

## **SCITUATE PLANNING BOARD    MINUTES    May 24, 2018**

Members Present: Stephen Pritchard, Chairman; Ann Burbine, Vice Chairman; Benjamin Bornstein, Clerk, and Patricia Lambert.

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

Members absent: William Limbacher

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 7:00 P.M.

### **Documents**

- 5/24/18 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.

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### **Accessory Dwelling – 184 Country Way**

#### **Assessor's Map/Block/Lot 48-2-2**

**Applicant/Property Owner: Robert and Mary Rappold**

### **Document**

- PDF of application dated 4.12.18
- PDF of plans dated 4.12.18
- Document of transmittal letter dated 4.17.18
- Email from BOH with comments dated 4.19.18

Attendees: Mary Rappold, Carol Sullivan, Bert Rappold

Mr. Pritchard made the applicant aware that applicant needs 4 votes; vote will need to be unanimous because one member is absent. The applicant indicated they wanted to proceed.

Ms. Rappold gave a brief history of the accessory dwelling.

- Built 7 year ago
- Built on to back of house as a single apartment
  - In-law apartment for her mother
- Contractor did all subcontracting
- Remortgaging house
  - Found out no accessory permit, not legal

Mr. Pritchard indicated that part of the purpose of the bylaw is to make legal accessory dwellings that are not legal.

Ms. Joseph indicated the accessory dwelling meets all the requirements.

- Less than 40% of primary dwelling
- On town sewer and water
- Parking adequate – 2 garage, 2 outdoor.

- Comments from Board of Health they are on sewer
- Affidavit from owner they will be living in primary dwelling

No public comments.

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

1. On April 12, 2018, Robert and Mary Rappold applied for a special permit for an accessory dwelling within a single family home on the property at 184 Country Way.
2. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 830 sq. ft. This is 35% of the total square footage of the primary dwelling which is 2,368 sq. ft. and meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.
3. The Accessory Dwelling Site Plan and architectural plans show a two car garage and paved driveway which appears capable of providing two outside parking spaces. This appears adequate to provide two parking spaces for the accessory dwelling and parking for the primary dwelling.
4. The owners have submitted a signed, notarized statement that they will live on the property.
5. The main dwelling and the accessory dwelling will be serviced by town sewer and water.
6. The exterior stairs serving the accessory dwelling are on the side and rear of the house.
7. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Mr. Bornstein seconded the motion; the vote was unanimously in favor.

Ms. Burbine moved to approve the Special Permit for an attached accessory dwelling at 184 Country Way with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Plans Proposed Addition 184 Country Way Assessor's Parcel: 48-2-2 Scituate, MA by mr Surveying, Inc. dated 1/7/2011; Architectural Plans by Rockwood Design, Inc. dated 10-14-10 consisting of 10 sheets for Bob and Mary Rappold including 3D Renderings, Elevations, Floor Plans, Floor Plans, Foundation Plan, Sections, 1<sup>st</sup> Floor Framing Plans, Ceiling Framing Plans, Roof Framing Plans and untitled sheet.
2. The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application.
3. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
4. Construction work shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.

5. The standard conditions for accessory dwellings approved by the Planning Board shall be conditions of this decision and shall be included for recording at the Registry of Deeds.
  - A. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department, Conservation Commission and other town agencies.
  - B. The property shall contain a maximum of two dwelling units, the primary dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage shall not be increased without prior approval of the Planning Board.
  - C. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.
  - D. The Planning Board may require an on-site inspection for conformance to the approved plans and these conditions prior to the issuance of a Certificate of Occupancy for the accessory dwelling.
  - E. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy signed by the new owner shall be provided to the Planning Board within seven days of the closing of the sale of the house. It is recommended that this be signed at the closing.
  - F. At any time, at the request of the Planning Board the owner shall provide a notarized affidavit indicating that either the primary or accessory unit is owner occupied.

Mr. Pritchard asked that language be added to ensure when property sold new owner's abide by conditions of the Special Permit.

Mr. Bornstein seconded the motion as amended; the vote was unanimously approved as amended.

Ms. Rappold asked what the next steps are. The Board let her know the decision has to be recorded with the Registry of Deeds. Ms. Joseph will be in touch when the decision is filed with the Town Clerks Office.

**Accessory Dwelling – 10 Driftway**  
**Assessor's Map/Block/Lot 68-02-002**  
**Applicant/Property Owner: Harry Dennis Snyder**

**Document**

- Email from Dennis Harry Synder to the Board with request for continuance dated 5.16.18

*Motion:*

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Accessory Dwelling Special Permit at 10 Driftway until June 14, 2018 at 8:30 p.m. and to continue the time for action for filing with the Town Clerk until July 8, 2018.

Mr. Bornstein seconded the motion; the vote was unanimously in favor.

**Water Offset Mitigation Policy:**

Attendees: Becky Malamut and John Boehmke of the Water Resource Committee

Ms. Malamut indicated the Water Resources Committee has been working on a Water Offset/Mitigation policy that they are discussing with the Boards and looking to garner support prior to presenting to the Selectmen. She would like feedback from the Planning Board on their proposed plans and answer any questions.

- Water Resources Committee is an advisory committee
- Worked on Water Resource Protection District
- Will be doing more outreach programs over the summer
- Water conservation tips had been sent out in 2016
- Goal to help town plan for future development – large and small
- Town is reaching limit with water withdrawal limits
- Bring proposals to Committees/Boards for feedback

Mr. Pritchard indicated this has been on the forefront of many discussions of the Planning Board.

Ms. Malamut indicated there are some key decisions that need to be made.

- Alliance for Water Efficiency - different ways to implement
- 2:1 offset needs to be provided
- Title 5/number of bedrooms/2 people is 65 gallons per day
- Water conservation fixtures from developers
  - Would like to see them used, but need commitment they would not be changed; difficult to enforce.
- Different programs:
  - Fund based program
  - Mitigation fee from developers
    - Water department allocated funds within first year
  - Smart meters
  - Leak detection
  - New water sources
  - Grey water uses
  - Storage pumps for schools and fields
  - No exemptions
    - Anything less than 100,000 gallons per year - 2 bedroom house
  - Fee – similar to what it costs to treat a gallon of water \$5,200 – 4 bedroom house – if not exempt
    - One-time fee, on new and existing construction
    - If not exemptions would pertain to everyone
    - Less than 100,000 gallons per day could be exempt

Mr. Pritchard said this is a way of providing and ensuring capacity for new and current development and is very important to get done. The town is right up against water availability and the town needs to avoid getting into a situation where there is a moratorium on development. He opined the program is worth pursuing, but smaller developers can't be overburdened.

Ms. Burbine opined the town cannot overburden and needs to be fair. She said this needs to be done via education which needs to be added to the program.

Mr. Pritchard added that there needs to be a measurement program, overall. He said there is very little real time information available, where we stand today, and how it works on a day to day basis.

There was discussion on funding for better metering at well heads, learning from California, smart meters, monthly billing, App on the phone to see in real time.

Additional discussion points:

- Process –where does it live
  - Water regulations, policy
  - Added to fee schedule
  - Planning Board condition on a permit that mitigation payment needs to be paid
- Hookup fees are up to 6K, to be spent on fixing pipes, etc.
- Get the new meters in all residents homes
- Understanding full water supply
  - Toll Brothers water/sewer money to study water and sewer
- May need to change fee structure
- Provide revenue to water department, incentives
- This needs to be outside of the water department budget
- What are other places doing, i.e. California
- Want to get ahead of the process – need to educate people

Public Comments:

John Tedeschi, a local developer/builder further commented that water, etc. is a huge issue in the town.

- Individual fees passed to developers may squash development
- Education important – turning off the faucet when brush teeth, leaky toilets and faucets
- Liability issues to switch things – Rockland
- Consumer needs to be hit in the pocket
- If water gets expensive then people will get wise
- Drill more wells
- Dredge the reservoir to get more volume
- Tightening system up

Ms. Malamut indicated there will be a rate study. She asked the Board to thing about a few things and she would appreciate any additional feedback they may have.

- Exemptions – what are thoughts and suggestions
- Policy - where it lives – Water rules and regulations and fee schedule
- General Town Bylaws – would have to be at Town Meeting

**Blanchard Farm – Stone Wall Discussion**

**Document**

- PDF of Stone wall plans

Attendees: John Barry, John Tedeschi

Mr. Barry indicated they are at the end of the punch list for the final As-built plan submittal. He noted a few things that still need to be completed.

- Paint line at stop sign
- Shoulders were re-seeded three weeks ago

Mr. Barry indicated they are before the Board to discuss a stone wall that is on the plans which they propose not to build.

Stone Wall:

- Created by landscape architect - did not notice it on the plan
- Bisects the planting bed
- Not a good place
- Serves no purpose
- Was just for aesthetics
- Would rather contribute money to something else – speed sign or sidewalk
- Wall doesn't make sense where located
- No room for wall on the other side
- Landscaping there now with drainage under ground
- No stone walls to connect to this
- Curb cut was just a grassed area
- Granite curbing at the entrance
- No specifications of masonry
- Valued around \$3,800.00
- Has always been shown on the plan

Ms. Joseph indicated that not having the stone wall would not add or subtract from the area. It is a nicely landscaped bed currently.

The Board and the Applicant discussed several ideas for a donation to the Town with the money from not constructing the stone wall.

- Playground in North Scituate
  - Add more to the playground
    - Benches
    - Speak to Recreation – Maura Glancy
- Mitigation payment from the stonewall to the town
- Something the town is already spending money on
- Retro fit of street lights to LED – could be a place
  - Believe this has been completed
  - Discussion on lighting at Blanchard Farms
    - Bulbs are now 60W LED and complaints have been minimized
    - Originally had 150W LED, then went to 100W LED
- Provide individual mail boxes to homes in Blanchard Farms
  - Eliminate community mail box system

- Post Master would need to approve
- Need to follow up on contribution
- As-Built will not have the stone wall

Mr. Washburn indicated perhaps there is a way to set up a public improvement pedestrian fund. He said the Board could then build up money and use to help fund different Town projects. Applicants to get back to the Board on a proposal.

### **Master Plan Discussion:**

Attendees: Brad Washburn, Director of Planning and Development

Mr. Washburn indicated that the request for funds was approved at Town Meeting for the Master Plan update.

- Funds are available 7/1/18
- \$100,000.00
- Updating plan that is in place
- Public participation is part of the process – schools, business owners, residents, etc.

Mr. Washburn reviewed the process for the Board.

- Request for proposal (RFP) in July
  - Ideally 30 day time period
  - Step 1 – RFP Review Committee
    - Staff of planning board
    - List Serve - Mass Planners
      - Good examples or RFP's from other towns
    - Short list of people to consider
    - Need to alert prior to RFP going out
    - Open to all
  - Next step – RFP and then RFP review committee
    - Mr. Pritchard would like to participate
    - Board to provide support to get it done
    - Need to have some who has been through the process
    - Would be good to have examples
      - Examples for master plans from short list of people
  - Need Website, social media presence
    - Streamline information, give people access
  - Do after Labor Day
  - Public meetings for people to participate and be online
  - Get a draft submittal from whomever is selected
  - Components that need to feed into the plan
    - Housing, EDC, Water Offset Plan, etc.

Mr. Washburn also addressed the Open Space Plan:

- Grants and plan submittals
- Final edits to open space and recreation plan
  - Ready to submit in about a week
  - Comments from CPC, Conservation
- Needs to be on file

- Not updated since 2009
- Would like a letter of support from the Planning Board
- All Board members would be happy to support
- Need to have in place for state funding with Recreational Grants

Unanimous opinion from the Board in support.

**New Alternate Member Discussion:**

- Add in paper- Mariner, Website, Town Facebook page
  - Collect resumes and conduct interviews
- Joint meeting with selectmen
- Interim till next election – May

**Accounting**

**Documents**

- PO # 1810868 (\$660.00), PO # 1810727 (\$390.00), PO # 1810824(\$77.00), PO # 1810726 (\$440.00), PO # 1810565(\$185.00)

Mr. Bornstein moved to approve the requisition of \$660.00 to Chessia Consulting Services, LLC for stormwater review of Lot 1 Torrey's Lane, for \$390.00 to Merrill Corporation for stormwater peer review for 115 Grove Street, for \$77.00 for Plymouth County Registry of Deeds for recording of Board member signatures, for \$440.00 refund for engineering reviews for 24 Lynda Lane, for \$185.00 for Tracey Sales for larger printer toner signed under the Municipal Modernization Act. Ms. Burbine seconded the motion; the vote was unanimously in favor.

**Minutes**

**Documents**

- Meeting minutes from 5/10/18
- Meeting minutes from 9/28/17
- Meeting minutes from 6/8/17

Mr. Bornstein moved to approve the meeting minutes for May 10, 2018, September 28, 2017 and June 8, 2017. Ms. Burbine seconded the motion; the vote was unanimously in favor. Mr. Pritchard abstained from the vote on the 6/8/17 as he was absent.

**Liaison Reports:**

**EDC – Ms. Burbine reported:**

- Discussed refurbishing sign on 3A
- June 18<sup>th</sup> follow up meeting at Brewery - Greenbush – public meeting
- Shed behind Rocco's - refurbishing it, will be kiosk
- Signs in harbor

Mr. Washburn added additional comments regarding two grants that are being worked on.

#1 – MVP – Municipal Vulnerability Preparedness Grant

- Action grant



- Priority Action for the Town
- Addresses the Town's Wastewater management system
- #2 – PAG – Planning Assistance Grant
  - Resiliency for harbor
  - Ensure harbor remains economically viable
  - Educated stakeholders on current and future risks
    - Risks associated with climate change and rise in sea levels

**School Committee – Ms. Lambert reported:**

- Ellis Estate ownership will be transferred back to Conservation Commission
  - 14.2 acres controlled by school committee
- 3 to 2 vote

**Old Business, New Business, Correspondence, Administrative Items, Update**

**Planning/Development Report**

- June 14 proposed start 6:45 pm
- Stormwater working group - beginning the process of rewriting regulations
- Letter from Scituate Beach Association - Scituate Ave. and Otis Ave. on revamping an existing parking lot
  - Been in existence for a long time
  - Need to get permitting through Conservation
  - Historic photos of parking lot
  - Regrade and fix the parking lot so can be blocked off
  - Was being used by contractor for staging
  - Board wants them to come before the Board
- Spoke to Seventh graders at Gates on developing a project
- Preconstruction conference for 90 Ann Vinal
  - Want change SWPPP phasing, tree clearing was phased
  - Want to do all road clearing at once
  - Contractor bid to do clearing all at once
  - Discussed doing clearing but not grubbing basin at back of development
  - Should not change water flow in an direction
  - Have to install the temporary sumps
  - Will have to control erosion and siltation during construction
  - SWPPP covers where may need install more than what is on the plan, contingency is covered
  - If they want to change the expectation then they should come back to the Board
  - Board said go by the SWPPP or come to the board for changes
- Fire Department will come in on 6/14/18 to discuss
  - New 2 bay garage at Humarock
  - Replace antennas 130' and 60'
  - Sign
  - Will have to site plan review
- Microbrewery - parking
  - Site plan waiver for temporary parking is being pursued in addition to a permanent solution
  - Do they need stamped plan

- 20 spots need to be located on plan so Board can see where they are. Preferably a stamped plan. They are working on a lease agreement for temporary spaces
- Board wants signage for people to be directed to parking spots
- Traffic Rules Committee voted to bring to Selectmen “No Parking” signs on west side of Old Country Way as first step
- 50 Country Way
  - Approval from State for the 4 affordable units
  - Affordable lottery under way
  - Have heard that the owner would like occupancy soon. Not aware that sewer and water are connected.
  - Owner would like gravel for emergency access for first building occupancy – Planning Board wants it constructed per the plan
  - Some members concerned that building is too close to the street

### **Documents**

- Email to the Board from Shari Young dated 5.18.18 with agenda for 5.24.18 meeting.
- Email to the Board from Shari Young dated 5.21.18 with meeting minutes from 5.10.18 and 6.8.17.
- Email to the Board from Shari Young dated 5.22.18 with meeting minutes from 9.28.17
- Email to the Board from Karen Joseph dated 5.22.18 with meeting materials for 184 Country Way.
- Email to the Board from Shari Young dated 5.24.18 with amended agenda for 5.24.18

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 9:16p.m. Mr. Pritchard seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Benjamin S. Bornstein, Clerk

Date Approved 6/14/18