

SCITUATE PLANNING BOARD MINUTES May 12, 2016

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

Members Absent: None.

Others Present: Ms. Laura Harbottle, Town Planner.

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

- 5/12/16 Planning Board Agenda Amended

ACCEPTANCE OF AGENDA: Mr. Taylor moved to accept the amended agenda. Mr. Vogel seconded the motion and the vote was unanimous in favor. Mr. Limbacher arrived at approximately 7:45 P.M.

Informal Discussion – Redevelop Post Office Building, Greenbush – Chris Ford

Documents

- Structural Assessment of 50 Country Way
- Existing site information from Chris Ford on 23 Ford Place
- Email from Laura Harbottle to Board dated 5/6 /16 with above materials

Chris Ford was present along with Greg Morse of Morse Engineering. Mr. Ford indicated he is proposing to relocate the barn at 50 Country Way, despite having a demolition permit for it. He said he was working with the Historical Commission to relocate the barn, but it was not financially feasible for them. He said he has decided to move the barn to 23 Ford Place and remove the existing post office building there which he also owns. Mr. Ford said the post office building dates to approximately 1955 and indicated he bought the building and lot with a dwelling on it in 2000. He said he added a second floor to the dwelling so there are two units there and he would propose the post office and office space on the lower level of the barn and two apartments in that as well. He indicated the barn would front on Ford Place and is slightly bigger than the post office now.

Mr. Ford said the post office wants to renew the lease next year for an additional five years and they would like to keep the same amount of space so that there would be office space that could be rentable on the first floor. He said it would be a mixed use building and has adequate parking for the uses. He indicated that there are two approaches to moving the barn. The first from the front would require it going over the existing streets. The second would be to the rear and down the backs of several properties. He said the barn would need to sit on the new site for approximately two months until a new foundation was ready and it could be moved to its resting spot. Mr. Ford said the site requires very little engineering as both buildings have sewer and water. He said that building work on 50 Country Way is anticipated to begin in early June so this project would need to be fast tracked. He said he would like to get a sense of the Board if the project is approvable before he spends a lot of time and money on the project.

Ms. Harbottle said the project is an intriguing idea. She said there are several buildings being proposed to be relocated in Greenbush in the near future. She asked about the condition of the barn and indicated that the report for the house at 50 Country Way says it is in poor condition. She said the Board would require a special permit and there would need to be drainage and landscaping. She indicated the setbacks would be nonconforming unless it was done under the Village Business Overlay District (VBOD). Mr. Ford said that the barn was essentially rebuilt in 1989 and is very movable. He said there would be two bedrooms in the house and two in the mixed use building. He said there are five parking spaces in the front and the post office writes the lease in July for the year before they are due.

Ms. Harbottle asked if there was any interest in having the building at the street as suggested in the VBOD Bylaw. Mr. Ford said that there could be a parking issue and it would be the only building on the street at the street. Mr. Taylor asked if it was feasible to move the existing post office. Mr. Ford said it was not 100 years old; and thus not under the demolition delay bylaw. He said it was not insulated and really not worth saving. He indicated there are two parking spaces for the house which are accessed via a gravel area between the MBTA sound wall and the property. Mr. Taylor said that he was open to the project idea and it would be nice to save the barn. Mr. Vogel indicated that if the barn is structurally sound and is to standards, then it would be good to save it. He asked if there would be any problem with servicing the post office. Mr. Ford said he will work closely with the post office and he will be paying for the relocation. Mr. Vogel said the increase in impervious area will need to be dealt with, but said it was a good idea if it can work. Mr. Greene asked if the layout on the side was changing. Mr. Ford said it would essentially be the same.

Ms. Burbine said she agreed with Ms. Harbottle that the building should move forward toward the street as that is the point of the VBOD. She said it is desired to have parking behind the buildings and there will be further gentrification of Ford Place over time. Mr. Ford said he would look into it. Ms. Harbottle said it would likely give more comfort to the people living out back. Mr. Limbacher said it is an opportunity for use of the VBOB. He said he had concern with moving the building toward the street as he wasn't sure it was doable with moving cars in and out of the property. He said he would like to be consistent with what is being done elsewhere. Chairman Pritchard said he didn't see anything to deter a formal filing and he would entertain the proposal. Mr. Ford said he needs to accept the barn so he would want some type of assurance. Chairman Pritchard said the Board would need a formal filing. Mr. Taylor said he sees no reason from his point of view to deny the project and looks forward to exploring the possibility of moving forward. Mr. Ford said he will file soon and hopes to have a one meeting approval.

**Discussion - Request for Lot Releases – The Glen, Kevin's Way
Assessor's Map/Block/Lot**

Applicant/Owner: Scituate Glen, LLC - Peter Fiori, Manager

Documents

- Letter requesting lot releases dated 5/3/16
- Email from John Chessia dated 5/12/16 with cost to complete and letter on completion
- Planning Board Lot Release Form and form G-1

Peter Fiore from Fiore Brothers was present. He indicated he would like to have lot releases for the five lots in The Glen subdivision. Ms. Harbottle said that Chessia Consulting Services has reviewed the cost estimate to complete and indicated that the estimate was fairly complete with the exception of adding in the required maintenance guarantee. She said Mr. Chessia came up with \$113,000 with contingencies and maintenance added. Mr. Fiore said that the price of \$425 for bounds that Mr.

Chessia came up with is high. He said he has a quote for \$120 each for 15. He said that amounts to about \$4,500.00. He indicated that if the discrepancy was going to delay the lot releases, he didn't want to have a delay so he would accept the full cost. There were no questions from the Board.

Ms. Harbottle said that when the subdivision was approved, the conditions called for a Homeowner's Association and now there will be a condominium association. Chairman Pritchard said he wants to make sure that the drainage is taken care of by the association. Mr. Fiore said that the condominium documents have an operation and maintenance plan for both drainage and septic. Mr. Pritchard said he wants to make sure that the condominium documents can't be changed on drainage without coming back to the Planning Board. Ms. Harbottle suggested adding language to the motion.

Mr. Taylor moved to accept Peter Fiore's request, as Managers of Scituate Glen LLC, to release Lots 1-5 of "The Glen" Definitive Subdivision approved by the Board on 12/11/2008 from the covenant recorded 8/31/2009 in the Plymouth County Registry of Deeds in Book 37673 Page 171-174, provided that cash surety in the amount of \$113,000.00 be provided to the Planning Board to secure the performance of the remaining work, and that the Town Planner hold the lot releases until the money is deposited in an account approved by the Town Treasurer and proof furnished to the Town Planner of the deposit along with the recorded lot releases. The Planning Board also accepts the request to modify conditions 16, 17 and 18 of the decision dated December 18, 2008 that requires a Homeowner's Association to be recorded prior to the first building permit as the units will be condominium and a condominium association will be created, but cannot be created under MGL Ch. 183 A until an as-built plan is recorded with the Scituate Glen Condominium Master Deed. These conditions shall remain in effect as long as the condominium is in effect and in force. Mr. Vogel seconded the motion. Motion was unanimously approved.

Lot shape factor discussion

Documents

- Email from Laura Harbottle to the Board dated 5/6/16 on lot shape factor
- Memo to Planning Board from Laura Harbottle dated 5/12/16

Ms. Harbottle indicated that the Board previously asked for more information on regulating lot shape in response to concerns expressed by some residents. She said the most popular way to regulate lot shape is by an equation with total perimeter of the lot squared divided by lot area and if the number is over 22 then the perimeter is too long for the lot area. She said about 30 towns regulate lot shape this way and others use versions of the other methods. She indicated that on the Form A for 81 Mann Lot Road at the corner of Creelman, only Lot 1 would meet the lot shape factor calculated that way. She indicated by the other two methods of the circle in the square and the 80% method, the Mann Lot lots would comply. She said the three other lots with "rattails" would not meet the lot shape factor. She said lot shape controls density and is helpful in avoiding confusion with irregularly shaped lot boundaries. She said that lot shape also helps to make sure the buildable portion of the lot is accessible. Ms. Harbottle indicated that developers probably won't like it, but the Board should determine if it is best to present to the Town. Mr. Taylor asked if Towns use all three methods. Ms. Harbottle said that a town would only use one method and it could be required on applications. Mr. Vogel said that the Elm Park situation may not have been cured by lot shape factor as it was another bylaw provision that said two 50 foot frontage lots can't be contiguous. Ms. Harbottle said that maybe it is not applied to 50 foot frontage lots and maybe it can be limited to cases where the lots don't need sewer as the DPW requires the ten foot strips for sewer.

Mr. Taylor said it would reduce the rattail lots for conventional subdivisions which are then used to compute the number of lots for a flexible open space determinations. Ms. Harbottle said it would limit the density. Chairman Pritchard asked how long some of the other 30 towns have been doing this. Ms. Harbottle said Barnstable has been doing it for at least 20 years. Ms. Harbottle indicated Scituate does have a problem with smaller sized lots. Mr. Limbacher asked what problem is trying to be solved. Ms. Harbottle said rattails creating irregularly shaped lots which is a public concern and the Board needs to decide if regulating it is something they want to pursue. Nancy Duggan of 22 Creelman Drive said lot shape will help control the greed. She said the four lots at Mann Lot and Creelman are not even half acre lots and are crammed in a tight area that already has water issues. Chairman Pritchard said if there was a lot shape factor in place, then the applicant probably would have gotten only three lots instead of four thereby changing the density. Mr. Greene said that the applicant on those lots did not break the rules, but the Board is investigating to see if lot shape factor should be proposed as a bylaw.

Dave Donahue of 81 Mann Lot Road concurred with Ms. Harbottle that lot shape does control density. He said developers are gaining more lots and asked if that is what the Town of Scituate really wants for the future. He said it is not conducive to neighborhoods and speculated that who mows what lawn could be an issue for the Mann Lot/Creelman properties. Chairman Pritchard said the Mann Lot /Creelman plan really highlighted the extremity of rattails and potential stormwater control of them. Mr. Donahue said he has never been to the Board before and questioned when water starts pouring into his house, which rattail is he going to chase. Mr. Vogel said he hoped the rattail areas would remain treed. Mr. Donahue said he is glad that the existing house is now gone, but he doesn't want Scituate to look like these lots are going to look in the future. Ms. Harbottle said the Board can decide if it would like to propose a zoning change. She said the Building Department would need to enforce it and suggested consultation with them. Mr. Vogel said that the Town will have Stormwater Control over the Mann Lot/Creelman properties. Ms. Burbine said that buyers should know what they are getting into. Ms. Harbottle said that examples would need to be shown to the voters, like Clapp Road. Mr. Greene said there would be push back from developers. Mr. Taylor offered that it does limit some property rights, but wouldn't shut down development, only control it.

Chairman Pritchard said that property rights are limited by zoning and the Board needs to decide if the lot shape factor is needed to manage growth for the future. Mr. Limbacher asked what the size of an acceptable rattail is. Ms. Harbottle said that many rattails won't be able to meet the formula. Mr. Donahue said that Norwell has had a lot shape factor for years. Ms. Harbottle indicated that Hingham has one too. Ms. Burbine said the zoning reform act had a lot shape factor, but it didn't get out of committee. Mr. Limbacher said it is property rights versus the greater good. Chairman Pritchard said lot shape factor is about density, otherwise it is buyer beware. Nancy Duggan questioned who is going to tell somebody they are not on their own land. Mr. Vogel said a stormwater permit could condition a no disturb area. Ms. Harbottle said it would be hard to enforce unless there was a legal restriction. Chairman Pritchard asked Ms. Harbottle to see if MAPC has any recommendations and to place the topic on the agenda in a few meetings.

Minutes

Mr. Taylor moved to approve the meeting minutes of 4/7/16 and 4/28/16. Mr. Vogel seconded the motion. Motion was unanimously approved with Mr. Limbacher abstaining from the vote on the 4/28/16 minutes as he was not present.

Accounting

Documents

- PO # 1607530 (\$547.50), PO # 1607560 (\$65.00), PO # 1607542 (\$51.28), PO # 1607562 (\$132.92), PO # 1607561 (\$73.95), PO # 1607718 (\$378.54), PO # 1607753 (\$309.54),

Mr. Taylor moved to approve the requisition of \$547.50 to Chessia Consulting Services, LLC for construction inspections on The Glen, for \$65.00 to Image Resolutions for printing rain garden handouts, for \$51.28 to WB Mason for office supplies, for \$132.92 to Laura Harbottle for reimbursement for hotel expenses for the MAPD Conference, for \$73.95 to Laura Harbottle for mileage, \$378.54 to Murphy, Hesse, Toomey & Lehane, LLP for legal services, \$309.54 to Gatehouse Media MA for legal ads in the Scituate Mariner. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Liaison Reports

Ms. Burbine said the EDC informally met last night with the Town Administrator and Selectmen Danehey to discuss visioning in Greenbush. She said she would like to see a pamphlet put together for how to start a business in Scituate. She said it would be an effort from several departments and committees and boards. Mr. Taylor and Ms. Burbine reported that the meeting for citizens interested in positions on boards and committees was not well attended as the weather was horrible. Mr. Taylor passed out a beach survey from the evening.

Town Planner Report

Ms. Harbottle reported that the Town received a letter on the final determination of the FIRM Maps. She said the Town has six months from May 4 to officially adopt them. She indicated that a zoning change may not be required as Scituate is already strict about not allowing new houses to be built in the flood zone. Chairman Pritchard indicated that the critical debate from the SJC case was the 1975 flood map. He asked if the new FIRM Maps should not be adopted in light of that. Ms. Harbottle said the FIRM Maps will be amended, but the other maps stand alone. Ms. Harbottle said the new FIRM maps redefine the FEMA floodplain. She said the new line would mean that some people just cannot build on their property and that amount of regulation is not necessary to stay in the Flood Insurance Program. She said adoption of the FIRM line may be a second phase proposal, but the Town should not lose what they have now.

Ms. Harbottle said the North Scituate playground design is moving along. She said it is proposed to have bright colors and a zip line. She said Site Plan Review will be required and asked the Board if they would like to see input from the Design Review Committee (DRC) prior to a filing with the Board. The Board indicated they would like to see the DRC involved.

Mr. Vogel said the DRC talked about 93-97 First Parish Road at their meeting on May 10, 2016. He said the DRC requested a second meeting with more details to the design. He said he thought the design was sensitive to the streetscape. He said the Driftway Medical Center sign was up, but unfortunately it was not fully as approved.

Chairman Pritchard reviewed the meeting Ms. Harbottle and he had with Town Counsel. He said the agenda can be changed within 48 hours of a meeting if properly posted for items that were not anticipated; however, these should be few for the Board. The Chairman said he would like to stick

with the 48 hours. He indicated that Town Counsel recommends a person with a conflict of interest or one who recuses themselves from a matter, to step out of the room so no issues arise later. With regards to changes in grading and driveways, Chairman Pritchard said that Town Counsel recommends a building envelope is shown and that the plans indicate that the drainage cannot exceed the conditions at the design point. He indicated the plans should clearly state that driveway locations are conceptual and do not need to come back to the Board unless there are drainage changes. Ms. Harbottle said that Town Counsel recommends pursuing R D Matthew Construction Co for Kimberly Road instead of Mr. Matthews personally.

The Board thanked Mr. Greene for his time on the Board as Mr. Greene is not seeking re-election.

Old Business and New Business

Documents

- Email to Board dated 5/6/16 from Karen Joseph with agenda for 5/12/16 and meeting minutes from 4/7/16 and 4/28/16
- Email to Board dated 5/6/16 from Laura Harbottle with information on 50 Country Way, lot shape and letter dated 4/29/16 from Adam Brodsky to Stephen Pritchard, Chairman

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 9:21 p.m. Mr. seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk
6-9-16
Date Approved