

## **SCITUATE PLANNING BOARD    MINUTES    May 26, 2022**

Members Present: Ann Burbine, Chair; Patricia Lambert, Vice Chair; Rebecca Lewis, Clerk; Stephen Pritchard, Benjamin Bornstein and Bob MacLean, Alternate.

Others Present: Karen Joseph, Town Planner; Shari Young, Planning 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 Burbine called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television. Ms. Lewis arrived at 6:37 pm.

### **Documents**

- 5/26/22 Planning Board Amended Agenda

ACCEPTANCE OF AGENDA: Chair Burbine indicated there was a posted agenda. Mr. Bornstein seconded the motion for the posted agenda and the vote was unanimously in favor.

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**Continued - Public Hearing – Site Plan Administrative Review and Special Permit for A Multi-family Building in the Village Center and Neighborhood District Greenbush Gateway District - Greenbush Gateway Business Subdistrict (VCN-GDG- GWB) and Stormwater Permit – 7 New Driftway**  
**Assessor's Map/Block/Lot 53-05-37F**  
**Owner: Joan Auciello, Tr of Shepard Way Realty Trust**  
**Applicant: Drift-way LLC**

### **Documents**

- PDF 7 New Driftway Traffic Review 11.22.21
- PDF 7 New Driftway RFA 10-26-01
- PDF 22-150 Landscape Plan – Conservation Progress 2022-05-06 R3 2022-05-11
- PDF 218-153 Drainage Compiled
- PDF 218-153 Site Plan R-1
- PDF 2022-04-07 Design Review Committee Presentation
- PDF Attorney Comment Letter for Waivers
- PDF DRC Letter of recommendation
- PDF DRC Meeting notes – 040722
- PDF Response to PB Review
- PDF Revised – RFA coverletter5-10-22
- PDF Scituate 7 New Driftway Eco Tec Review Memo 5.19.2022
- DOC DRAFT Motion Form for 5<sup>th</sup> Continuance
- DOC DRAFT Memo from Traffic Rules and Regulations Committee (TRRC)

Attendees: Frank Polak, Developer; Walter Sullivan, Attorney; Eric Schoumaker, Engineer; Philippe Thibault, Architect

Ms. Joseph indicated materials were not submitted in a timely manner; there will not be a whole site plan review discussion as the peer review was not completed due to the timing of when materials were submitted.

Mr. Sullivan introduced the team.

Mr. Schoumaker provided an overview.

- Building has been downsized from the last meeting
  - 4 story, 7,338 sq. ft. building is now 3-story 7,086 sq. ft.
  - Removed a story and made about 4' smaller
- Moved building within the maximum front yard setback
  - Provided greater separation to the First Herring Brook
- Retaining walls removed from the back reducing the amount of impervious surface near the brook
- Modified the accessible route to the building and handicapped parking spaces
- Revised the parking lot
  - Fewer spaces, due to reduction of stories in the building
  - Moved parking area 20' further from the brook
  - Removed landscape islands in the middle
  - Made parking lot more efficient
- Landscape plan has been provided

Drainage was not discussed.

Ms. Joseph indicated she provided the Board with a comment from the Conservation Commission's Consulting Engineer confirming the building is no longer impinging into the area it was previously and they are satisfied with the placement of the building. She noted the applicant has not yet been to Conservation, but the applicant will be on an early June meeting and hopefully the Conservation Commission will vote that the building location is acceptable. The applicant has also been provided the memo from Conservation.

Ms. Joseph discussed the affordable units; the building is a 19 unit building now. She explained that a 19-unit building requires 4 affordable units; however, in all other projects the affordable units are included in the total. If the 4 units are on site then they would be part of the 19 total units; if the Board allows for offsite units the total number of units would increase, i.e. 3 offsite units makes 21 total units for the project. She provided examples; 50 Country Way 30 units with 4 affordable, Drew 78 units with 12 affordable, all were in the total number and all are on-site.

Mr. Polak said that at the last meeting the Board did not decide if they were amenable to affordable units being offsite or if they all had to be on site. He informed the Board he has been approached by a group that runs group homes and is looking to build a 5-bedroom group home 2,600-2,700 sq. ft. on one lot, the community would get the benefit of five affordable units; each bedroom counts as one unit. Mr. Polak is asking the Board if they would entertain allowing the affordable units offsite and if so would the Board entertain the joint venture of building the group home.

Ms. Joseph indicated she was approached by a realtor representing the group, Cardinal Cushing. Ms. Joseph provided a couple of sites that may be suitable and they were interested in the site at 165-

167 Stockbridge. She said she did advise them the site was potentially spoken for. She said the group has gotten in touch with Mr. Polak on his own.

Ms. Burbine opined she would be in favor of the home, but if it does not workout the 4 units need to be on-site.

Mr. Pritchard requested more information. Ms. Joseph explained that a group home is recognized on the Subsidized Housing Inventory by bedrooms; she explained the group has an existing home in the area, but the locations are kept confidential. The home would be managed by Cardinal Cushing. Mr. Pritchard asked why the affordable units cannot be built on-site. Mr. Polak said because of economics, 25% of the building would be affordable and would not be economical. There was discussion about what type of assurances would be made that the units would be built. The Board can condition that the units be built prior to occupancy of the primary development.

Ms. Lambert said she likes the community aspect of the proposal, but has issue with the inclusionary zoning and finds it unfortunate that units are not on-site. She said she understands and opined it could be a “win-win”; it will house five people who probably could not be here without it. It is within walking distance to Greenbush and we are trying to give people jobs. She said it is unfortunate that 40B housing cannot be included because of housing costs. She said if she can be assured there is a house monitor always in the house, that it would not be derelict and would be kept up to the very best standards she could support the proposal.

Mr. Bornstein asked for clarification on the number of units. Ms. Joseph explained that if there were 2 units offsite as previously proposed the total number of units would be 21 units, if there are five units offsite with the group home the total number of units is 24. Mr. Bornstein said he does like the idea of a group home, but he is not generally in favor of the offsite units; he believes the units should be on-site. He said in this case he would see counting this as 2 units even though it is 5 bedrooms and then require 3 units be on-site. Mr. Bornstein is proposing to only give he applicant credit for 2 units offsite and 2 units would need to be on-site. Ms. Joseph said 19 units require 4 affordable units. This proposal is for 5 units, but they are all offsite.

Ms. Lambert agreed with Mr. Bornstein and said she truly does believe in inclusionary zoning, but felt this is an opportunity the Board needs to view in a broader human sense. She said it took her a long time to get to believing this is a good idea and she does not want this to be set as precedent; the Board does not normally allow offsite.

Mr. Pritchard also said that a 5-unit group home is a different animal than 4-units that could potentially house a family. He opined it sounds more like a boarding house being controlled by Cardinal Cushing and asked how long would people be staying there - is it a transient thing. Ms. Joseph said there is another home in Town that has been very successful, but there is nothing precluding them from building another one with or without this development. Ms. Lambert said from her personal experience it is not a transient place, residents are usually there for life. Mr. Polak said he believes Cardinal Cushing recognizes local participation; the needs are local. Mr. Sullivan said that they can have the Cardinal Cushing representatives come to the next meeting.

Mr. Sullivan opined there is no more complicated piece of property in the Town of Scituate than this site. He said they are not trying to get out of their obligation they understand what they need to do, but they thought this was a nice solution.

Mr. Pritchard said he would like to have the representatives come in and discuss more about the home.

Ms. Lewis asked about the owner of the land; Ms. Joseph indicated it is owned by the Affordable Housing Trust (AHT). Ms. Lewis asked what their position is on the proposal. Ms. Joseph indicated the AHT is waiting for the Planning Board. Mr. Polak said he heard from Cardinal Cushing representative that there was a favorable reaction from the AHT. Ms. Joseph said the property is spoken for by Mr. Polak, via a gentleman's agreement with the AHT and this is why the AHT is waiting for the Planning Board's decision.

Mr. MacLean opined the group home sounds like a good idea, given the economics of the site and putting the affordable units offsite, having a group home would serve an additional social benefit for the community, especially since there seems to be a need for it.

There was discussion about how long the property owned by the AHT has been there; Ms. Joseph said it has been permitted with a Common Driveway for a duplex since 2011. There is a single-family home and land that has not been developed next to it.

Mr. Pritchard asked for more information on the group home, before he is ready to decide.

Mr. MacLean is willing to work with the group home proposal for 5 offsite units; 19 market price in the building and then offsite.

Ms. Lewis agreed with Mr. MacLean.

Mr. Bornstein was going with his hybrid suggestion of 2-units offsite and 2-units on-site. Mr. Bornstein said there could potentially be 9 units of affordable housing because the AHT land has to be affordable. He said he does not know what is happening with this other entity or what the AHT is thinking. He said he is most interested in pursuing affordable housing in this community and that is where he stands on the issue. He said he needs more information if he is going to go 100% in this direction.

The straw vote was 3 in favor, 2 against. The Board requested that the proponents of the group home and the AHT be present at the next meeting.

There was further discussion about 2 affordable units offsite or 5-unit joint venture with Mr. Polak and the group home. Mr. Pritchard said the group home may not help building they just need the property. The proposed property is owned by the AHT presumably a group home is something the AHT would support, but the home could come in and be built with or without the development of 7 New Driftway. Mr. Sullivan said they have been talking with the AHT about developing the duplexes and opined this would also be something they would be supportive of. Ms. Lewis said the AHT has to find someone to develop the property they do not have the funds to develop it.

Mr. Bill Dillion representative for the owner of 7 New Driftway, said Cardinal Cushing does not have unlimited resource and they need someone like Mr. Polak to do a joint venture with to get such a project done. He said he comes from Belmont where there are a number of group homes and you can't even tell they are group homes. He said sometimes it is fear of the unknown and it should be a quick study. He opined it will be easy for Mr. Pritchard to get comfortable with the proposal.

There was discussion about what Mr. Polak's role in the joint venture is. Mr. Polak said they would build it together and Cardinal Cushing would manage it. Mr. Sullivan said they can provide more detail at the next meeting.

Mr. Pritchard said the Board has been burned before and they will not let it happen again. Ms. Joseph said it will be conditioned. Mr. Polak said the building should go on simultaneously.

The next item discussed was the architecture. Ms. Joseph indicated the building has been redesigned the applicant has met with the Design Review Committee (DRC) multiple times and DRC provided a letter for recommendation. She asked if the Planning Board supports the DRC recommendation.

Mr. Thibault reviewed the design changes.

- Gable roof vs. flat roof
- Removed a floor
  - 6 units on the 2<sup>nd</sup> and 3<sup>rd</sup> floors
  - 5 units on the 1<sup>st</sup> floor
    - 5 units, plus entrance and mail room
  - 2 units built within the roof
- Mean slope of the roof complies with height requirement of 40'
- Units redesigned
- Foot print is 100' wide and 1,772' deep
  - Depth of the building reduced to help reposition the building on the site
- Clapboard siding mixed with shake siding
- Double hung windows
- Traditional wood detailing per discussion with DRC
- Small bay relief falls within the 18" projection allowed
- Handicapped walk will not require railings due to slope
- DRC requested the stairs be extended forward at the entrance of the building
- Same entrance for handicap accessible and those not impaired

The Board felt the building was much better and more in keeping with the Jacob Hatch Building across the street.

Mr. Thibault said there are condensers on the roof, but they are hidden and will not be visible, it is like a ring of gabled roofs; there is roof access via the stairwell for repairs.

The next item discussed was Traffic. Ms. Joseph indicated that a comment was received late today in DRAFT form from Traffic Rules and Regulations Committee (TRRC). She indicated the TRRC unanimously voted to not recommend a gate; TRRC opined it will back up traffic coming into the site. TRRC also does not recommend the proposed trees in the Town owned land because the Town needs the land for various things associated with the rotary. Ms. Joseph pointed to 4 trees shown on the landscape plan and said they need to be placed on the applicant's property. The TRRC does not see the trees as a public benefit.

Mr. Polak said he had discussed the issue of the trees on the Town land with Ms. Joseph; he was concerned that coming into Scituate that portion of the property would be unkept, if it is decided to go forward with the proposed trees the Homeowner's Association will be ordered to maintain it in perpetuity. Ms. Joseph said she explained that to TRRC, but they still did not want the trees on

public property. TRRC's concern is there could be improvements made in the future, the location of utilities is unknown and it needs to be kept clear for the rotary. Mr. Pritchard asked if there are plans to improve the rotary. Ms. Joseph said TRRC does not have objection to the trees so long as they are on the applicant's property. Mr. Pritchard was more inclined to agree with the applicant. Ms. Joseph said she asked if the property is owned by the Town or the State and did not get an answer.

There was discussion about the depth of the property; there is about 40' from the sidewalk to the property line.

Mr. Bornstein said he needs to understand more about the rationale of TRRC comments. Ms. Burbine said because of sight distance. Mr. Bornstein said that has not been mentioned. Ms. Joseph read the memo into the record; trees cannot impact any line of sight.

Ms. Joseph recommended the applicant supply more information, supply an existing conditions plan, do a survey and see what it impacts and then it can be presented. Mr. Schoumaker said they did get the record water, sewer, etc. in the area and it is shown on the plan. He said there is an overhead wire and a utility pole on the site a little to the left of the proposed building.

Ms. Burbine said as far as the gate is concerned she understands the intention is to keep people from across the street parking in the lot, but TRRC felt it was up to the applicant to monitor.

Ms. Joseph indicated that a traffic report was submitted the Town's Peer Review engineer made comments and there has been no response to those comments. She indicated the Board is expecting a response, the comments were made on a report dated 11.2.21. Ms. Joseph gave an overview of the traffic report.

- Significant reduction in traffic compared to the volume of traffic that was generated by the former medical office building,
- The lines of sight from the driveway exceed the 200' to the west and 460' east along Driftway
  - Does not include review of the planned trees
- Proximity of the site driveway to the rotary indicated vehicles exiting the property will be directed to the queues of the rotary
- Volume is small so delays should be minimal
- Vehicle turning analysis should be provided for Fire truck turning
- Drive aisles should be a minimum of 23' and a minimum of 20' elsewhere
- Stop sign should be relocated
- Wheelchair ramp should provide for crossing the project site driveway or sidewalk so it is flush across the driveway
- Sidewalks and marked crosswalks should be provided
- One-way and do not enter signs should be provided (comment is prior to revised plan)
- All signs and pavement markings should be installed to conform to the Manual of Uniform Traffic Control Devices
- Site triangles landscape is not to exceed 2.5' in height
- Snow accumulation can not exceed 3.5' in sight lines
- Narrative should be provided to explain how tenant move in will be accommodated within the project site, i.e. moving vehicles.
  - Moving vehicle should be reflected in the turning analysis

- Narrative should be provided to explain where and how refuse and recycling will be collected
  - Dumpster pad provided to the far right of the parking lot
- Consideration should be given to installing electric vehicle charging stations
  - The Board will condition charging stations; they need to be shown on the plan
  - Minimum of 2 stations will be required
- Weather protective bicycle parking should be provided
- Parking is 1.5 spaces/unit

Ms. Joseph indicated the water and sewer study the applicant submitted was submitted to DPW, but not comment has been made.

Ms. Joseph indicated a public benefit is also required. Ms. Lambert said the landscaping proposed is not a public benefit, it is the cost of doing business.

Mr. Polak addressed the issue with the utility locations, saying “Dig Safe” has to be used to mark out utilities so they always know where they are.

Ms. Joseph suggested the applicant provide a plan with the utilities, trees and sight lines and she can take it back to TRRC. She also indicated the applicant will likely be assigned some traffic mitigation per the Rotary Safety Audit that was conducted.

Mr. Pritchard said he would be in favor of a public benefit that did something with the sidewalk/streetscape in the front all along that would make the place look better and carry it all the way down Driftway. Ms. Joseph said she has asked about the width of the sidewalk, etc. and has not gotten a lot of answers. She said the Rotary Safety Audit identified an issue with bicycles coming into Driftway because the sidewalk is only 5’.

There was further discussion about the trees and Ms. Joseph and the Board thought the trees would offer some relief; Ms. Burbine said we will figure it out.

*Public Comment:*

Mr. Humphrey resident of 8 Ladd’s Way, James Landing, and Board member of the South River Watershed Association said his concerns are mainly about the stormwater and the treatment of the banks of the Herring River and asked when they will be discussed. Ms. Joseph said stormwater will be discussed at the next Planning Board meeting, the banks of the river is a conservation issue and will be discussed at the Conservation Commission meeting.

*Motion:*

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for a Multi-family Building in the Village Center and Neighborhood District – Greenbush Gateway District -Greenbush Gateway Business Subdistrict (VCN-GDG-GWB) until July 14,2022 at 6:30 pm and to continue the time for action for filing with the Town Clerk until September 30, 2022.

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

**Continued - Public Hearing - Stormwater & Site Plan Review Common Driveway – 533 Country Way**  
**Assessor's Map/Block/Lot 26-2-5**  
**Applicant/Owner: Marvell Homes, LLC**

**Documents**

- DOC REV 5
- DOC Runoff Results Summary 5-13-22
- PDF 4169-CD SWP BOH 5-20-22-CD DET-SHT-2
- PDF 4169-CD SWP BOH 5-20-22-CD-SHT 1
- PDF 4169 Calc
- PDF 4169 PB Sub Ltr SWP 5-20-22
- PDF 4169-CD SWP BOH 5-20-22-SWP DET II-SHT-5
- PDF 4169-CD SWP BOH 5-20-22 SWP DETI-SHT-4
- PDF 4169-CD SWP BOH 5-20-22-SWP EROS PLAN-SHT-6
- PDF 4169-CD SWP BOH 5-20-22-SWP EROS DET-SHT-7
- PDF 4169-CD SWP BOH 5-20-22-SWP EX COND-SHT-1
- PDF 4169-CD SWP BOH 5-20-22 SWP LAYOUR PLAN-SHT-2
- PDF 4169-CD SWP BOH 5-20-22 SWP SITE PLAN-SHT-3
- PDF 4169-Post Dev Calcs 4-29-22
- PDF 4169 O&M - CD Agreement
- Doc DRAFT Motion Form 7<sup>th</sup> Continuance
- PDF 4169 Cert no WQV degrad
- Doc 4169 PB Sub Ltr. 5-2-22
- PDF 4169 Trench Drain Analysis
- PDF 4169 wqv hydro calc
- Doc DRAFT Motion CD-SW 533 Country Way 2 FOF only
- PDF DPW Comments 6.21.21
- PDF DPW Letter – Retaining Wall
- PDF 4-13-22 KC letter
- Doc 533 Country Way Common Driveway and Easement Draft 2
- Doc DRAFT Motion CD-SW 533 Country Way 2 FOF
- Doc Runoff Results Summary 5-13-22
- Doc Summary of Issues 5-26-2022

Attendees: Steve Bjorklund, Representative; Greg Tansey, Ross Engineering; John Chessia, Town's Consulting Engineer

Mr. Bjorklund indicated there have been several discussions with Mr. Chessia to answer his review comments. He opined they are nearly there with a couple of outlying issues. He said Mr. Tansey provided a response letter dated on May 20<sup>th</sup> and some revisions have been made on the plan mostly revolving around the stormwater. He said the common driveway itself, most items that required Planning Board input have been addressed and all things have been added to the plan. Mr. Bjorklund said Mr. Chessia provided another letter today, a summary of issues. Mr. Bjorklund said that Mr. Chessia had run his own numbers from what was submitted from Mr. Tansey's numbers. He said there were minor discrepancies in some of those numbers, but when looked against the numbers from pre and post development all the numbers show that there is less water leaving the



site. He said at the last meeting the difference between constant flow rate and conductivity of the soils was discussed. He opined the Board said the applicant could use the conductivity of the soils and Rawls Rate to prove the system works. He said Mr. Chessia's numbers appear to use the constant flow rate, but looks like at constant velocity as well and the applicant could not figure out what numbers were used.

Mr. Chessia explained; he said he goes through what the DEP Handbook requirements, some things the Board doesn't always require compliance on for smaller projects, but what he does is what would have to be done to be compliant with DEP regulations. He explained conductivity to ground water and said he does not think it is appropriate, he also explained the area to be used and opined they are two variables that are not allowed under DEP regulations and they overestimate the exfiltration. He said the applicant did provide the input data. Based off his numbers the underground system in front of Lot 1 becomes undersized; he is not saying the rate couldn't be managed with the system with an overflow to the road in the 100-year storm, but the overflow to the road has to be managed; a pipe cannot go to the road it has to be managed in another manner or alternatively the size of the system could be increased a little bit and that may work. He said it is not his job to design the system, but offering some options on how to do it. He said all the other issues may underestimate the runoff rate, but would still be in it for the other systems and the other systems would work okay. He said he would always put in his letter if he disagreed with something.

Mr. Bjorklund said they went back and looked at some other projects Mr. Chessia has reviewed citing that the Rawls Rate was used. Mr. Chessia further explained that the Rawls Rate is still being used, but not conductivity to groundwater because in the program gives a variable infiltration rate.

Mr. Tansey commented that a couple of meetings ago the Board determined using the conductivity to groundwater infiltration is an acceptable model, because it has been used throughout the years and approved by this Board and other Boards. He said when he models this SRS3 contains the 100-year storm. He said this a 2-lot subdivision and this is how he has been doing it for 20-years and if there was problem with this it would have been seen already.

Ms. Joseph indicated that the Town's Consulting Engineer, Mr. Chessia, was not present at the meeting when the Board made the decision to accept the method used. She opined it may only require 3 additional underground chambers and asked if it was a big deal.

Mr. Tansey said it is a big deal and explained there is limited access to the site and it is an unnecessary delay of time. He said he has never come across this before in his life in this town or in other towns. He said the Board conveyed to the applicant that conductivity to groundwater is an acceptable modeling technique. He said the 100-year storm does not have to be mitigated so long as it is not causing downstream flooding, there are very small discharges to the design points. He said the intent of the regulation is protect the downstream abutters and they have done that, it is less than what exists now in the 100 years storm and they have met the regulation.

Mr. Pritchard said the Board is not here to decipher the engineering requirements of DEP, that is why the Board has outside experts. He said the Board needs to understand if reconciliation cannot be reached. Mr. Pritchard said we need to get to reconciliation with what we have.

Mr. Chessia said the flows are very small, but he looks at all projects the same. He said he would have the same comment for anyone, he does not believe it is an appropriate way to do it. He discussed if it could be addressed with adding chambers and having the overflow flow across the

lawn maybe, but it is not his job to design it. He tests it; as he was testing it the program crashed because the pond is SRS3 was too small. He said he tested it to see if making the pond bigger would make it work and it did. He did not get into all different kinds of scenarios. He said using the conductivity to groundwater and using the wetted sides is not consistent with DEP regulations. He said if it has been done wrong for 20 years it is time to learn the right way to do it. He opined the impact of letting it overflow on this particular project might not be a big deal and it might still meet the requirements, but he is not going to design that or do the calculations for it, that is not what he is supposed to do.

Mr. Bjorklund asked if doing the system for less than four lots is consistent with the DEP policy. Mr. Chessia said the DEP regulations do not require it for this many lots, but the Town of Scituate Regulations enacted use of the DEP Regulations for these size projects. The Stormwater Bylaw puts them in, an applicant is subject to the DEP Regulations relative to those requirements that trigger a stormwater permit.

Mr. Bjorklund asked if designing something like this for less than four lots is consistent with DEP Policy or is it exempt. Mr. Chessia it is a regulation not a policy and it is not necessarily exempt depending on where you are, but there is a different requirement for applicability under DEP than there is in the Town. Mr. Bjorklund argued the project is not consistent with DEP policy for two lots or three lots, but they are trying to meet as possible. He said the problem is the computer is crashing, you can play with numbers to make it work or not work, but it is so minor that is why DEP exempts small sites like this one. He opined it is virtually impossible to meet all the regulations.

Ms. Lambert acknowledged that Mr. Bjorklund does not like the Stormwater Regulations, she said the members sit on this Board to protect the Town. She said she finds some of the language a little hostile, harassing and threatening, the Board is doing the best they can as elected officials to protect the Town. She has to rely on who the Board hires as an engineer and that we can come to a better understand and agreement, but the hostility and angst on everybody's part needs to be left at the door. Ms. Lambert asked if DEP has changed their regulations.

Mr. Chessia said DEP wrote regulations for stormwater that are implemented through Conservation Commissions typically; there are requirements for certain size projects, different types of things and a small project, i.e. a single-family lot does not have to go through all the standards as in this project; however, this particular project is under the Town's Stormwater Bylaw. The Bylaw does not exempt the smaller projects that is why it is applicable. He opined the system either needs and overflow as an option if properly designed or it could be made bigger either one would solve it, the rates would be met and everything would comply; he does not think it is particularly onerous to do. He said with another filing everything got thrown off a bit. He said it is pretty simple and could be done pretty easily. He said the other issues that need to be addressed are minor; the O&M Plan needs to have a condition on the permeable pavers, the waiver for the landscape plan should be listed on the plan and as far as the drainage issue he would make the comment every time. He admitted that he did not recognize until recently while working on another project in a different Town; it is possible that the method has been used previously, but he has reviewed and looked into it and it is not consistent with the regulations. He said on a bigger project that is subject to the regulations you cannot do it.

Mr. Tansey said as a compromise can they add an overflow at the down spout gutter on to a splash pad; now there is an overflow that will flow over the lawn and will reach the same design point in the same manner. He discussed design point 4 as the area in question and discussed his calculations

and Mr. Chessia's calculations. Mr. Chessia did indicate that the system crashed when he ran the numbers because there was not enough storage in the system.

There was discussion if an overflow would work; Mr. Chessia said he imagines it would, but it is not his job to design the system.

Ms. Joseph said there are three issues; an overflow for sheet flow to the gutter, the O&M Plan has to have added the permeable pavers and does the Board want the waiver for the landscape plan on the plans. Ms. Tansey indicated the waiver has been listed on sheet 2 of the plan already.

Ms. Joseph said there seem to be two issues that need to be addressed to approve the project. She further indicated that she got comments back from Town Counsel regarding the Common Driveway easement that she will be giving to the applicant to make changes. The Board has not been given the comments from Town Counsel.

*Motion:*

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

1. Marvell Homes LLC (the "Applicant") filed an application for a Site Plan Administrative Review for a Common Driveway and stormwater permit for a common driveway serving two lots at 533 Country Way known as Assessor's Map/Block/Lot 26-2-5 (the "Property") with the Town Clerk on July 27, 2021. The applicant's deed is recorded with the Plymouth County Registry of Deeds at Book 54760, p. 232.
2. One Common Driveway (*the "Common Driveway"*) is proposed. According to the application which measures the drive from the property line, the length of it is ~~182'~~ 186'. It serves 2 lots.
3. The property at 533 Country Way contains about ~~56,527~~ 56,394 sq. ft. according to the plan and is in the Residence R-1 Zoning District in addition to the Water Resource Protection District. The Planning Board endorsed a Form A Plan dividing the property into two lots on June 24, 2021.
4. The site is in the Water Resource Protection District. The zoning bylaw establishes a Water Resource Protection District "to include areas significant to the Town's drinking water supply source which require zoning protection." The Water Resource Protection District requires all runoff from impervious surfaces to be recharged on the site, diverted toward areas covered with vegetation from surface infiltration to the extent possible or as otherwise directed from the Scituate DPW and Scituate Conservation Commission. 1" of roof runoff is recharged and the first inch of runoff is recharged for all impervious areas according to DEP requirements.
5. The zoning bylaw requires rendering impervious any lot/parcel more than 15% or 2,500 sq. ft., whichever is greater, unless a system of artificial recharge is provided that will not result in degradation of water quality is prohibited. The plans show greater than 15% impervious with 22% impervious; however, the engineer indicates the water quality will not be degraded as evidenced in a signed and stamped statement by engineer Gregory J. Tansey, P.E. dated 4/25/2022.
6. The standards of the Common Driveway indicate that the location and construction of the Common Driveway should minimize soil disturbance, vegetation removal, and drainage

impacts, and preserve existing trees over 12" caliper and other natural features of special significance. The plan shows soil disturbance and vegetation removal for constructing the common driveway, its' drainage systems, and a two four-bedroom single family dwellings and two septic systems. ~~As~~ *The* existing concrete wall in the right-of-way of Country Way will be removed and ~~relocated~~ *a new retaining wall will be built on -site, and* a new ~~walkway-sidewalk is being~~ *will be constructed*, there is disturbance in the right-of way of the frontage. The proposed stormwater management system has been reviewed by the Town's consulting engineer, Chessia Consulting Services LLC whose comments indicate the stormwater system could be adequately addressed with revised plans. Based on the Findings of Fact presented in numbers 1-6, the common driveway **meets** the standards of Section 720.7A

7. The Common Driveway is 16 feet in width with bituminous berm and two-foot grass shoulders on each side. The Fire Department has indicated that 16' is acceptable to service two lots. The Common Driveways meets the requirements of Section 720.7B.
8. The common driveway is accessed from Country Way, a public road in Scituate. The common driveway is not connected to any other common driveway. The common driveway meets the requirements of Section 720.7 C.
9. The Common driveway shall be located in an easement which allows space for installation of water lines and utilities. The water lines and gas lines are shown on the common driveway plan in the easement. No other utilities are shown. Electric, telephone and cable utilities are indicated as overhead wires connection to lines in Country Way. Not all utilities are shown as underground utilities. The common driveway **meets** the requirements of Section 720.7 D.
10. The common driveway cross section shows a top course of 1 ½" of bituminous concrete top course Type I-1 over a 1 ½ bituminous binder Type I-1 over a 12" compacted sorted gravel sub-base. Frost free sub-grade shall be provided between the sub-base and parent material. The common driveway meets the requirements of Section 720.7 E.
11. The common driveway is approximately 186' long measured from end of the hammerhead to the property line. This is less than 1000 feet and meets the requirements of Section 720.7 F.
12. The Applicant has stamped and certified there will be no increase in rate or volume of runoff to abutting properties for the 1, 2, 10 and 100 year 24-hour storm events. Chessia Consulting Services LLC has indicated the stormwater management system could work with minor changes and runoff draining to abutting properties shall not exceed that which existed prior to construction of the Common Driveway. The common driveway meets the requirements of Section 720.7 G. As the site is in the Water Resource Protection District Zone II, infiltration of surface runoff is maximized by open lawn basins, underground infiltration chambers, a Hydrostorm HS6 by Hydroworks and a hybrid media filter. The standards of review for Section 770.6 E have been met.
13. No impervious areas are located above the major components of the proposed septic system. The common driveway meets the requirements of Section 720.7 H as no impervious areas are above the proposed septic system. The proposed septic system will meet all Board of Health requirements. The standards of review for Section 770.6 D. have been met.
14. The Common Driveway **is/is not** buffered from Country Way. Six 2.5" caliper dbh red maple trees are proposed to be planted along the inside of the wall as replacement plantings for trees in the Country Way right of way that are being removed as required from the Scenic Road approval. Existing trees are proposed to remain at the west property edges by the

septic systems. This may provide better traffic safety and reduce visual impacts on abutting properties. The Common Driveway **meets** the requirement of Section 720.7 I for screening and Section 770.6 A. for protection of adjoining premises against detrimental and offensive methods of utilizing the site.

*Comment: There was discussion about the buffer and how #14 is worded; Mr. Bjorklund said the driveway does not need to be buffered from Country Way, but from abutting properties the driveway is going up the middle of the two parcels so there is no need for a buffer. Ms. Joseph to review wording.*

15. ~~Turnarounds~~ A turnaround for emergency vehicles shall be provided with a minimum length of 30' and width of 20' in locations approved by the Fire Chief. The Scituate Deputy Fire Chief indicated there was no issue with the hammerhead. The Common Driveway meets the requirements of Section 720.7 J.
16. The *Common Driveway* plan indicates that the available sight distance at the driveway exceeds 300' and AASHTO sight distance is met for the posted speed of 30 mph. The Common Driveway meets the requirements of Section 720.7 K and Section 770.6 B and C.
17. Lot width for lots served by a Common Driveway may be measured parallel to the Common Driveway, except in the case of fifty-foot frontage lots. The lot width of Lots 1 and 2 are both measured parallel to the common driveway. The common driveways meet the requirements of Section 720.7 L.
18. Spill control provisions will be required on site. Fill is proposed on site. Length of stone wall removed has been minimized. ~~A new concrete~~ A new retaining wall will be provided. Erosion control will be provided. Outdoor lighting will minimize glare to adjacent properties. The requirements of Section 770.6 F, G, H and I are met to the extent practical for a residential common driveway.
19. Based on these findings and information submitted by the applicant and reviewed by the Board, the Common Driveways **meets** the requirements of Section 720 and Section 770.6 of the Scituate Zoning Bylaw.

Ms. Lambert seconded the motion as amended; the vote was unanimously in favor.  
*Mr. MacLean voted.*

*Motion:*

Ms. Burbine moved to accept the applicants request to continue the public hearing for the Stormwater Permit and the public meeting for the Site Plan Administrative Review for a Common Driveway at 533 Country Way until June 23, 2022 at 6:30 pm and to continue the time for action for filing with the Town Clerk until July 29, 2022.

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

### **Discussion/Vote – Surety Reduction – 18 Ford Place**

#### **Documents**

- PDF 2022-04-08 Final As-Built Plan stamped
- PDF Bond Request Release

- DOC Memo 5-20-22
- DOC DRAFT Motion Form Surety Release

Attendees: Don McGill, Developer; John Chessia, Town's Consulting Engineer

Ms. Joseph indicated that Mr. Chessia reviewed and reported everything was completed. She noted there were some minor changes in the landscaping and screening, but the changes are good and work for the site. Mr. Chessia agreed.

*Motion:*

Ms. Burbine moved that the surety bond GM210142 for \$97,000 for 18 Ford Place for the Site Plan Administrative Review and Special Permit for Density be released in full as the Town's consulting engineer, John Chessia, has reviewed the as-built and site and found the work to be complete and in substantial conformance with the approved permit plans.

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

**Form A – ANR – 52, 58 & 60 Tilden Road**  
**Assessor's Map/Block/Lot 45-16-27 & 28**  
**Applicant/Owner: David and Roberta Camara**

**Documents**

- PDF ANR Application
- PDF ANR Plan
- DOC DRAFT Motion Form A 52, 58 & 60 Tilden Road
- DOC Transmittal, 52 58 & 60 Tilden Road - ANR

Attendees: Greg Morse; Morse Engineering

Mr. Morse gave an overview of the plan.

- 52 Tilden Road and duplex with address 58 & 60 Tilden Road
- Property is in the R2 District
  - Minimum 20,000 sq. ft. required
  - Minimum 40,000 sq. ft. required for a duplex
- Duplex is on about 1.5-acres and the Camara's home (52 Tilden) is on a .5-acre lot
- Re-dividing the lot to make each and acre in size
- Not altering the frontage on Tilden Road
- Not creating any new buildable lots
- Both properties are owned by the applicant

Ms. Joseph opined the plan should be endorsed.

*Motion:*

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land in Scituate, MA, 52, 58 & 60, Assessor's Parcel 45-16-27 & 28, stamped by Jason Scott, P.L.S. of Morse Engineering, Co. Inc. for applicant/owner David and Roberta Camara dated April 19, 2022 as the division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the public way of Tilden Road. Planning Board endorsement of this plan is not a determination as to conformance with zoning regulations.

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

### **Re-organization of the Board**

Mr. Pritchard nominated Mr. Bornstein to be Chair; Mr. Bornstein declined as he does not feel he has the time to devote to the position.

Ms. Burbine nominated Ms. Lambert to be Chair; Mr. Pritchard nominated Mr. Bornstein to be Vice Chair.

Ms. Burbine moved that Ms. Lambert be Chair and Mr. Bornstein be Vice Chair, the motion was seconded by Mr. Pritchard; the vote was unanimously in favor.

Mr. Pritchard nominated Ms. Burbine as Clerk, the motion was seconded by Ms. Lambert; the vote was unanimously in favor.

### **Minutes** **Documents**

- Meeting Minutes 5.12.22

Ms. Burbine moved to approve the meeting minutes for May 12, 2022.

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

### **Accounting** **Documents**

PO #2209953 (\$1,900.00), PO #2210139 (\$750.00), PO #2209903 (\$1,588.75), PO #2209890 (\$172.83), PO #2210258 (\$89.50)

Ms. Burbine moved to approve the requisition of \$172.83 to J&R Graphics for office supplies, for \$1,588.75 to Horsley Witten Group for peer review services for Seaside at Scituate, for \$750.00 to Merrill Corp for peer review services for 115/119 Grove Street, for \$1,900 for peer review services for 576 First Parish Road, for \$89.50 to J& Graphics for business cards for Corey Miles.

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

### **Liaison Reports:**

**TRRC – reported by Ms. Burbine:**

- Discussed 7 New Driftway

**Baseball Field Proposal – reported by Ms. Lambert:**

- Scope of project is changing
  - Originally was just going to be a JV Field
- Working group is up and running
  - Mark Novak working on design, etc.
- Representatives from baseball, soccer, lacrosse, softball all in attendance
- Targeting Central School fields for renovations, converting to multipurpose fields
  - 3 new diamonds: 2 for baseball, 1 for softball
  - Fields will be able to accommodate soccer and lacrosse
  - Batting cages
  - Space is available it is just not being utilized
- Group is aware of the need for a Stormwater Permit from Planning Board
- Project keeps expanding, group is worried will not be ready for Town Meeting on 9.18.22
- Discussed using money from Toll Brothers
  - Working group feels money should be used to rehabilitate field at the old Gates School
- New fields proposed as natural grass, so there is discussion about maintenance
  - There is an irrigation system already in existence
  - Permission is needed in order to use the irrigation system
- Group will be in to discuss the proposal with the Board

**Select Board – reported by Ms. Burbine:**

- Vine Bar granted outside entertainment
  - Hours were discussed at 10:00 am – Midnight inside, 10:00 am – 10:00 pm outside
  - Planning Board gave afternoon hours
  - Ms. Joseph to review hours from the Planning Board decision
- Discussion about parking in harbor area
- Presentation for a Memorial for John Connors – Mr. MacLean discussed
  - Navy Seal was killed in the invasion of Panama
  - Family and Friends and former service people want to create a memorial
  - Famous sculptor creating the statue
  - Reviewed by the Veterans Committee for appropriateness
    - Committee signed off
    - Proposal would combine the Honor Roll for the Town (all the war dead from Scituate)
    - Statue would be of John Connors, but his name would not be on the statue
      - Plaque would be off to the side acknowledge who he is
    - Need to site the memorial
      - Initially looking for 10,000 sq. ft.
      - 14' tall statue
- Senior Center Discussion
  - Contingent that thinks the Senior Center should be like the Maritime Center and open to everyone for all kinds of occasions, i.e. baby shower, wedding etc.
  - Separate group feels that the Center should not be used for such events



- Senior Center has produced a policy of “use”
  - Select Board ripped apart the policy, so it is still being finalized
  - Majority of the Select Board does not want it be like the Maritime Center and turned into a revenue generating facility, unless it has something to do with the Town, i.e. Veterans, etc.

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

- Town Meeting September 19, 2022
  - Warrant open on June 14<sup>th</sup> and will close on June 28<sup>th</sup>
  - If pursuing Zoning Articles
    - Public Workshop needs to be June 23<sup>rd</sup>
    - First Public Hearing July 14<sup>th</sup>
    - Second Public Hearing July 28<sup>th</sup>
  - Comments needed on Zoning Articles by June 8<sup>th</sup>
    - Setback/Stepback housekeeping
    - Penthouses
    - Common Driveways
- Site walk on June 23<sup>rd</sup> at Seaside at Scituate
  - Ms. Joseph meeting with HOA
  - Toll Brothers fined for dust and silty water going off site
- Board has also been invited to Drew again for a walk through – will need to schedule
- Wampatuck is repaving their parking lot
  - No new parking proposed
  - Submitted a Notice of Intent with Conservation
  - No need for Planning Board review
- New Applications submitted this week
  - 93 Elm Street Common Driveway
  - 803 First Parish Road and Laurelwood Common Driveway/Stormwater
  - 14-161 Old Country Way refiled
  - Form A
- Informal discussion for 61 New Driftway on June 9<sup>th</sup>
  - Proposed 4-story building with a penthouse
- Parking study for Senior Center still not received
- 115 Grove Street Accessory Dwelling
  - Occupancy Permit will not be granted without trees from Scenic Road

Ms. Joseph suggested to the Board that for future meetings if the Town’s Consulting Engineer is not available for a meeting, the meeting should be continued. She also spoke to the Stormwater regulations; Regulations have not been updated yet, due to workload and updates to DEP regulations we are waiting to update regulations for the Town. Consultant for DPW is also review the Town Regulations for MS4.

There was further discussion about what changes DEP is making to the regulations. Ms. Joseph indicated she has heard they may be changing the rain standard and going to the Cornell Method; they are trying to take climate change into account.

**Documents**

- Email to the Board from Shari Young dated 5.20.22 with agenda for 5.26.22

- Email to the Board from Karen Joseph dated 5.20.22 with meeting materials for 7 New Driftway, 18 Ford Place, 52, 58 & 60 Tilden Road.
- Email to the Board from Shari Young dated 5.23.22 with DRAFT meeting minutes from 5.12.22.
- Email to the Board from Karen Joseph dated 5.24.22 with meeting materials for 533 Country Way.
- Email to the Board from Karen Joseph dated 5.25.22 with meeting materials for 533 Country Way.

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 9:02 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Ann Burbine, Clerk

Date Approved: July 14, 2022