

SCITUATE PLANNING BOARD MINUTES May 10, 2018

Members Present: Stephen Pritchard, Chairman; Ann Burbine, Vice Chairman; Benjamin Bornstein, Clerk, Richard Taylor, William Limbacher and Alternate Member Patricia Lambert.

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

Members 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 6:45 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 5/10/18 Planning Board Agenda

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

Old Business, New Business, Correspondence, Administrative Items, Updates

MVP (Municipal Vulnerability Plan) - Grant Application and letter of support

Document

- Document of support letter dated 5.10.18, MVP
- Document of support letter dated 5.10.18, PGA

Ms. Joseph indicated the department is applying for two Grants.

Grant #1:

- Requesting \$4,000.00 from planning budget
 - Pay for consulting firm GZA to assist with application
- Application to the State Executive Office of Energy and Environmental Affairs
 - Municipal Vulnerability Preparedness Action Grant Program
- Grant for a detailed vulnerability assessment for Town's entire wastewater system
 - Inclusive of treatment plant, pump station, etc.
 - Builds on priority action to address vulnerability of municipal infrastructure
 - Outlined in Town's approved Municipal Vulnerability Preparedness Plan(MVP)
 - Only a few coastal town's eligible to apply, should be very competitive
- Letter of support if the Board agrees

Mr. Pritchard opined it is a good fit.

Ms. Burbine said it will segue way into the Master Plan.

Motion:

Ms. Burbine moved to expend \$4,000.00 from technical services to fund the vulnerability preparedness grant application and to provide a letter of support. Mr. Limbacher seconded the motion; the vote was unanimously approved.

Grant #2 –

- Grant from State Executive Office of Energy and Environmental Affairs
- Planning Assistance Grant
 - Funding to support a planning process to engage with the business owners, property owner and residents of the Scituate Harbor
 - Discuss short and long term resiliency for the Harbor
 - Addressed vulnerability of coastal business district
 - Segue ways into Master Plan
- Letter of support

Motion:

Ms. Burbine moved to support the Planning Assistance Grant. Mr. Limbacher seconded the motion; the vote was unanimously in favor.

Form A – 29 Longmeadow Road

Assessor's Map/Block/Lot 27-6-20, 27-6-54 through 27-6-63

Applicant: BTZ Two Realty Trust

Property Owner: Fox Run Two Realty & BTZ Two Realty Trust

Document

- PDF of application dated 4.26.18
- PDF of site plan dated 4.26.18
- Document of transmittal letter dated 4.30.18

Attendees: Greg Morse, Morse Engineering, representing BTZ Two Realty Trust

Mr. Morse indicated before the Board is a Form A Plan to re-divide trust property of Longmeadow Road.

- Re-divide into 3 separate buildable lots
 - Lot 1 existing house, frontage 100'
 - Lot 2 – new lot, 2 acres, frontage 125'
 - Lot 3 - 6 acres, frontage 205'
- Longmeadow Road is a public way
- R-2 zoning

Ms. Joseph indicated each lot has frontage and access and the plan should be endorsed by the Board.

- Lot3 – limited project entrance into the site from Conservation Commission
 - Provides access to lot 2
 - Wetland does not prohibit the Board from endorsing the plan

Ms. Burbine asked why there is rat tail. Mr. Morse indicated there is good soil in the location for a septic system.

Mr. Morse indicated that Fieldstone Road was never constructed and the applicant owns all fee interest in the land and lots on either side.

Motion:

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land Showing a Division of Land off of Longmeadow and Fieldstone Roads in Scituate, MA Assessor's Parcels included: 27-6-20, 27-6-54, 27-6-55, 27-6-56, 27-6-57, 27-6-58, 27-6-59, 27-6-60, 27-6-61, 27-6-62 and 27-6-63 prepared by Morse Engineering Co., Inc. and Moran Surveying Incorporated for applicant BTZ Two Realty Trust and owner Fox Run Two Realty Trust & BTZ Two Realty Trust dated 4-26-18 as the division of land shown on the accompanying plan is not a subdivision every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on Longmeadow Road. Mr. Taylor seconded; vote was unanimously in favor.

Accounting

Documents

- PO # 1810376 (\$223.05), PO # 1810375 (\$1,083.00), PO # 1810374(\$1,170.00)

Mr. Bornstein moved to approve the requisition of \$223.05 to Amory Engineers, P.C. for construction engineering inspections for Blanchard Farms, for \$1,083.00 to Chessia Consulting Services for stormwater review for 31 Torrey's Lane, for \$1,170.00 to Merrill for stormwater review for 115 Grove Street. Mr. Taylor seconded the motion; the vote was unanimously in favor.

Minutes

Documents

- Meeting minutes from 4/26/18

Mr. Bornstein moved to approve the meeting minutes for April 26, 2018. Ms. Burbine seconded the motion; the vote was unanimously in favor.

Liaison Reports:

EDC – Ms. Burbine reported:

- EDC is distributing money
 - \$10,000 for Heritage Days – Fiftieth anniversary
 - Feasibility for Welcome sign on 3A
 - Trying to get things done prior to summer

Advisory Committee - Mr. Bornstein reported:

- Debrief of Recreational Marijuana Town Meeting – reports clarified
 - Published report – different than what was reported the second night
 - Was a re-vote of Town meeting night one
- Potential Ethics complaint
 - Member recused himself

- Absent members
- No votes were changed
- Citizen of town who is cannabis attorney presented
- FACTS coalition presented
- Committee decided to convene a committee
 - Committee to study potential changes to zoning in the future

Continued Public Hearing – Residential Cluster Special Permit – 56.074 acres between Hatherly and Tilden Roads, 13.33 acres east of Hatherly Rd. and 38,535 sq. ft. east of Oceanside Dr. – Seaside at Scituate

Applicant: Toll MA Land III Limited Partnership, c/o Toll Bros, Inc.

Owner: Suburban Realty Trust, Benjamin Goulston, Trustee

Document

- PDF of Toll Brothers response to Residential Cluster letter dated 2.21.18
- PDF of Phasing document to the Board dated 2.9.18

Attendees: Attorney William Ohrenberger; Attorney Jeff DeLisi; Dave Bauer, Toll Brothers; David Buckley, Toll Brothers, Jim Ash, Environmental Consultant; Kevin Klein, Stantec; Erin Furdette, Traffic Engineer.

Mr. Ohrenberger indicated that the applicant anticipates having the Order of Conditions with Conservation Commission voted and signed at their next meeting.

Ms. Joseph opined the Board should go through the proposed decision dated 5.10.18 along with email from Mr. DeLisi dated 5.10.18.

Ms. Joseph indicated that in the Finding of Fact surveyor's area has been clarified from the last meeting.

Discussion on Findings of Fact:

- Finding of Fact #4 – clarified as upland, 51.428 acres
 - Horsley Witten requested the upland area be know
 - Explains the difference of the project area from the 55 acres
 - Wetlands subtracted out to get the upland
 - Reflected on cover page of the plans
- First edit is for FOF #2 – adjusting the acreage
 - Same clarification that is made in #4
- #F – stating a fact
 - Occupancy of the club house will be based on Scituate Bylaw requested by Building Commissioner
 - Building Commissioners decision on Occupancy
 - Determined on several things, parking, doors, etc.
 - Add word "limits"
 - When plan is submitted the Building Inspector will determine the Occupancy

Discussion on Decision Points:

#1 – added Master set of building elevations, consistent with previous meeting discussion

#12 – Air and noise monitoring:

- Applicant questioning the reason for #12
 - Provision for air monitoring and noise is under #38K
 - Proposing deletion of noise
- Last meeting
 - Definitive on monthly, no definitive decision on noise
 - Mr. Pritchard opined it addresses reporting, extension of the thought process of providing reports
- Mr. Ash indicated the #38K does addresses the specifics of how to monitor air and noise, but does not address the frequency.
- Mr. Pritchard wants to specify that air and noise monitoring reports are included
- New language – add the word “reports”

#14 - Engineering Certification

- Purpose to ensure there is no/little deviation for as built and all works as it is intended
 - If different the Town is altered
 - Someone qualified
- Applicant proposes to strike “inspect the exterior of each building”
 - Remove the requirement of the Engineer to physically be on site
 - Surveyor will do all measurements, etc. then the Engineer reviews
 - Engineers are not normally required to drive out to a site
- Mr. Limbacher proposed new language “as necessary” – all agreed on language
 - Engineer may need to be there on site
- GIS system
 - Provide GIS data so it is compatible with the Town System
 - Point to be reviewed by both parties with new language

#40 – Tree cutting

- Applicant has to be able to cut trees
- Need access, best route is Tilden Road
- Concern all 55 acres will be clear cut
- Need staging areas, trucks, machinery, construct model homes
- Localized clearing - erosion control, remediation, demolition
- Committing to not doing clearing cutting until all demolition complete
- Want to do localized clearing not exclusively for the demolition
- Before anything erosion control happens

#48 – Pool Water

- Town water cannot be used initially to fill the pool or when full water ban in place
- Can't top of pool when full water ban in place
- Town water can used for maintenance, unless in full water ban
- Town water cannot used if pool needs to be fully drained
- Add language “or anything other than normal maintenance”

#65 – Timing

- Applicant would like to do interior work
 - Fine with 10 pm as on public project for the Town
 - 7 pm or sunset or whichever is later, or pick end at 8pm
 - Bound by OSHA
 - Efficiency is lost if have to end at sunset
- 7 pm or sunset is Town standard
 - Why change the standard, requirement on everyone
 - Safety issue - dark, cold in winter, always required over at sunset time
 - Modify to heavy exterior construction after sunset
 - 7am – 7pm or sunset, no heavy construction after sunset
 - Interior work cease by 10pm
 - Town Planner determine what is heavy construction

#89 – Memorandum Agreement with Board of Selectmen

- Conservation Commission – has 60 day appeal period
- Transfer of ownership does not occur until 60 period over
- Pre-construction meeting, etc. happen before 60 period
- Applicant prepared to have 45 day enactment period or expiration
- Board would like sooner rather than later
 - Start with water and waste water capacity study sooner
 - Get analysis to address future development
- Agreed to 30 days

Mr. Pritchard indicated that the Board was told the water and waste water study is a top priority other than then the development of the ball field as part of the mitigation activity. The Selectmen and the Town Administrator are committed to doing the study and it is the top funding priority with the agreement.

Sheets to be recorded will be reviewed.

No public comments.

Motion:

Ms. Burbine moved to approve the Findings of Fact as written, discussed and amended on the 5-10-18 draft decision. Mr. Limbacher seconded the motion; the vote was 4 in favor, Mr. Bornstein opposed the vote.

Ms. Burbine moved to approve the Special Permit for a residential cluster development known as Seaside at Scituate by Toll Brothers with the following conditions as discussed and amended on the 5-10-18 draft decision. Mr. Limbacher seconded the motion; the vote was 4 in favor, Mr. Bornstein opposed the vote.

Ms. Burbine moved to close the public hearing for Seaside at Scituate Residential Cluster Development. Mr. Bornstein seconded the motion; the vote was unanimously in favor.

Mr. Taylor asked to hear Mr. Bornstein's comments on his decision.

Mr. Bornstein indicated his feeling go back to the purpose. He is not convinced the plan is better than a conventional subdivision, given the control that the Board has with subdivision rules and regulations. He said he feels it falls short of what the purpose and the intent of the design is. He opined he cannot get over the deed restricted 55 year old private community. He indicated it is the only Residential Cluster zoned project and he does not feel this development is going to be an asset to the neighborhood.

Planning/Development Report

- Closing on Curtis estates
 - Prior to preconstruction conference
 - Want to move the house, on railroad ties and move it over
 - Will sit on ties until road and lot graded
 - Need to schedule the house movers
 - Moving to the field area
 - No impact to wetlands, etc. no material impacts no stormwater measures
 - Town planner to decide – get walked through the process
 - Closing May 15, 2018, tentative preconstruction meeting on the May 23
 - Assuming all requirements are in 48 hrs. in advance
 - Flooding the other day due to vandalism
- Two Accessory Dwellings on next meeting
 - 184 Country Way
 - 10 Driftway
- Master Plan/Open Space discussion for next meeting
- Site Plan Application – Roach Field
- Site Plan Waiver - Jacob Hatch Building parking
- Drew Company – anticipate filing in next couple of months
- Cumberland Farms bought South Shore Auto Parts
- North Scituate property for sale – formerly Dotties Cleaners
 - No Septic
 - Selling for \$500K plus
 - Potential 21E Environmental issue
 - Two apartments on second floor - unknown if legal
- Toll Brothers
 - Third party inspections, how will we handle
 - Clerk of the works
 - Bond
 - Needs to be completed prior to construction
 - Will be independent review of the bond estimate
 - Revised ANR plans
 - Language in decision finalized by close of business Thursday May 17, 2018
- Greenbush – Riverway
 - Will be following up
- Updating Stormwater Regulations
 - Meetings in last few weeks of May
- Elections in May
 - No opposed seats

- Need to get alternate for the Fall

Documents

- Email to the Board from Shari Young dated 5.4.18 with agenda for 5.10.18
- Email to the Board from Karen Joseph dated 5.7.18 with meeting materials for 5.10.18, MVP Support Letter, ANR 29 Longmeadow Road, Seaside at Scituate document.
- Email to the Board from Shari Young dated 5.9.18 with meeting materials for 5.10.18, PGA support letter
- Email to the Board from Shari Young dated 5.10.18 with meeting minutes from 4.26.18
- Email to the Board from Karen Joseph dated 5.10.18 with comments for Toll Brothers.

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 8:19 p.m. Ms. Burbine seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Benjamin S. Bornstein, Clerk

Date Approved 5/24/18