some assumptions about the water consumption per person/day for the development, 7,300 gallons of water/day going to septic system, the solid human waste is being digested by the septic system which it is supposed to do. But, the water has to go somewhere the grades on the project are all going down to Country Way and what was Hunters Pond. All the water, 7,300 gallons is going to go there and add nutrients and further upset the ecology of the gulf. He said he has asked the Town on the status of sewer; it is 3-5 years away. He opined if the sewer is 3-5 years away then the project should wait 3-5 years. He opined the world changes, but we need to make sure it meets the requirements of the environment and this doesn't. He said there is a sewer line that runs from North Scituate all the way to Greenbush and there 2 lift stations, 3 at Beaver Dam Road that have never been used; his favorite restaurant burned down and was not rebuilt because there is no sewage. He commented on the sewage project that runs through Cohasset to Hull. He said before any bigger projects are built, and this is a big one, sewage needs to be done. He opined stormwater can be handled, but the sewage runoff and septic runoff is going right into the gulf and that is not acceptable.

Mr. Ohrenberger responded that the BOH is reviewing this. He said they will fully comply with any drainage issues, but the Town's Engineers will address those issues. He opined that North Scituate is dead or dying. Ms. Burbine took exception to Mr. Ohrenberger's comment.

Mr. Ohrenberger said you need people to live there and with the State mandate coming down this is a great site; to say to wait for the sewer to come it could be 20 years from now. He said everyone says the sewer is coming, but when it comes there is going to all kinds of jockeying. This is one of a few places where on-site septic can be provided. He said there are some options which the town could engage in with this project, i.e. the abutting senior housing. He said this development is independent of all those things, but for anyone to say don't build till the sewer comes...he said Scituate needs housing, if you are looking for affordability housing is needed.

Mr. Grady added that the project is being prepared to connect to sewer if/when it comes. He said it could be conditioned that the project connects to sewer when it becomes available.

Ms. Joseph added the Town of Scituate is looking into several options for sewer, there is some I & I stuff that is being worked on. She also said the MBTA Section 3A compliance for the State is just zoning, the units do not need to be built. Scituate has been fortunate that there have been some multi-family building going on, but it is just zoning.

Mr. Collins said he agrees with what Mr. Ohrenberger is saying, the system is good, it does what it is supposed to do, but water still flows downhill.

Ms. Lambert thanked everyone for coming and this Board will be grinding away at this project for a while; the Board's job is to protect the Town and get the very best project.

Ms. Lewis asked about how much fill will be brought in to the site. Mr. Grady said there will be some brought in order to create a 4' separation to ground water for the septic system and 2' separation to ground water for the stormwater. He estimated there would be about 3' - 4' higher on average than it is now, there are some areas that would be 5'.

*Motion:*

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for 4 Multi-Family Buildings and Stormwater Permit in the Village Center and Neighborhood District – North Scituate Village District – Outer Village (VCN-NSV-OV) until July 13, 2023 at 6:30 pm and to continue the time for action for filing with the Town Clerk until October 27, 2023.

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

Ms. Lambert – yes  
Mr. Bornstein – yes  
Ms. Burbine – yes  
Ms. Lewis - yes  
Mr. MacLean - yes

Ms. Lambert moved to take a 5-minute break; Ms. Lewis seconded the motion; a roll call vote was taken and was unanimously in favor.

Ms. Lambert – yes  
Mr. Bornstein – yes  
Ms. Burbine – yes  
Ms. Lewis - yes  
Mr. MacLean - yes

At 7:50 Ms. Lambert called the meeting back to order.

**Public Hearing – Stormwater Permit - 18 Mann Hill Road**  
**Assessor's Map/Block/Lot 27-7-9-B**  
**Applicant/Owner: MAL Construction, Inc., Greg Grey**

**Documents**

- PDF 4273 BOH SWP 10-8-21-SWP Site
- PDF Site & Septic Design Plan
- PDF Stormwater Report and Application
- PDF Terrell Recorded Easement
- PDF 23-119 PB Review Report, 18 Mann Hill Road, 04-03-23

- Doc DRAFT Motion Form for 1<sup>st</sup> continuance
- Doc Transmittal-DPW-BOH-Con

Attendees: Jeff Hassett, Morse Engineering; Peter Palmieri, Town's Consulting Engineer

Ms. Burbine read the legal posting into the record.

Mr. Hassett presented the project to the Board.

- Seeking a stormwater permit for a single-family home at 18 Mann Hill Rd.
- Lot was created in 2020 as part of larger subdivision creating 3 lots
  - 18 Mann Hill is the middle lot
  - Other 2 lots are currently under construction
- Lot is currently vacant
- Slightly over a ½ acre in size
- R2 Zoning District
- No Wetlands or Floodplain on the property
- Not in the DEP Zone II or Zone A
- Not in the Scituate Water Resource Protection District
- Property slopes in a northerly direction, towards the side property line on the left looking at the lot from Mann Hill Rd.
- Proposed work is a single-family home, paved driveway, septic system in the front yard, underground electric, gas and water lines coming into the house
- Stormwater
  - Grass depression on the down gradient side of the property, essentially a berm along the property line to hold water
  - A couple swales along the rear property line and side property line to convey water to the depression location
  - Plan and calculations were submitted
  - Calculations show an average of 43% decrease in rates of volumes and 10% decrease in the volumes
  - Project has been peer reviewed by Merrill
  - New plans have been submitted, but have not yet been reviewed

Mr. Palmieri, Town's Consulting engineer indicated the original submittal has been reviewed and the revised plans have not yet been reviewed. He said they had some minor house keeping comments to be addressed along with several recommendations.

- Swales on both the northerly and easterly property lines be more well-defined and the flow arrows added
- Soil testing be done in grass depression
  - Testing was done on either side, but not within the depression itself
- Stormwater calculations be revised to take into consideration of portion of the runoff from 16 Mann Hill Road which is directed towards this lot
- Detailed construction sequencing and erosion control plan be submitted
- Entire lot is almost all fill
- Erosion control plan should be done similar to 20 Mann Hill Road
- Grading easement on this lot for the adjacent lot needs to be addressed
  - Grading for 18 is dependent on the grading for 16 Mann Hill

- Not an advocate of conditioning something like this; the Board and the Consultant need to be on the same page as the contractor

Ms. Lambert said the easement really needs to be resolved.

Mr. Hassett tried to address the easement issue. He said 16 Mann Hill is currently under construction and the proposed plan has grading over the property line and granted a temporary easement to place fill over the property line, he said the fill is partially in place at this point. He said each project could be done by grading to their property line, but there would be a slope on either side and would not be ideal for either property; he opined it would not impact the stormwater calculations if the grade didn't come up, but it benefits both properties to do it and is a better aesthetic. He said for this property 18, the applicant would coordinate with the developer next door to ensure that the fill is properly in place and would accept a condition on this permit that the developer of 18 Mann Hill is responsible for making sure that everything is performing properly before a Certificate of Compliance is issued. He said it is in both their best interests to do it.

Ms. Joseph also agreed it is in both parties' best interests to do it, but the current plan does not seem to take it into account.

Mr. Hassett said the plan does account for the grading; he explained that the plan is showing the proposed contours, not the existing contours, as they come over the property line and those are the contours they are tying into and it is partially constructed at this point.

Ms. Joseph opined a little more work is needed on that aspect of the project. She said she is not convinced. But, she said she is willing to sit down with Mr. Hassett to review at another time. She indicated that the proponent of 16 Mann Hill said the grading was absolutely needed to make that project work and that drainage was dependent on it.

Mr. Hassett said 16 is grading to the property line and over and 18 is doing the same thing; either applicant could build a boulder wall or some sort of riprap management which is not ideal.

Ms. Joseph and Ms. Lambert said that is what needs to be shown, the grading. Mr. Hassett said that is what is shown on the plan.

Ms. Joseph also said that during construction a temporary sump needs to be put in and it needs to be one of the first things done on the site. The ground water is incredibly high, it will protect the project. Mr. Hassett did indicate a temporary sediment basin was added on the revised plans.

Ms. Joseph asked if the grass depression and concrete outlet structure needs to be in the location shown; if there is ever a problem with the weir it is going to go right into the basement of the property next door.

Mr. Hassett said he would take look at it again, but believes that it is the best location and said the rates and amount of runoff are significantly reduced. Ms. Joseph strongly suggested they look at it again so it doesn't go to into the house next door; no one wants that to happen. Mr. Hassett agreed and said he would look at it again.

Ms. Joseph indicated she was at the site after the last big heavy storm with 3" of rain and there was a steady stream of water flowing down the middle of site; she said the applicant may want to look at things again.

Ms. Lambert said the problem with this neighborhood is the groundwater is very high that is why there are no houses there now. She said if a sump is recommended by Ms. Joseph and Mr. Palmieri it needs to be installed; it will protect this property and the neighbors. She strongly suggests that Mr. Hassett look at the plans again.

*Public comment:*

Mr. Schumacher, resident at 20 Mann Hill Road, said he is downhill from 18 Mann Hill, currently building a house. He said all the water, 100% from this lot is going to the spillway in the back corner; Mr. Hassett confirmed that is correct. Mr. Schumacher said the water is going 25' from his house; he said he went through 10 meetings maybe more with the Board and they made him put in numerous drywell systems in front and back, numerous stone trenches next to his driveway with grades, numerous wet grass swales in the front and back of his property and he opined none of this is on this property and the Board made him do all that. He asked where all the water is going to go when it overflows from this property and the property at 16 Mann Hill.

Ms. Lambert said all the things that Mr. Schumacher was asked to do, will hopefully appear on this plan, which will be discussed at their next meeting.

*Motion:*

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Stormwater Permit for 18 Mann Hill Road until May 25 at 7:45 pm and to continue the time for action for filing with the Town Clerk until June 8, 2023.

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

Ms. Lambert – yes  
Mr. Bornstein – yes  
Ms. Burbine – yes  
Ms. Lewis – yes  
Mr. MacLean – yes

**Form A – ANR Plan – 133 Clapp Road**  
**Assessor's Map/Block/Lot 24-2-28**  
**Applicant/Owner: CDG Clapp Street LLC – c/o Gabe Crocker**

**Documents**

- PDF 100-190 ANR Application
- PDF 100-190 ANR Plan Stamped 4-11-23
- PDF 100-190 Property Deed
- PDF 100-190 Tax Document
- Jpeg 133 Clapp 1
- Jpeg 133 Clapp 2
- Jpeg 133 Clapp 3
- Doc DRAFT Motion Form 133 Clapp Rd

Attendees: Josh Green, Crocker Design Group; Gabe Crocker, Crocker Design Group

Mr. Green presented the plan.

- Division creates 2 lots
- Frontage of both lots is off a public way of Clapp Road
- Both lots have greater than the required frontage

Ms. Burbine asked if at some point the applicant plans to go to the ZBA to get a Section 6 for a 50' driveway to get to the back portion of the lot. Ms. Joseph said they would not be able to do it because they would not have the lot area.

Mr. Crocker said he understands to have a 50' frontage lot there needs to be double the lot area; they have only enough lot area for the 2 lots.

Ms. Joseph said both lots have access and frontage she opined the Board should endorse the plan; there could be issues down the line, but the Board puts a stamp on the plan and does not guarantee they are buildable lots. She said the swimming pool has to be removed and part of the garage has to be removed; Board endorsement does not guarantee the lot area is sufficient at this time. It does have access and frontage which is required for a Form A.

*Motion:*

Ms. Burbine moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, MA showing a Division of Parcel 24-2-28 133 Clapp Road by Shane M. Brenner, Professional Land Surveyor of Crocker Design Group, dated 4/11/23 for applicant CDG 133 Clapp Street LLC, c/o Gabe Crocker as the division of land is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the public way of Thomas Clapp Road (a Scenic Road).

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

Ms. Lambert – yes  
Mr. Bornstein – yes  
Ms. Burbine – yes  
Ms. Lewis - yes  
Mr. MacLean – yes

Ms. Joseph indicated any changes in the stonewall will require a Scenic Road Hearing.

**Form A – ANR Plan – 342 Summer Street (Scituate/Norwell)**

**Assessor's Map/Block/Lot 23-1-38B**

**Applicant: Brain Murphy**

**Owner: Jonathan Robin & Caitlin M. Murphy**

### **Documents**

- PDF 342 Summer-ANR Plan-Endorsed by Norwell
- PDF ANR application and deed 342 Summer
- PDF Background plans
- PDF Extension of Time

- Doc Transmittal 342 Summer-23-1-38B Sci
- Doc DRAFT Motion Form A 342 Summer -23-1-38B Sci

Attendees:

Ms. Joseph presented Summer Street to the Board. She said the access and frontage is Norwell and Norwell has already endorsed the plan. There are some small pieces in Scituate and they are part of a larger lot that does have access and frontage and the plan should be endorsed.

*Motion:*

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land, 342 Summer Street Norwell & Scituate, MA, stamped by Richard J. Hood, P.L.S. of McKenzie Engineering Group for applicant Brian Murphy and owners Jonathan Robin and Caitlyn Murphy dated December 20, 2022 as the division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the public way of Summer Street in Norwell.

Ms. Bornstein seconded the motion; a roll call vote was taken and was unanimously in favor.

Ms. Lambert – yes  
Mr. Bornstein – yes  
Ms. Burbine – yes  
Ms. Lewis - yes  
Mr. MacLean – yes

### **Endorsement of Plans – 7 New Driftway**

#### **Documents**

- PDF 22-150 Landscape Plan – R2023-04-03
- PDF 218-153 Drainage Compiled
- PDF 218-153 Site Plan R7
- PDF 2023-03-27 submission New Driftway 18-37
- Doc Post Approval Review 2
- Doc DRAFT Motion Form-endorsement

Attendees:

Ms. Joseph indicated Mr. Chessia and she have both reviewed the plans. Mr. Chessia's report called out a concern about the condition of stockpiles being 100' from the buffer zone. Ms. Joseph said that it is not possible on this project and there is an Order of Conditions; she proposes that whatever Conservations says about the stockpiles is what should be adhered to, the Board agreed to follow Conservations determinations.

Ms. Joseph also noted the planting plan is not included in the mylars for signing tonight because some changes that she requested were not done in time. She requested some different plantings for the screening of the handicapped ramp. Mr. Polak assured her it would be taken care of during construction. Ms. Joseph said she will hold him to it.



*Motion:*

Ms. Burbine moved to endorse the Site Development Plans for the Proposed Residential Development at 7 New Driftway in Scituate, MA revised dated 3/27/23 by McKenzie Engineering Group consisting of 19 sheets plus a Landscape Plan dated 4/3/23.

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

Ms. Lambert – yes  
Mr. Bornstein – yes  
Ms. Burbine – yes  
Ms. Lewis - yes  
Mr. MacLean – yes

**Minutes**  
**Documents**

- Meeting Minutes 3.23.23

Ms. Burbine moved to approve the meeting minutes for March 23, 2023.

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

Ms. Lambert – yes  
Mr. Bornstein – did not vote, was absent from the meeting  
Ms. Burbine – yes  
Ms. Lewis - yes  
Mr. MacLean – yes

**Accounting**  
**Documents**

PO #2319067 (\$3,478.95), PO #2319068 (\$1,400.00), PO #2319069 (\$1,312.50), PO #2319070 (\$1,575.00), PO #2318855 (\$49.00), PO #2318717 (\$270.40), PO #2318569 (\$990.00), PO #2318566 (\$1,583.25), PO #2318564 (\$2,658.25), PO #2318539 (\$32.50), PO #2318466 (\$6,400.00)

Ms. Burbine moved to approve the requisition of \$6,400.00 to TEC, Inc. for peer review of stormwater for Laurelwood Lots 3, 4, 5, for \$32.50 to Karen Joseph for reimbursement for refreshments for meeting with Town Reps, O'Connor and Kearney, for \$2,658.25 to Chessia Consulting for peer review services for 61 New Driftway, for Chessia Consulting for peer review services for 33 New Driftway/7 MacDonald Terrace, for \$990.00 to Horsley Witten for peer review services for 16 Crescent Ave., for \$270.40 to Gate House media for legal ads for 27 Pineview Dr. and 62 Pin Oak, for \$49.00 to Karen Joseph for clothing allowance, for \$1,575.00 to Merrill Corp. for peer review services for 18 Mann Hill Road, for \$1,312.50 to Merrill Corp. for peer review services for 6 MacDonald Terrace, for \$1,400.00 to Merrill Corp. for peer review services for 20 Mann Hill Road, for \$3,478.95 to Horsley Witten for peer review services for Seaside at Scituate.

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

Ms. Lambert – yes  
Mr. Bornstein – yes  
Ms. Burbine – yes  
Ms. Lewis - yes  
Mr. MacLean – yes

**Liaison Reports:**

No Liaison reports

The Board discussed the festival that is happening in Greenbush on Saturday May 6<sup>th</sup>. The event is open to public.

Ms. Burbine said the merchants in North Scituate are also looking to put an event together for some time in June. She said contrary to Mr. Ohrenberger's suggestions, the area is booming.

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

- Scheduling Drew site visit
- Drew Project
  - Local Action Units have been filed with the State waiting for approval
  - 2 of the 3 transformers have been installed, so they do have electricity
  - Expecting occupancy for July/August
  - Rent for a 1-bedroom affordable unit is \$2,000.00
- Scituate has been awarded Technical Assistance for MBTA Compliance
  - Work will be being in May/June
  - New legislation does not like 20% affordable component; legislation does not want more than 10% affordable
    - Will discuss with the Consultant, may need to request economic analysis for projects that exceed 10% and go to lower AMI like 60%
- Seaside at Scituate
  - Board received petition from Ermine Road Residents
    - “Do Not Enter” signs still needed and granite rumble strip still needed
    - If a gated needed in the future Board will have to vote it
  - Toll proposing not to build the nature trail by basin E
    - Ms. Joseph in support of not building it, Conservation also in agreement
    - Toll owes something to the Board if the trail is not built
      - Ms. Joseph will ask for more landscaping
  - Toll likely to be there through the end of the year
  - Working on site work
  - All the basins need to be fixed
    - Basins may be clogged because of the vegetation on top
      - May need to be raked and aerating
  - Board will not sign-off until everything is working and in compliance with the plans.
- Town Meeting
  - If an out of Town residents asks to speak and the moderator asks to allow permission any member of the Board can say “no”

- Ms. Lambert thought Town meeting was handled very well

**Documents**

- Email to the Board from Karen Joseph dated 4.26.23 with meeting agenda 4.27.23, DRAFT minutes 3.23.23, meeting materials for 817 Country Way, National Grid Tree Hearing, 18 Mann Hill Road, 133 Clapp Road, 342 Summer Street, 7 New Driftway.
- Email to the Board from Karen Joseph dated 4.27.23 with meeting materials for 817 Country Way.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 8:39p.m

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

Ms. Lambert – yes

Mr. Bornstein – yes

Ms. Burbine – yes

Ms. Lewis - yes

Mr. MacLean – yes

Respectfully submitted,

Shari Young

Planning Board Administrative Assistant

Ann Burbine, Clerk

Date Approved: May 11, 2023