

## **SCITUATE PLANNING BOARD    MINUTES    May 25, 2023**

Members Present: Patricia Lambert, Chair; Ann Burbine, Clerk; Stephen Pritchard, Rebecca Lewis and Bob MacLean, the alternate seat is vacant.

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

Members absent:

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**

- 5/25/23 Planning Board Agenda

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

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### **Continued - Public Hearing – Site Plan Administrative Review and Special Permit for Mixed-Use Building and Stormwater Permit in the VCN- GDG-NDTV – 61 New Driftway Assessor's Map/Block/Lot 53-03-2A**

**Applicant: John Tedeschi**

**Owner: John Tedeschi and James McInnis**

### **Documents**

- PDF 14-203-61 New Driftway – Architecturals 4.26.23
- PDF 14-203-61 New Driftway – Response to Comments -4.26.23
- PDF 14-203-61 New Driftway – Site Plan - 4.25.23
- PDF 14-203-61 New Driftway - Stormwater Report - 4.25.23
- PDF Letter to SB re Easement Relocation Request 61 New Driftway 4-24-23
- Doc DRAFT Motion Form 5<sup>th</sup> Continuance
- Doc REV 4
- Doc Summary of Issues 5-25-2023
- Copy of Bylaw - passed out by Greg Morse at meeting

Attendees: Steve Guard, Attorney; Greg Morse, Engineer; Jaime Kelliher, Architect; John Tedeschi, Property Owner and Applicant; John Chessia, Town's Consulting Engineer.

Mr. Guard indicated that since the last meeting revised plans have been submitted to address comments from the meeting and from the last peer review report. He referenced the paper Mr. Morse passed out to the Board, an excerpt from the Zoning Bylaw. He said the document shows how the project meets the zoning requirements. He suggested it would be better to focus on the agenda issues, Summary of issues date 5.25.23, but is happy to give presentation is the Board would prefer.

Mr. Guard began by addressing the issues on the summary sheet.

- Waivers
  - Section 750.5.3.B – allow reduction in the building height step back requirements
    - Asking for relief for .4% on one plane and 7% on the other plane
      - Allows the building to have the articulation necessary to comply with the bylaw
    - Board has granted this waiver in the past
    - The Board has the ability to grant the waiver for these “minor” encroachments into the space otherwise prohibited by the step backs
    - Alternative is the building is modified and becomes less “pretty”, building would be more blocky
    - Mr. Kelliher pointed out the areas that are in question
      - DRC agreed it was part of the building that worked
      - Ms. Joseph read the DRC comments regarding the percentages
    - The Board was in favor of granting the waiver
  - Withdrawing the waiver for the crosswalk
    - Applicant will do the required 10’ crosswalk
- Special Permit
  - Section 580.4.C – allow for higher density
    - 12 units allowed by right, up to 28 by special permit
    - Applicant is requesting 22 units, with 5 affordable units
      - Originally had 25 units, they have reduced the number of units

Ms. Lambert said she will be asking for a straw vote from the Board on the density bonus and the length of the building.

Ms. Joseph indicated the applicant needs a density bonus for 10 units, they have offered an easement for the sidewalk that already exists; Town Counsel has reviewed and feels an easement is appropriate in this location. The sidewalk along New Driftway is not accepted as a density bonus because it is required as part of the pedestrian frontage zone. Ms. Joseph said the proposed sidewalk along New Driftway is planned to end at the property line; there is the possibility of extending the sidewalk to the driveway on the Drew property as a public benefit along with connection for handicapped access on the far side of the driveway and across the street with a crosswalk; the TA and DPW would be in favor of this. Ms. Joseph said the square footage of sidewalk is not yet known, there is some granite curbing and some sidewalk that already exists; she opined something could be worked out with the numbers to complete the sidewalk as part of the density bonus.

Mr. Morse said it is approximately 120 feet; he said Norwell just completed sidewalks and the price was approximately \$420.00/linear sq. ft. at prevailing wage. Mr. Guard said for a private job it may be closer to \$350.00/linear sq. ft. Mr. Guard said the applicant is willing to do the sidewalk as part of their public benefit.

Ms. Joseph suggested the Board allow her, DPW and the applicant go out to the site to review how the sidewalk could be done and what exactly is needed. She opined they could all come to an agreement that would work and that it would be a benefit to the Town.

Mr. Morse provided a photo for the Board to get their bearing of the location; there was discussion about a second crosswalk and it is to be determined if that is needed in the field. Ms. Joseph said a number for the cost of the sidewalk could be determined between now and when the decision is written.

Mr. MacLean said he would be fine with the sidewalk without the crosswalk to the other side of the road since there is already a crosswalk at the light. Mr. Pritchard asked if DPW is okay with another crosswalk on the Driftway because it seems too close to the light. Ms. Joseph said that can be determined out in the field. The Board was all in agreement of the sidewalk, but it is to be determined if there is another crosswalk.

Ms. Joseph said depending on the cost of the sidewalk, on other projects the Board has been receiving \$17,500/unit for the density bonus. Ms. Joseph proposed once the cost of the sidewalk, etc. is known the amount per unit minus the cost of the sidewalk could be given as the balance for the density bonus.

Ms. Lambert said instead of the \$17,500/unit the Board would be willing to subtract the cost of the sidewalk, etc. from the cash donation to the Town for a project in the Greenbush area. The Board and the applicant were all in agreement.

There will be a definitive number in the decision.

- Special Permit
  - Section 750.5.B.2.D allow a building to be more than 100' in length
    - Proposed building is 108' in length along New Driftway
      - Requesting relief for 8'
    - Bylaw allows a building to be up to 150' wide anything over 100' requires a special permit
    - Bylaw allows for zero front yard setback
    - Bylaw allows for building footprint that is 20,000 sq. ft.
      - Proposed building is 9,985 sq. ft.
    - Does the building fit into the neighborhood with the extra 8'
    - Adjacent buildings are 150' long and 300' wide; they are approved under a different bylaw, but they are part of the neighborhood.
    - There is no minimum lot size, the lot is in 34,000 sq. ft. range; to suggest building is too big for the lot doesn't work
    - Applicant feels the building is well designed and the 8' is necessary to make the building work

Ms. Lambert said this is a big topic of discussion, the project was presented to the Board last September and it has been pointed out eight times that the building is too big from people on this Board and Design Review. Ms. Lambert said it is a nice-looking building, it is a pretty small lot; she knows they were asked to reduce it and they took out the penthouse. She said when she speaks about the building being too big it is not just about height, but also about width and length. She said there needs to be a straw vote from the Board about this issue and the special permit at 108', there is not a lot of landscaping because it is right on the street.

Mr. MacLean – yes  
Ms. Burbine – no  
Mr. Pritchard – yes  
Ms. Lewis – yes  
Ms. Lambert – no

The straw vote was 3 to 2 to grant the special permit.

Mr. Guard said he needs help understanding and is requesting some guidance where the building doesn't meet the bylaw; the height complies, the area of the building footprint is 50% of what is allowed, the width is 108' on 253' of frontage. He said he hears what is being said, but he cannot figure out what part of the bylaw they are not complying with.

Ms. Lambert commented that when there is a density bonus everyone goes for the maximum allowed; Mr. Guard said they didn't go for the maximum; they are asking for 8 feet. Ms. Lambert explained she was speaking of the density bonus, but said that a definitive vote has not been made and she could be swayed either way, she noted that Ms. Burbine may not be. She said they need to produce evidence that will convince her to accept the building. She has said before this is a very nice-looking building, she likes what has been done with the cupola, but she is responding to what she is hearing people saying and as an elected official she is here to protect the Town. She said the applicant knows where the Board stands at the moment.

- Water main easement
  - Submitted to the Select Board
    - Select Board will do whatever the Planning Board recommends
  - Plan has been submitted
    - Relocates the water easement throughout the parking lot, from entrance to entrance, avoids any subsurface infiltration systems
  - Easement is shared with the property owner for installation of utilities
  - No water line is in the location
  - Not likely to ever be used because there are public ways on each corner
  - Not asking to expunge or terminate the easement because it requires a town meeting vote
    - Easiest way to deal with it is to have the Select Board relocate the easement, it has been done in other towns.
  - Ms. Joseph said the location makes sense, a plan has been submitted
  - No other parties have rights to the easement
  - Board is okay with the easement and will recommend that the Select Board vote in favor
- Ground floor residential uses – Section 508.2.D.a & c)
  - Residential units meet the required setback, the residents lounge does not
    - Board has authority to allow to exist within the 60' setback provided it does not affect the pedestrian oriented street front uses
      - Area is not exposed to the outside, no access to the area except to the residents
      - Ms. Joseph said she spoke with the Assistant Building Commissioner who determined that it is a residential use in the 60' commercial area

- Requires a waiver
  - Mr. Kelliher said it goes 12' into the commercial area and pointed it out on the plan
- Mr. Guard said Section C.2 says the Board would need to make a determination that there is not an adverse impact on the pedestrian-oriented street front uses; he read from the bylaw
  - It is totally located with the building
  - There is no access to the pedestrian oriented street frontage

Ms. Burbine said she has issue with residential being on the ground floor; she has always felt when there is a mixed use there should be all retail/commercial on the ground floor and no residential component.

Mr. MacLean, Ms. Lewis, Mr. Pritchard and Ms. Lambert were all fine with the residential component; Ms. Burbine had no comment.

- 750.8 Development Site Standards - Landscaping and Screening
  - Mr. Morse reviewed the landscape plan submitted
    - Plan done by a registered landscape architect, submitted last July
    - Has not received any comments regarding the landscape plan to date
      - Mr. Morse reviewed the plan
      - Approximately 50 trees proposed
      - Shrub plantings along the front
      - 3-gallon size trees along the front
        - 11 junipers
      - Perennial plantings
        - 28 lavender, one gallon to 1.5-gallon size
        - 17 different ornamental grasses throughout the site
    - Ms. Joseph opined the plan is reasonable, it is not great, and the plan is not signed
      - Applicant proposing 3" caliber trees which is good
      - Plan is acceptable
      - Minimal landscape in the entry courtyard, it could use a tree
      - Stuff on the inside of the wall is low and will be helpful
    - Ms. Lambert said comments were made on 1.12.23 that it is very austere and not natural
      - Need to soften the site up as much as possible
    - Board will write in the decision that they can go back and make sure trees are living
      - Ms. Joseph indicated there is a 1-3 year guarantee period that everything is living at the end of the project.
        - Once tenants are in, there could be more landscaping in the courtyard added to make more of a human element

- It meets the bylaw
- 760 Parking requirements
  - Turnout space has been added for maneuvering purposes along New Driftway
    - Located inside the parking setback by about 5'
    - Turnout is not required; original plan was acceptable by both the applicants engineer and peer review engineer
    - 24' wide aisle for sufficient maneuvering
    - Turnout was added as result of Board concerns of backing out
    - Area is made of pervious pavement
    - The buffer is only 11' at the location
    - The parking plan complies without this area

Ms. Burbine said she has concern with the parking spaces for residences being too far away from the entrance; the residents have to walk around to an uncovered entrance to get in to the building. She opined the parking is inadequate, they are required to have 40 spaces, but where do guests and people that work in the retail spaces park.

Mr. Guard responded that the bylaw has contemplated those concerns and that is why they are required to have 40 spaces with the uses proposed; he does not want to second guess the bylaw. He said Mr. Chessia has reviewed the parking, a traffic engineer for the town and their own traffic engineer from Vanasse have reviewed the access to the parking. Mr. Guard said the parking is assigned parking, it will be numbered there will be signage to designate resident parking only.

Ms. Burbine was still concerned that the residents had no entry to the building near where they need to park; it makes no sense. She also said there could be an issue with people trying to get out if there is a delivery truck in the designated loading location. Mr. Morse said the minimum width is provided at 12', a traffic analysis was provided with turning templates and the layout works.

Ms. Joseph asked how the signage would work around the handicapped spaces, loading area and EV spaces. Mr. Guard said the signage would work around the handicapped spaces so the spaces would be available for anyone, they are not designated for residences. The Board will make some kind of condition to ensure the signage accounts for handicapped access to the retail/commercial units.

Ms. Burbine opined it is a design issue that the residents have to go around the back of the building so far away from their parking area to get in. Mr. Kelliher opined it could be solved easily by adding a doorway from the commercial corridor to the residential lounge and that could alleviate that issue; residents could then go in the main door as well, it would be keyed access only. Ms. Burbine thought that made sense. The Board requested that change be made; access be made from the main corridor into the residential lounge.

There was continued discussion about the backup area; Mr. Morse again said it was a request made by the Board it is not required it is the size that is typical for a passenger car, they did not feel it was an issue going into the landscape buffer because the buffer language of 760.8.P.1.a says that 15' is to a parking space; he said to get in and out of a parking lot there needs to be access through the 15' landscape buffer with aisles and a driveway. He said there is a definition of a parking space in bylaw that does not account for where there is maneuvering of a vehicle; the applicant will accept a condition that there can be no parking in the turnout area. Mr. Morse said the turnout area is not required in the bylaw to comply with 15' setback. This location is unique, they are measuring the

setback from the edge of the right-of-way, but to the edge of the sidewalk there is additional 10' and a 5' sidewalk, the turnout is in excess of 24' from the actual road. Mr. Morse opined the 15' was not applicable for the setback in that section of the bylaw, he feels it is adequate for a turnaround that was requested by the Board.

Mr. Pritchard agreed there should be a turnout and if it meets the standards of what is needed it is okay.

All the members, except for Ms. Burbine were in favor of the turnout and setback.

- Parking required based on gross floor area for all non-residential space
  - Mr. Morse indicated they look at the floor areas of the habitated commercial uses, office space, retail space, etc.
    - They did not consider the janitor's closet, etc. because it is not rentable commercial space, it would not create a traffic need.
    - The applicant backed out those areas that would not create traffic
  - Mr. Chessia, Towns Consultant
    - Bylaw says gross floor area is from exterior wall to exterior wall
  - Mr. Guard said this was discussed previously
    - The applicant excluded spaces that are not habitable, the bylaw talks about habitable space.
    - Ms. Lambert agreed that they did have the conversation previously
  - The Board agreed that the gross floor area would be counted as all non-residential space excluding the non-habitable spaces, i.e. janitor's closet, etc.
- 753.1 - Low Impact design standards
  - Landscape plan done by Registered Landscape Architect with what he felt appropriate for the site
  - Board is okay with the proposed design
  - Applicant is to get the plan signed
- 580.6 – Amenity space
  - Discussed in the past, most of the space is on the roof with patio in the front
  - Mr. Morse provided more detail
    - Requirement is 20% for residents
      - Proposing 20.5% amenity space
        - Benches on side in the common yard space
        - Outdoor patio/seating terrace long the front
        - Roof terrace
        - Total of 7,134 sq. ft. of amenity space proposed
          - 6,945 sq. ft. required
  - Ms. Joseph asked if the roof top terrace is setback 5' from the building wall with a 4' perimeter fence, difficult to see on the architectural plans
    - Applicant to put information on the plans and confirm numbers
      - The 5' area will be dimensioned and the fence will be shown

Ms. Lambert asked if the building will be rental or ownership; because she said with the roof top space someone will need to be responsible for making sure things brought up on the roof are maintained and stored when necessary; it is a safety issue. Mr. Guard said the burden would fall on the landlord for all the common areas; tenants will be responsible to the landlord and the landlord will be responsible to the Planning Board.

Ms. Lambert said somewhere in the decision it needs to be made clear that stuff on the roof cannot fly. Mr. Guard said there will be an accessible storage area on the fourth floor.

There was discussion about condominium vs. rental; Ms. Joseph will work on the decision to reflect both options. Mr. Tedeschi said the building will be all rental and said because there is 20% affordable units and it is rental all the units can be counted towards the subsidized housing inventory for the Town and this will help keep the 40B's away. Ms. Joseph will review with Town Counsel what can be counted; she is not aware that every unit can be counted, but she will work with Town Counsel.

Mr. Barry, local developer, said if the units meet the Mass Housing underwriting bylaw then they will be counted toward the subsidized housing inventory.

Mr. Pritchard made a point of clarification that there will not be dual decision written; the decision will be written as it is a rental property. Ms. Joseph said there will have to be some kind of property management, but condominium documents will not need to be provided.

The Board was satisfied with the amenity space as proposed; the applicant is to provide the information requested by Ms. Joseph for the roof and architectural plans.

- 5807. – Public Realm
  - No issues
  - No new street is being created
  - 5' side walk is being done per DPW standards
- 580.8 - Affordable Housing/754 – Fair Housing
  - Applicant will be using same Monitoring Agent as other projects in Town
    - Metro West Collaborative
  - 5 Affordable units
    - All units will be 80% AMI
  - Ms. Joseph will write as a waiver
    - Paperwork has not been submitted at this point
    - Board has done same on other projects
    - Monitoring agent has been selected
      - Applicant working towards a signed contract
- 770 Site Plan
  - DRC comments have been received
    - Condition will be made the applicant is to go back to DRC for the location of utilities, mechanicals and exterior building materials
  - Access and amenities on the frontage area
    - Ms. Lambert opined “it is what it is”
      - The Board would like it to be a little softer they have made that clear



- Ms. Joseph indicated the plans show there is 23% impervious in the front yard
  - Plans show the concrete sidewalk is included in the area
    - Graphic may need to change
    - Verification of pervious/impervious is needed for the front yard
  - O&M Plans says the pervious pavement needs to be vacuumed every month
    - Both accesses to the site are pervious pavement
    - Applicant is aware of the maintenance

Mr. Guard indicated this was a sticking point last time; that they are penalized because the town's sidewalk is on their property. Ms. Joseph said that is why the square footage of the sidewalk was asked for, but it is not on the plan. Mr. Guard explained the rule is driveways, walkways, and patios impervious area cannot exceed 25%; they made everything on their site that they control pervious, the driveways, the patio, the connection to the sidewalk, the only thing that did not change was the town's sidewalk, it is not backed out of the calculations it is part of the calculation and they have met the 25%.

Mr. Morse indicated the town sidewalk and the other impervious area on the site is 28.6%, any new surface within the front yard setback being proposed is a pervious material.

Mr. Guard said they understand there is a maintenance requirement; whatever the manufacture recommends they will have to do. They had requested a waiver and are no longer requesting the waiver.

The Board was satisfied with the front yard calculations.

- Lighting
  - Mr. Morse indicated a lighting plan had been submitted and no comments had been received
    - All lighting is down lighting
    - All lighting is LED
    - Mr. Morse to confirm the plan is correct in terms of matching with the driveway location and turnaround
    - There are light poles on the exterior of the driveway and parking lot.

There as discussion about bollards at the edge of the residential parking; Mr. Morse said there is a 6" curb around the edge of the building which serves as a wheel stop or preventer. The applicant will review the addition of bollards.

The Board was okay with the lighting plan; bollards should be looked at and identified on the plan if/when added.

- DPW comments on Water and Sewer

- Water and sewer studies were submitted; applicant expects the recommendations from the study will be included as conditions in the decision for approval

Ms. Lambert made a general comment that the Planning Board is not the Water Commissioners; if DPW and the Select Board say there is the water the Planning Board has to say okay.

The Board had no comments about the water and sewer study.

- Stormwater Management
  - Mr. Morse indicated the area is very gravelly
  - Proposing subsurface infiltration and taking everything into particle separators and recharging it under the parking lot
  - Mr. Chessia has reviewed and had some final recommendations
    - All recommendations seem appropriate to be conditioned
      - Inspections of the bottom of the infiltration chambers
      - Adding gutter inlets or curb inlets inside the curbing of the catch basins
  - Project complies with all water quality standards, pre and post rates of development
  - The applicant agrees to other conditions recommended by Mr. Chessia
    - Soil testing, etc.

Mr. Chessia had no other comments to add.

Ms. Joseph verified that the new setback/stepback was used; Mr. Kelliher confirmed, yes. The setback/stepback is to be revised on the plans. There was discussion about getting a revised set of plans and architectural with the changes discussed tonight; the applicant agreed to supply an interim set of revised plans and architectural.

The Board had no other additional comments.

*Public Comment:*

Mr. Richard resident in Greenbush said he has been through this himself, there are a lot of bylaws and a lot of hoops to get through, but the bottom line is housing is needed. He said it sounds like a good project, it may look big compared to some projects, but it certainly does not look big compared to the project right next door. The project is reasonable in his mind.

Ms. Dauwer, resident at 16 Northey Farm Road, has lived here for 20 years and they consider the Driftway their neighborhood; she disclosed that Mr. Tedeschi built her home and that is one of the reasons she moved here from Boston. He created a beautiful neighborhood, the buildings are beautiful top quality; they are trying to downsize, but can't because they enjoy the house so much. She said when they first moved here the Driftway was a little shabby and they have been happy with the development that has come up; the new gas station, looks fabulous it is wonderful, there are parking issues, but with patience and maneuvering you deal with it. She said she is happy with the design they have come up with, the Board is the expert, if it is 100' or too big, or whatever, that is the Board's prerogative. She opined the design is lovely, it fits with the town and she is thrilled that it has sidewalk access; she helped build the dog park and anything that adds sidewalks and access in the

area is a positive. She said she appreciates the discussion about the parking for the residents, she comes from Boston so parking is always a crazy issue, everything is going to be tight, but people make it work. She said she understands the comment about delivery trucks, but she lives in a neighborhood where Amazon trucks are there four times a day; you have patience and it works out people can get where they are going. She said she does like the design and feels it fits with what she feels is her greater neighborhood. She said she is disappointed that the eye doctor property has been there for so long and looks so nasty. She said she thinks this is all a positive, if it is a little big she would still use it, she would like driving by it and it adds to the greater neighborhood and it would add to taxes. She said she is not very happy with the Drew Project; they are very bland and if this building is big enough to cover that she is all in.

Ms. Lambert said one of the Board's driving principles is that they are a "planning board"; they don't plan for a year they plan for 50 years. She said she hopes Mr. Tedeschi's building lasts as long as the Barker Tavern. She said the Board plans for long range, the new zoning was done by town meeting, all these decisions are not made by the Planning Board they are made by the town, people have to come to town meeting.

Mr. Harris resident at 26 Ridge Hill Road indicated had spoken with Ms. Burbine who told him "you have to look at the project" he said you have to look beyond that, half of this room is filled with people he built houses for. He opined there are not many people in the area that would come out at this point and support a developer. He said you have to look at the applicant.

Ms. Lambert said you have to look at the project with an open mind.

Mr. Barry, local developer, said for many years we have heard about smart growth, transit oriented living is the mantra with current administration/Governor; this is the paradigm in terms of density you just need to look next door with what is not really traditional New England architecture; this project is in keeping with the neighborhood. He opined it fully complies with the spirit of the bylaw. He said as Ms. Lambert said Town Meeting are the ones who direct and guide the Board that is the blueprint. He said as Mr. Guard said the applicant is looking for the Board to tell them where they are not consistent with the bylaw as it seems this project is 100% within the bylaw, it is a project that is in the gateway of town, it is a big improvement over what is there currently. He said that 20% of the units are under the yearly median income or less all the units will go towards the affordable housing inventory; that is 22 units, that will allow control over growth of the community.

Mr. Bjorklund, local developer, said that in the New Driftway Transit Village Subdistrict which this project is in, there are approximately 9 properties that front on the New Driftway and there are 2 pieces of property on the north side from the MBTA station heading towards the golf course. He said one is the Drew property with the small building and the other is Mr. Tedeschi's property; there are no other buildings on that side of the road for a long stretch almost down to Gilson. He said the applicant is looking for 8' on a building and asked that the Board think about that. He said on the opposite side of the road most of the lots are more porkchop except for the gas station and that probably won't be coming down, any other new buildings that would come in would be way in the back, they have half the frontage that Mr. Tedeschi does. He said if something were to go in the front it would be a mass of buildings, Mr. Tedeschi's site has one building and an 8' discrepancy even though he is allowed to go to a 150' if he had different circumstances. Mr. Bjorklund said the Board has the power to grant it (special permit for length); it looks like the applicant has done everything to accommodate the Town on this project and hopes the Board will vote in favor of it.

Mr. Taylor resident at 6 Northey Farm Road said he is in support of this project and opined that everything the Planning Board has done for the Greenbush district has been very positive. He is happy Ms. Joseph mentioned the DRC, he commented that there needs to be special considerations for the utilities, a/c, etc. and things that come after the fact. He referred to the gas station noting there is a vent hood/stack on the front of the building which he does not find very visually appealing. He also commented on the mechanicals on the side of the building that aren't hidden as much as he would like. He referred to the generator at the Senior Center that fronts on First Parish Road. He asked the Planning Board to take special consideration of the utilities and mechanicals. He said the project is nicely done, it is visually appealing, but a vent hood in the wrong location and utility placement lower the beauty and value in his opinion. He walks around Greenbush all the time and thinks it is really becoming a walkable transit-oriented village of Scituate and is very proud of that.

Ms. Lambert reiterated that the applicant does have to go back to DRC for review of the utilities/mechanicals.

Mr. Guard asked the audience by a show hands who was in favor of the project and those that are opposed to the project. There were no hands raised for those who oppose the project. He said the sticking point on the project seems to be the 108' and asked the Board if there was any change on their initial vote from 3-2; Ms. Lambert said the applicant has swayed her vote.

There was discussion about when the project would be continued to and the process/timeline for writing a decision. Ms. Joseph said she expects to go out with the applicant in the next few weeks to finalize the density bonus and public benefit so that everything keeps moving. The Board agreed to add a meeting to July 18<sup>th</sup>.

Ms. Burbine said she would also change her vote.

*Motion:*

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for a Mixed-Use Building and Stormwater Permit in the Village Center and Neighborhood District – Greenbush Gateway District- New Driftway Transit Village Subdistrict (VCN-GDG-NDTV) until July 18, 2023 at 6:30 pm and to continue the time for action for filing with the Town Clerk until August 31, 2023.

Mr. Pritchard seconded the motion; a vote was taken and was unanimously in favor.

Mr. Tedeschi gave thanks to everyone, he thanked the Planning Board for the work they do, they have a difficult job.

The Board took a 10-minute break.

**Continued - 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 23-119 PB Review Report, 18 Mann Hill Road, 5-18-23
- PDF Grading Schematic Figure

- PDF Response to Peer Review, 5-9-23
- PDF Site & Septic Design Plan Rev. 5-9-23
- PDF Stormwater Report Rev. 5-9-23
- Doc DRAFT Motion 18 Mann Hill

Attendees: Greg Morse, Morse Engineering

Mr. Morse indicated this is the second meeting for the stormwater permit at 18 Mann Hill Road for a single-family home. Since the last meeting they have made several updates

- Additional soil testing in the proposed basin has been done
- Adjusted the location of the outlet in the grassed depression
- Satisfied the 6" free board requirement
- Added a construction phase temporary basin with backup calculations
- Re-defined the grass swales
- Provided additional detailing on an erosion control outlet pad
- Provided entire erosion control barrier around the entire limit of work, not just the down gradient limit of work
- Letter from peer review dated May 18<sup>th</sup> says all comments have been satisfied
  - Any recommendations for conditions of approval made in the letter the applicant has no objection to.

Ms. Joseph said Merrill Engineers review determined the site complies with the stormwater bylaws and regulations. She said she has written a draft approval inclusive of comments from Mr. Pritchard.

*Public Comment:*

Ms. Minier resident at 29 Christopher Lane asked what comments Mr. Pritchard had made. Ms. Joseph said it was semantics, punctuation, etc.

*Motion:*

Ms. Burbine moved to approve the Stormwater Permit with The Site & Septic Design Plan, Construction Details and Erosion Control Site Plan revised dated May 9, 2023 and Stormwater Permit Application with Stormwater Management Design Calculations revised dated May 9, 2023 and Figure 1 – Schematic Grading Plan dated May 9, 2023 with the conditions noted below:

1. Construction shall comply with The Site & Septic Design Plan, Construction Details and Erosion Control Site Plan revised dated 5/9/2023; Stormwater Permit Application with Stormwater Management Design Calculations revised dated May 9, 2023 by James D. Garfield, P.E. of Morse Engineering Co., Inc.; the Operation and Maintenance Plans for construction and post construction for 18 Mann Hill Road latest revision May 9, 2023 and Figure 1 Schematic Grading Plan dated May 9, 2023 except as they may be modified to conform to the conditions below. Any or all owners of the property or site contractors for grading, site work, and installation of utilities, foundations, and/or driveways shall be advised of this approval and these conditions. A copy of the approved plan and conditions shall be kept on the site at all times during construction.
2. Any plan changes or changes from the proposed materials shall be submitted to the

Planning Office to determine if the changes are insignificant or require a permit modification approved by the Town Planner. The stormwater management system including swales and grassed depression, grading, dwelling and site amenity locations shall not be changed or expanded without the prior written approval of the issuing authority. Expansion includes additional pavement areas. Failure to obtain written approval is a violation of the Town of Scituate General Bylaw and subject to fines.

3. Copies of this approval and the approved Stormwater Permit Plan and Conditions shall be provided to subsequent owners who shall be advised of the need for periodic maintenance of the stormwater system and the need to retain the grading of the lot as approved. Prior to the transfer of the property, the owner shall provide to the subsequent owner and the Planning Office an inspection report certified by a Professional Engineer showing compliance with the Operation and Maintenance Plan. **The Planning Office must receive written notification at least one week prior to any change in the ownership of the property occurring during construction.**
4. Where this Stormwater Permit requires approval, permitting or licensing from any local, state or federal agency, such permitting or licensing is deemed a condition of this Stormwater Permit. All necessary permits and approvals must be received prior to commencement of construction.
5. The Applicant shall consent to allow members and Town officials from the Planning Board and other persons acting under the Planning Board or its agents, to enter upon any lands and carry out such inspections as may be deemed necessary. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their effort to verify that the layout, design and construction work for the Stormwater Permit are satisfactory and conform to Town specifications and requirements of the Board.
6. This Stormwater Permit must be recorded at the Registry of Deeds with proof furnished to the Planning Office prior to construction. Failure to record the Stormwater Permit is a violation of the permit and subject to fines included in the Town of Scituate General Bylaws.
7. The grassed depression area shall be installed to have the bottom elevation a minimum of two feet above seasonal high groundwater elevations. Stormwater during construction as well as after construction is not allowed to increase in rate or volume to adjacent properties, the street or offsite.
8. No clearing beyond the limit of work/limit of clearing/erosion control line as shown on the plan is allowed. The limit of clearing shall be staked in the field prior to construction commencing and shall be maintained throughout the construction phase.
9. Construction work shall not begin prior to 7:00 AM on 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 state and/or federal holidays. Construction work includes any operation of machinery and idling of vehicles. No truck

idling on the site or on adjacent streets is allowed.

10. The temporary sediment control trap and swales must be installed in the initial stages of construction prior to any foundation construction. The permanent grassed depression areas must be fenced off during construction to prevent over compaction of the soils.
11. The grassed depression and swales must be retained and maintained as designed as they are components of the stormwater management system. Maintenance must be per the approved Post Construction Operation and Maintenance Plan.
12. **A Stabilized construction entrance per the plan detail shall be installed prior to any work on the site and shall be maintained throughout construction.**
13. Prior to any land disturbance, erosion control shall be installed and inspected by the Town Planner or approved agent. At this time the site shall also be staked to show the house and drainage improvements. All stockpiles shall be surrounded by an erosion control barrier. Additional erosion control, such as silt fence, silt sock and/or haybales placed **prior** to a precipitation event, may be needed to prevent sediment from reaching the road or adjacent properties during construction. **All erosion control shall be installed per the plan and shall be maintained in good working condition throughout construction.** The Applicant is responsible for maintaining and managing stormwater on-site throughout the construction period and during the transition to fully functional operations and maintenance. Construction approval in no way relieves the Applicant from its obligation to ensure stormwater does not impact the abutting properties and the Applicant shall take all necessary steps to prevent such occurrences.
14. **The Town Planner shall be notified when installation of the construction entrance and erosion control are complete. If any permit inspection is being requested this notification shall occur 48 hours in advance of an inspection.**
15. No on-street parking or loading or unloading of construction equipment or vehicles shall be permitted during construction unless a police detail is provided if warranted as determined by the Police Department. Noise mitigation and proper dust controls shall be used.
16. All disturbed areas associated with this Stormwater Permit shall be loamed and seeded with **6"** of screened clean loam.
17. A pre-construction conference will be required on site to verify the contractor is aware of the Stormwater Permit conditions and required inspections. Recording of the permit must occur prior to the pre-construction conference with proof of recording furnished to the Planning Office.
18. Construction inspections will be provided as follows:
  - a. All inspections for the Town shall be performed by the **Town Planner or a designated representative of the Planning Department or Planning Board and by the record design engineer.** All inspections shall be documented with written reports that describe compliance with the approved plan(s) and supporting application documents and

construction specifications. Any variations shall be noted.

- b. The Town Planner and record design engineering firm must be notified 48 hours prior to:
  - i. Installation of construction entrance and erosion control, and staking of corners of the dwelling, limit of work, driveway and the drainage improvements;
  - ii. Installation of siltation sump including directional swales;
  - iii. Bottom of the grassed depression and swales;
  - iv. Rough grading of site including swales, grassed depression, site and driveway to verify grades are as designed including slope and cross pitch of the driveway;
  - v. Finish grading of the grassed depression and swales with the elevations submitted to the Town Planner and design engineer for verification;
  - vi. Inspection of site amenities including house, driveway, walk and loamed & seeded areas *and grass shall be growing*;

*Language added.*

- vii. Inspection of final completion of site work including cleanup to determine compliance with the conditions prior to issuing a Certificate of Completion (COC).

**Work shall be subject to removal if necessary inspections are not requested. If the property is sold prior to completion of the work, the Planning Board reserves the right to inform the buyer that the Stormwater Management System is incomplete.** Spot grades shall be performed during rough grading and finish grading to insure any swales will drain and no standing water will be present.

- 19. The applicant will provide a construction and plan completion guarantee of \$5,000 prior to issuance of a building permit to guarantee that the Town will be notified when site inspections are required, the as-built plan will be provided and construction will be completed in accordance with the approved plan. A Certificate of Completion must be issued prior to return of the construction and plan completion guarantee.
- 20. The Property Owner shall be responsible for the proper maintenance and operation of the stormwater control system. A best management practices inspection schedule and maintenance checklist and plan is attached and shall serve as a guide for the proper maintenance of the system which is required in perpetuity.
- 21. Construction of the proposed stormwater management system, site utilities, site amenities and grading shall be supervised by a registered professional engineer who shall certify to the Planning Board that the site was constructed according to the approved plans. The certification shall be accompanied by an As-Built Plan stamped by a registered surveyor and the registered professional engineer who designed the system and shall be submitted to the Planning Office within ten days of completion of the work. This plan shall include the construction conditions of the stormwater management system including top and bottom elevations and inverts, spot grades as necessary, grading, house, site amenities and driveways. Prior to application for a Certificate of Occupancy, an interim As-Built must be



submitted to the Planning Office for verification that the stormwater management system and grading is following the design. The final As-Built Plan must be submitted prior to obtaining a Certificate of Completion for the Stormwater Permit and all work must be found in compliance with the approved permit. All grading and landscaping must be complete prior to the final as-built submittal.

22. If the drainage system is not performing as designed and conditioned or stormwater is observed going to abutting properties or the street, the Stormwater Authority can request necessary mitigation to remedy the situation.
23. Underground irrigation systems are prohibited from connecting to the town's water distribution system or in any manner using municipal water. All irrigation systems installed must be supplied by on-site sources at the expense of the property owner. Violations of this policy shall result in a fine to the property owner, with an equal fine levied on the installer of the system.

Ms. Lewis seconded the motion for discussion;

Ms. Joseph noted that all O&M plans are attached to the Stormwater Permit that is filed with the Town Clerk and the Registry of Deeds so all owners are aware the responsibilities they have for maintain the system.

Mr. Pritchard seconded the motion as amended, a vote was taken and was unanimously in favor.

*Motion:*

Ms. Burbine moved to close the public hearing.

Mr. MacLean seconded the motion; a vote was taken and was unanimously in favor.

### **Re-organization**

Ms. Burbine moved to nominate Ms. Lambert as Chair; Ms. Lewis seconded the motion; the vote was unanimously in favor.

Ms. Lambert asked if anyone would volunteer to be Vice Chair. She commented that Vice Chair is seen as stepping stone to being Chair; she understands Mr. Pritchard is very busy, Ms. Burbine would like to be Vice Chair.

Mr. Pritchard nominated Ms. Lewis to be Chair; Ms. Lambert seconded the motion; a vote was taken and was unanimously in favor.

Ms. Lambert nominated Ms. Burbine as Clerk; Mr. MacLean seconded the motion; a vote was taken and was unanimously in favor.

### **Alternate Member Vacancy**

Ms. Burbine moved to declare the Alternate Planning Board member position vacant and

to request the Board of Selectmen and Planning Board jointly appoint a new Alternate Planning Board member and prepare to post the position in the Coastal Mariner and post on the Town's website and social media platforms through the months of July and August.

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

Ms. Joseph indicated it has to be joint appointment with the Select Board, an ad with go in the paper and on the town website and social media, resumes will come in, the Board will interview applicants, the Board will pick who they want and then there will be a joint meeting with the Select Board in September/October to fill the seat.

### **Minutes**

### **Documents**

- Meeting Minutes 5.11.23

Ms. Burbine moved to approve the meeting minutes for May 11, 2023.

Mr. MacLean seconded the motion; a vote was taken, and was unanimously in favor.

### **Accounting**

### **Documents**

PO #2319771 (\$4,260.80) PO #2319865(\$176.80), PO #2319865 (\$200.20), PO #2319865 (\$62.40), PO #2319659 (\$490.00), PO #2319658 (\$630.00), PO #2319657 (\$140.00), PO #2320052 (\$5,024.96)

Ms. Burbine moved to approve the requisition of \$140.00 to Chessia Consulting for peer review services for 533 Country Way, for \$630.00 to Chessia Consulting for peer review services for 33 New Driftway/7 MacDonald Terrace, for \$490.00 to Chessia Consulting for peer review services for 7 New Driftway, for \$176.80 to GateHouse Media for legal ad for 817 Country Way, for \$200.20 to GateHouse Media for legal ad for Country Way Scenic Road – National Grid, for \$62.40 to GateHouse Media for legal ad for 18 Mann Hill Road, for \$4,260.80 to Horsley Witten for peer review services for Seaside at Scituate, for \$5,024.96 to Hilltop Property Group LLC for return of stormwater Bond for 176 Hatherly Road.

Ms. Lambert seconded the motion; a vote was taken, and was unanimously in favor.

### **Liaison Reports:**

### **Water Resources Commission – Freya Schlegel**

Ms. Lambert invited Ms. Schlegel to come and provide some information she had heard to the Board.

- Well 19 – largest producing well is going to fail for PFAS
  - Well will be offline-she finds very concerning
  - The Board has been approving lots of huge projects, she does know where the DPW Water stands right now

- Study a few years ago had a negative growth trend and that doesn't seem to be the case with all the development
- Ms. Schlegel feels there should be some type of temporary moratorium until the Town knows what is being done with the water

- She understands this is not the Boards prevue it is the Select Board

Ms. Joseph said the water and sewer studies done for 61 New Driftway and 33 New Driftway say there is capacity. Ms. Joseph said a moratorium is difficult to do.

There was discussion about when the public is notified of a water issue.

Ms. Schlegel said there is not a violation right now, it is not exceeding the levels that are current. She said the State is changing, but she does not know when; at some point in the future the Well is going to have to be offline, it is several years before the water treatment plan is ready, there is some well exploration in the Westend, Dolan Well Fields has nothing happening. She said it is a concern there a ton of projects coming online; she questioned if we have water for all the projects that have been approved.

Ms. Joseph said water and sewer studies have been done for all the projects; the water department agrees with everything that is in the studies.

Mr. Pritchard said none of the studies really address capacity, they address pipes, etc.

The conversation did not go any further, there are more people that need to be involved, i.e. the Water Commissioners.

**Zoning Board of Appeals – reported by Ms. Lambert:**

- Old Oaken Bucket has been approved

**MEPA Study – reported by Ms. Lambert:**

- Listened about ENF for the new Water Treatment Plant
  - There was discussion about how many sites were looked at to determine the location
  - Public meeting for the Secretary of Environmental Affairs to determine if an environmental notification is needed, EIRA
    - State permits are needed
  - Buildings at the current treatment plant are not coming down
    - Only building coming down is the treatment plant itself
    - Shed with pump stays and the garage

**Community Preservation Committee – reported by Ms. Lambert:**

- Yellow house that sits next to Tack Factory Pond
  - Applicant wants to put in a studio, Conservation feels it is an illegal Accessory Dwelling

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

- Meeting with Town Counsel for several items
  - 334 CJC
  - Uses not in the bylaw
  - Multi-family housing
  - Affordable units
- MBTA Communities

- Technical Consultant will begin work in June to come up with recommendations on how to change the zoning
- Working group so far is Ms. Lambert, Ms. Joseph, Ms. Connolly from Select Board
- Initial calculations showed that 4-5 districts may need to be raised to 17 units/acre by right.
  - Currently North Scituate is 15 units/acre
  - Most of Greenbush is 12 units/acre
  - NDTV is 16 units/acre
  - To achieve 1,239 units the compliance model said 17 units/acre is what would get us to the number
    - Changes needed in the GVC, GWB, and NRN and NS - OV
- Information sessions will be needed before Town Meeting so people understanding it is something that has to be done
- Affordable portion is also introduced, if more than 10% affordable a fiscal analysis needs be done
  - Scituate currently requires 20% affordable units
- Hopefully by October will have language for adjusting the Bylaw
- Need to zone for compliance
- Scituate has limited area

There was discussion about North Scituate and sewer, sewer is still 3-5yrs. away, many properties are up for sale or have been sold with the hopes of sewer coming.

### **Documents**

- Email to the Board from Shari Young dated 5.19.23 with the meeting agenda for 5.25.23
- Email to the Board from Karen Joseph dated 5.22.23 with meeting materials for 61 New Driftway, 18 Mann Hill Road and Alternate member vacancy.
- Email to the Board from Shari Young dated 5.23.23 with DRAFT meeting minutes 5.11.23.
- Email to the Board from Karen Joseph dated 5.25.23 with materials for 18 Mann Hill Rd.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 9:08p.m. Ms. Lambert seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Ann Burbine, Clerk  
Date Approved: June 22, 2023