

SCITUATE PLANNING BOARD MINUTES May 9, 2019

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

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

Members absent: William Limbacher

See Sign-in List for names of others present at this meeting.

Location of meeting: Joseph P. Norton Emergency Operations Center, Public Safety Complex, 800 C J Cushing Highway, Scituate

Chairman Burbine called the meeting to order at 7:00 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 5/9/19 Planning Board Agenda

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

Continued - Public Hearing – Mixed Use Special Permit – Drew Company/MBTA – 247 Driftway

Assessor's Map/Block/Lot: 53-2-8, 53-2-8B, 53-2-9A, 53-2-10, 53-2-10

Applicant: Drew Company, Inc.

Owner: Massachusetts Bay Transportation Authority

Documents

- PDF 19-023 PB Review Report – Greenbush Development, 5-01-19
- PDF 190417_HW Greenbush Response_18004
- PDF 190418 Drainage Report_18004
- PDF 190418_GREENBUSH PERMITTING SET-STAMP_18004
- PDF 190481_OM REPORT 18004_18004
- PDF Attachments_04192019
- Doc DRC-Memo 05-02-19
- PDF Greenbush Development Supplemental Traffic Review 05.01.19
- PDF Greenbush Station – 2019-04-24 Package 1 – Planning Bd Meeting
- PDF Greenbush Station – 2019-04-24 Package 2 – Planning Bd Meeting
- PDF Greenbush Station – 2019-04-24 Package 3 – Planning Bd Meeting
- PDF Greenbush Station – 2019-04-24 Package 4 – Planning Bd Meeting
- PDF Letter on Landscaping – final
- Email from Will Branton to Karen Joseph dated 5.2.19
- Email from Al Elliot to Karen Joseph dated 4.29.19
- PDF TIAS Submission to Town of Scituate April 19, 2019
- Transmittal 4-22-19
- PDF 10-11-18 Letter to Washburn
- PDF Attachments_050719
- PDF RTC_VAI_FINAL_050319

- Doc TRRC Input to Drew Project 5 May 2019
- PDF Greenbush Station –Show Presentation – Full Resolution
- PDF Comments from DPW dated 5.3.19

Attendees: John P. Drew, Drew Company; John E. Drew, Drew Company; Jim Sandell, Architect, Robert Galvin, Attorney; Jonathan Ford, Engineer Horsley Witten; David Black; VHB Traffic; Peter Palmieri, Town Consulting Engineer, Merrill Corporation; Jeffrey Dirk, Town Consulting Engineer Traffic, Vanasse Associates

Mr. Galvin briefly reviewed the project:

- Property currently owned by the MBTA under agreement with the Drew Company
- MBTA will own property behind the project and there will be easements regarding access
- Property is in the Commercial and Village Business Overlay District
- 78 Residential units - 3 buildings, 3 stories
 - 27 one bedroom units
 - 51 two bedroom units
- Retail/Commercial space in Building A - 10,500 sq. ft. retail
- Parking meets or exceeds what is required in the VBOD
 - 80% of the parking is on the ground floor of the residential units
 - Propose to construct 17 spaces on the Old Driftway
- Retail and Commercial uses in Building A, Building B and Building F
 - Building F will no longer have a drive-through - will be a restaurant
- Project provides rental housing option for Scituate
- Seeking a Special Permit under Section 540.6 of the bylaw and Site Plan approval referred to section 540.6 and Section 770 of the bylaw.
- 15% of the units will be affordable
- Public improvements include:
 - 17 new parking spaces on Old Driftway
 - Extension of sidewalks
 - Newly refurbished MBTA parking lot
 - MassWorks Infrastructure Grants Program, \$2.2 million grant
 - Cash contribution of \$229K for infrastructure improvement associated with the MassWorks Grant project
- Project meets design standards under section 560.8
 - Net floor area is properly mixed use
 - Meets density requirements with public benefit
- Stormwater will be managed on-site
 - Reduction of stormwater generation
 - Meets required treatment of stormwater and disposal under the bylaw
 - Less impervious surface is proposed
 - O&M plan during and after construction
- Screening/shield will be placed to protect existing and future residences from abutting commercial uses
- Committed to informing future residents of the existing commercial uses on abutting properties
- Site has safe and adequate access on-site circulation and off-site
- Property will be connected to Sewer
- Adequate water capacity for the project

- Lighting is contained on site

Mr. John P. Drew addressed some issues from the last meeting.

- The applicant has had three meetings with the Design Review Committee(DRC)
- Drive-through at Building F has been eliminated
- The applicant has not closed with MBTA due to paperwork issues with the MBTA
 - Should be closing within the next month
 - MBTA open to an agreement for additional parking if needed once retail and commercial spaces are determined
- MBTA's determination of parking spaces they would require
 - MBTA has conducted studies on many of their properties
 - Extensive review on usage and future usage to determine the number of parking spaces they want to maintain on site
 - Not unique for the MBTA to dispose of property, i.e. Newburyport, Quincy

Mr. Sandell spoke to the architectural design and changes that have been made. (See Attachment A slide presentation)

- Site plan organized on creating a center
 - Building A and B retail buildings center of activity with connection to the T-platform
- Residential Buildings
 - Open space for residence on roofs of Building C and D
 - Secure access thru the main lobby
 - For residents only
 - Landscape will be viewable from Old Driftway
 - 30' wide gable ends
 - Lowered roof line between gable, shed dormer will shield mechanicals
 - Gables will be clapboard
 - Entries on the street, will have a street address along Old Driftway
 - Screening system on garage will be Boston Ivy
 - Added fieldstone on the garage level along the base of the buildings
- Retail Building A materials will be shingles
- Landscape features include; benches along sidewalk, planters with benches

Mr. Hal Stokes from the DRC reviewed recommendations made by the DRC. He indicated they met three times with the applicant and they were open to suggestions from the DRC every time. Initially the DRC had concerns about the articulation/animation of the facades, but the applicant has responded to those. He said the applicant was also responsive on the materials being used. Mr. Stokes opined there was nothing left out from the presentation made that he would add too.

There was discussion on the color selection and what the area would look like in the winter months. Mr. Stokes indicated that the DRC did not make any specific color recommendations; they were responsive to the colors presented by the applicant. Mr. Stokes opined that the color selection with the grey and yellow helps create atmospheric perspective so the building does not look like one big flat façade; the DRC liked the perspective that was created, but did not address the specific colors used to achieve the look.

Mr. Stokes indicated that lighting, an style of benches, bike racks, etc. was presented as a mood board, but the DRC was generally in agreement with the ideas although they did not address specific fixtures, etc.

Mr. Stokes also noted that the DRC had asked the applicant to review the actual building placement of Buildings D and E to see if they could be angled, but he applicant said it was not feasible. Mr. Stokes did point out the roof ridge and said that originally the shed roof from gable to gable was at the same height as the gable roof and that has been lowered. The DRC was in agreement with that change.

Mr. Bornstein asked for clarification on the field stone work being suggested; he indicated there was discussion about not using rounded beach stone so as to not create an “old new England foundation” look that may not work with other retaining walls and concrete on the site. Mr. Sandell said they are still working on this feature. Mr. Ford indicated they are pursuing something more modern.

There was discussion about the removal of the drive-through at the coffee shop, Building F location. Mr. Stokes indicated that the DRC endorses that change, but that was a result of Planning Board concerns not DRC discussions.

Mr. Stokes indicated there were some unanswered questions, i.e. wayfinding signs, specifics of pavers for sidewalks; this was included in the mood board.

Mr. Ford reviewed the site plan, focusing on three main aspects: 1.) How people move around the site, 2.) stormwater and drainage, 3.) evolution of the character/landscape.

Moving around the site:

Mr. Ford reviewed a slide of the existing curb cuts to show how people move about the site currently. He showed a slide overlaying the proposed curb cuts. (*Slide: Existing Access*)

- Shift of existing curb cut to the south (*Slide: Proposed Access*)
 - Align with South Lane
 - Access to residential parking in Building C and D as well as Centre Way
 - Signage will be placed
 - Main pedestrian crossing aligns with current pedestrian crossing
- Building F shifted access on New Driftway
 - Parking lot access from New Driftway solely right turn in and right turn out
- Each building has trash enclosure and access for trucks
 - Plans to be revised to show dumpster locations
 - Trash operations for individual buildings still being determined
 - Potential to have garbage shoot in each building and management would consolidate to the dumpster locations versus individual residents accessing the dumpsters
- Loading zones
 - Back of Building A for commercial
 - Proposing three(3) parallel spaces on Old Driftway
 - Restricted hours. i.e. 9am -11am for loading only
 - Closest spots to retail area
 - Loading zone next to link for Building E and D
- Centre Way designed to be pedestrian friendly

- Spaces designed to accommodate two-way traffic and backing in/out
- Slow speed environment
- One-way traffic would be counter productive
- Wayfinding signs will direct people around the site
- ADA Access (*Slide: PED/Bike Mobility*)
 - Plan details out ADA parking spaces
 - ADA compliant sidewalks; width and slope
 - One stairway in center of site that would not be ADA accessible, but it is a semi-private space for building and parking access.
- Bicycle parking located on plans (*Slide: PED/Bike Mobility*)

Stormwater and Drainage: (Slide: Paving Materials)

- Still working on specific paver details, but looking at existing street improvements
- Old Driftway and back of Centre Way (Blue area on slide)
 - Combination of brick banding with concrete
 - Pedestrian scale street lighting
- Plaza area will be treated with special details, i.e. all pavers (Pink area on slide)
- Typical concrete (Green area on slide)
- New sidewalk would be built along entire frontage of the property line along Old Driftway
- At South Lane sidewalk will connect at the radius to what is existing now, all concrete

Landscape Design: (Slide: Landscape Design)

- Old Driftway and Plaza are focal points of the site (Blue area on slide)
 - Old Driftway working through with Town on landscaping
- Screening for neighbors north and south, fence or evergreen screen (Purple line on slide)
- Stormwater will use bioretention system (Green area on slide)
 - Shallow planted depressions will filter and infiltrate
 - Designed to be functional parts of the landscape
 - Currently underground system of catch basins and pipes (Green lines on slide)
 - Current site is completely paved
 - Will re-route undisturbed area of parking lot using existing system of pipes and basins around area of re-development
 - Current run-off from East Lot is treated by existing water quality unit on West Lot that the applicant does not own.
- Materials represent traditional New England character, adding some modern elements
 - Concrete, Versa lock and stone veneers for walls on site
 - Simple functional durable bike racks, benches, etc.
 - Lighting same size and height as adjacent neighborhood
 - Not as ornamental
 - All LED
 - Will have photometric plan
- Plantings; conscious of water conservation and sustainability
 - Native plants, drought tolerant
 - Not proposing irrigation

Mr. Ford gave a brief summary of outstanding issues based off of comments from peer review completed by Merrill Corporation.

- Loading and snow storage – addressed this evening
- Runoff from the East Lot – still working on
- Landscape – review comments from the Town
 - Preservation of existing trees on Old Driftway
 - Reuse of existing granite curbing – applicant will stock pile and re-use depending on condition
 - Additional detail clarification and adjustments
- Fire Department comments
 - Addressed access with Deputy Chief
 - Comments are being incorporated into the building design

Mr. Palmieri said Mr. Ford did a great job summarizing the outstanding issues. He indicated that he had requested a weighted total suspended solids calculation which is applicable because a portion of the site is at 25% TSS and other areas are at 90% TSS. He agreed with the summarization of open issues provided by Mr. Ford and said there is additional information needed before they complete their review.

Mr. Pritchard asked about the water use and water capacity; has there been analysis done on water capacity and what kind of mitigation has taken place. Mr. Ford said they have looked at water usage and capacity. Mr. John P. Drew addressed the mitigation agreed upon with the Selectmen; there will be some additional I&I work; additionally the Drew Company assisted the Town with the MassWorks Grant that was awarded for \$2.2M.

Mr. Ford indicated that Sewer capacity has been granted; Ms. Joseph indicated there are some finer details that still need to be coordinated. Mr. Ford further explained that they have done some monitoring of the lines and capacity has been resolved.

Mr. Pritchard addressed an issue from Mr. Palmieri's review letter addressing the number of units allowed per 40,000 sq. ft. Mr. Palmieri indicated that the project is minimally over, but his comments have been addressed. Mr. Pritchard acknowledged the public benefit has been discussed that would be required with the scope of the project.

Ms. Joseph indicated that comments have been received from DPW and most have been addressed.

Mr. Black presented the applicant's traffic study. He indicated the study has been redone in response to Mr. Dirk's peer review comments. The most significant change has been the elimination of the drive-through coffee shop. There were some additional comments about the methodology and sources of data.

Outstanding comments with respect to the site plan: (*Slide: Proposed Access*)

- Eliminated the drive-through coffee shop
- Concerns about trucks servicing North Road
 - Can address by restricting hours and providing signage
 - Parallel parking spaces will have restriction and will be policed by the Town
- North Road potential to change to parallel parking versus rectangle parking
 - Applicant feels rectangular parking is safer
 - 18' long parking spot and 24' long aisle – industry standard
 - MBTA preferred parking to be rectangular not parallel

- Exiting from Building F
 - Proposing right hand turn only, no left turn to deter commuters
- Traffic signal at Old Driftway and New Driftway
 - Mr. Dirk recommends the signal timing be reviewed after 60% of the units are occupied; the applicant agrees with the recommendation
- Circulation: South Lane to Centre Way and North Road
 - Previously discussed making one-way
 - Applicant is not in agreement; parking on Centre Way is retail parking and would cause more internal circulation to spill into the public roadway
- Applicant addressed comments from the Traffic Rules and Regulations Committee
 - Install three (3) flashing pedestrian cross-walks on Old Driftway
 - Applicant suggests best location would at North Road
 - Three is too many, they are too close together and would cause confusion
 - Radar activated speed signs on Old Driftway and New Driftway
 - Applicant does not feel necessary at Old Driftway, slow speed zone naturally
 - Agrees with placement on New Driftway
- Suggestion to join MassRides
- Offsite mitigation still to be finalized
 - Working with the Town on the scope and costs
 - Reviewing an area close to the site that has traffic safety concerns

Mr. Dirk gave an overview of Vanasse Associates (VA) traffic review. Mr. Dirk acknowledged that the applicant has been very responsive to the comments made as a result of the review.

- No outstanding items related to the traffic study
- Technical comments made related to the trip generation calculation used
 - VA believes it overstates the impacts of the project
- Applicant has provided a fair and balanced analysis
- Only location that has significant impact is the rotary
 - Traffic issues already exist
 - Marginal increase on queuing
 - Applicant is willing to work on study for this location
- The applicant has committed to all the traffic mitigation and improvements VA has suggested
- Will put together some recommended conditions

Mr. Dirk's suggested the thought process of the Traffic Rules and Regulations recommending one-way traffic circulation South Lane, Centre Way to North Road. He indicated there would be two offset intersections; the more concerning one at South Lane and exiting MBTA traffic. Mr. Dirk recommended keeping two-way traffic within Centre Way to minimize recirculation, but make a portion of South Lane one-way to eliminate traffic exiting on to Old Driftway. Signage would have to be in place at the entry way of South Lane. Mr. Dirk further pointed out that the applicant is going to be doing a new full overlay of the pavement on Old Driftway. With this the applicant needs to develop a sign and pavement marking plan that should be part of the Site Plan that is ultimately endorsed. Mr. Dirk opined there are too many crosswalks and the sign and pavement plan will help to flush this out. He pointed out two locations where he recommends crosswalks with the flashing beacon; one at the North Road and one in the middle of the block that lines up with the center of the development.

He commented on the loading area at Building A, recommending permitted/restricted times for loading/unloading.

Mr. Dirk addressed the traffic at Building F pointing out arrow notations on slide entitled Proposed Access. Access to the MBTA lot via the Driftway would be a right hand turn into the lot and right turn only out of the lot; access into the parking area for Building F would be right turn only into the lot and right turn only out of the lot. This would help to limit any cut through traffic from commuters of the MBTA. Mr. Black did clarify that the intent is to have two-way traffic into the MBTA lot from New Driftway, a left hand turn into the lot off New Driftway could be made, but it would be right hand turn only out of the lot. Mr. Black was to confirm that the traffic analysis provided for this type of access.

Ms. Burbine opined she would like South Lane to be one-way in, there could be circulation in Centre Way parking lot and exit would be only at North Road.

Public Comment:

Mr. Doug Smith resident at 691 Country Way opined this is a great project; taking a vacant lot adding tax dollars to the town. He said living in North Scituate is like a tale of two villages with Greenbush becoming alive; this is a great project.

Mr. Pritchard suggested while talking to the MBTA the applicant discuss alternate uses for the back lot during off peak hours, i.e. farmers market. Mr. Drew indicated they have been having those discussions.

Ms. Joseph indicated there are not many comments to be addressed from the engineering peer reviews; the applicant believes they will ready for the June 13th meeting.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Mixed Use Special Permit in the Village Business Overlay District for Drew Company, Inc. at 247 Driftway until June 13, 2019 at 7:00 pm and continue the time for action until July 12, 2019.

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

**Continued - Public Hearing – Special Permit Accessory Dwelling – 25 Mann Hill Road
Assessor's Map/Block/Lot 27-6-38
Applicant/Owner: Mark A. D'Onofrio**

Documents

- PDF Planning Board Site Plan
- Email letter for Karen Joseph from Joan Schmid from BOH dated 5.6.19

Attendees: Greg Morse, Morse Engineering, Inc.; Mark D'Onofrio, Property Owner

Mr. Morse reviewed the project.

- Mr. D'Onofrio will live in the primary dwelling, his parents will occupy the proposed accessory dwelling

- D'Onofrio's have owned the property for almost 50 years
- Accessory dwelling
 - Two Bedrooms
 - 1,000 sq. ft.
 - Complies with all requirements of the bylaws and setbacks
- Concerns from the last meeting
 - Revised plan submitted with new 6 bedroom septic system -- reviewed and approved by the Board of Health
 - Drainage concerns
 - Project does not require Stormwater permit
 - No Wetlands on site
 - Proposing eight drywells attached to the roof gutters

Ms. Burbine indicated that she visited the site. There was discussion about the flow of water. She asked where the sump pump water is flowing; water flows down to Mr. Schumacher's lot on Aquinnah Path. Mr. Morse said water has been flowing that way for 30 years. Ms. Burbine asked if there was any way to redirect the water from the sump pump to the front of the site. Mr. Morse said they can re-direct the hose to the front, but water is not allowed to be discharged onto a public road.

Mr. Morse said that he has done percolation tests on almost all the adjacent properties and the issue in the area is really due to high ground water; ground water is at 30". He indicated there is puddling on the D'Onofrio property as a result of the new homes built that didn't exist before.

Mr. Morse indicated there will not be any walls taken down in the primary house. He said it is not a requirement. Ms. Joseph indicated the Board of Health (BOH) requires that there be a deed restriction placed on the primary dwelling for 4 bedrooms and a separate 2 bedroom deed restriction for the accessory dwelling. BOH has commented that the DEP does not require that walls be removed. She indicated that the flow cannot increase over 660 gallons per day; if it increases that would be a violation of the Board of Health permit. Flow would be shown as usage on the water bill.

There was discussion about the deed restrictions; they would be required to also be submitted to the Planning Board prior to occupancy permits being issued. Deed restrictions are forever they run with the land, a new owner could not remove the restriction. This is addressed as a condition in the decision. The Board indicated they would be fine with the deed restrictions.

Ms. Joseph further indicated there are plans for infiltrators on the accessory dwelling and the Board may want to request some monitoring of the sump pump for the primary dwelling; it can't go to the road or the neighbor's property it may need to be detained on site at some point and time. Mr. D'Onofrio argued that if his house wasn't there the ground water would be going downhill, that there is no difference from it being pumped out of his basement. He said he now has water in his basement that they never; the house was built in the 1800's.

Mr. Morse reviewed ground water results from around the area and gave several examples ranging from 12"-33". He opined this is going to be there for perpetuity; it is a condition of the area.

Mr. Pritchard addressed the comment Mr. D'Onofrio made regarding pumping water out of his basement; he opined that it becomes surface water once the water gets pumped out. He said the bylaws really address surface water not ground water. He opined he does not know what the Board can do from something that has been a pre-existing condition. He asked if the grading of the septic system changes the surface water flow. Mr. Morse said no, they will be importing sand which may actually produce less runoff; it is not increasing velocity.

The enforcement of the septic system will be with the Board of Health.

There was discussion about trees located on the property. Mr. Morse said they are retaining approximately 15' of vegetation along the border. Mr. Bornstein opined that the more vegetation and landscaping kept should help to alleviate some of the water concerns.

Public Comments:

Ms. Emily Nicholson resident at 7 Aquinnah Path is the downhill abutter, she thinks this a good move for the D'Onofrios, but she is worried about the water that already flows to her property and wants to understand what can happen in the future; she asked about the septic system being a new system versus an updated system. Mr. Morse said the words are somewhat interchangeable, everything from the foundation out is going to be new, new piping, new septic tank, new pump chamber, new leaching field, new location. The current system is a series of cesspools, designed for 4 bedrooms. Ms. Nicholson asked if in the future she has concerns about the flow exceeding the 660 gallons what does she do; she needs to contact the BOH as they would be responsible for enforcement. Ms. Nicholson opined she was having a hard time getting a comfort level. She also asked for explanation on the drainage downspouts. Mr. Morse said the downspouts are only on the proposed accessory building and would go to subsurface leaching chambers and recharge the water back into the ground.

Ms. Nicholson also discussed the use of a 9 bedroom system versus a 6 bedroom system; the current home is a 7 bedroom house and then 2 additional bedrooms. The Board indicated that the deed restrictions would prohibit the use of the property having 9 bedrooms. Ms. Nicholson expressed her concern of enforcement of this in the future. Ms. Joseph said she discussed this with the BOH and the septic system would go into failure if it was not being used properly. The BOH would enforce that the system to be upgraded; a property cannot be occupied if a system is in failure. She opined that would be the guarantee that the no more than 6 bedrooms could be used.

Ms. Nicholson asked what the resolution was on the sump pump. Mr. Morse said they will try to re-direct it closer to the front of the house.

Mr. Jason Schumacher resident at 3 Aquinnah Path asked why there would not be a requirement for a 9 bedroom septic, if the house is 6 bedrooms and 2 bedrooms are being added. Mr. Morse discussed the requirements for Title V Regulations; a walk through is done with the BOH and a count of the number of rooms that classify as bedrooms is done. To classify as a bedroom it has to have a window, 70 sq. ft. of size, ceiling height of 7'3", an electrical outlet and ventilation. The code requires that a system be designed for those rooms, but also allows rooms be taken from the primary building and be built in an out building with a deed restriction by the State Department of Environmental Protection (DEP). Mr. Morse indicated that this plan will be recorded along with the deed; anyone new that purchases the property in the future would be made of the aware of the restrictions.

Mr. Schumacher opined with the high water table in the area, the Town should take the opportunity to enforce the proper rules of a 7 bedroom house with the addition of 2 more bedrooms. Ms. Burbine indicated that is not the prevue of the Planning Board. Ms. Joseph read the comment from Ms. Joan Schmid at the Board of Health "Review of the system was completed with no issues; they will need a two bedroom deed restriction for the accessory dwelling and a four bedroom deed restriction for the main home."

Mr. Morse said there are no variances requested with the septic system, it is in full compliance with the State design requirements and full compliance with the town of Scituate BOH requirements. He indicated the old cesspool will be abandoned and filled in per the BOH requirements.

There was further discussion about the water that puddles on the D'Onofrio property and where it goes. The Board expressed that they do not have any jurisdiction on ground water; there are no rules and regulations that address that issue.

Ms. Nicholson asked about a retaining wall around the septic system that she thought the BOH had mentioned to her. Mr. Morse clarified there is no wall around the septic system, but a break out barrier.

Ms. Lambert said that everyone in town is experiencing very high ground water. She said there will be a better system there so hopefully there should be some improvement.

Motion:

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

1. On April 1, 2019, Mark A. D'Onofrio applied for a special permit for a detached accessory dwelling on the property at 25 Mann Hill Road.
2. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 1,038 sq. ft. This is 34% of the total square footage of the primary building which is 3,051 sq. ft. according to the application. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the bylaw allows 750 sq. ft. or 40% of the total square footage of the primary dwelling, whichever is greater. The accessory dwelling is subordinate to the existing single family home.
3. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
4. The proposed detached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
5. The proposed accessory dwelling is located at the rear of the primary dwelling and north of the existing barn. Access will be via a walkway leading from the existing driveway to the front door.
6. The appearance of the accessory dwelling is similar in the appearance to the primary dwelling.
7. The Proposed Accessory Dwelling Site Plan for the property shows a bituminous concrete driveway with two parking spaces adjacent to the proposed accessory dwelling. This appears adequate to provide two parking spaces for the accessory dwelling. Two parking spaces for

the primary dwelling are shown to the south of the accessory dwelling. Ample parking appears to be provided.

8. The owner has submitted a signed, notarized statement that he will live on the property upon completion of the accessory dwelling unit.
9. The accessory dwelling will be serviced by an upgraded septic system onsite which will be deed restricted for the 2 bedrooms and is to comply with all Board of Health conditions and Title V standards. There will be a separate 4 bedroom deed restriction for the primary dwelling. There will be four bedrooms in the primary dwelling and two in the accessory dwelling. A connection to Town water will be provided and it will comply with the Town requirements for a water connection.
10. Stormwater runoff from the roof area of the accessory dwelling will be directed to a subsurface roof infiltration system while stormwater runoff from the driveway and primary dwelling will flow overland as it presently does.
11. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Mr. Pritchard seconded the findings of fact; the vote was unanimously in favor

Ms. Lambert moved to approve the Special Permit for an accessory dwelling at 25 Mann Hill Road with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to the Site Plan entitled Site Plan Proposed Accessory Dwelling 25 Mann Hill Road, by Morse Engineering Co., Inc. and stamped by Gregory J. Morse, P.E. dated 3/20/19 with revisions through 5/3/19; Architectural Plans by Mark P. Coughlin, AIA dated 3-2-19 consisting of 1 sheet including Proposed Floor Plan – 1,038 SF and Proposed Carriage House – Front Elevation, A.1.
2. The number of bedrooms in the accessory dwelling is limited to two in the location and size indicated on the floor plan submitted with the application. The number of bedrooms in primary house is limited to four. A copy of the deed restrictions shall be provided to the Planning Office prior to occupancy of the accessory dwelling.
3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that he is living in one of the dwelling units. A yearly certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
5. All requirements of the Board of Health must be met.
6. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
7. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling.

8. Any lighting installed shall be down lighting to not shed light on abutting properties.
9. Construction work shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
10. The limit of work is to be staked in the field and verified that disturbance is less than 15,000 sq. ft. If a stormwater permit is needed with verification from the stormwater authority, the owner shall apply for one.
11. Runoff from the proposed primary dwelling or accessory dwelling shall not be increased from the property.
12. The standard conditions for accessory dwellings approved by the Planning Board on 12/17/15 shall be conditions of this decision and shall be included for recording at the Registry of Deeds.
 - A. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department, Conservation Commission and other town agencies.
 - B. The property shall contain a maximum of two dwelling units, the primary dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage shall not be increased without prior approval of the Planning Board.
 - C. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.
 - D. The Planning Board may require an on-site inspection for conformance to the approved plans and these conditions prior to the issuance of a Certificate of Occupancy for the accessory dwelling.
 - E. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy signed by any new owner shall be provided to the Planning Board within seven days of the closing of the sale of the house. It is recommended that this be signed at the closing.
 - F. At any time, at the request of the Planning Board the owner shall provide a notarized affidavit indicating that either the primary or accessory unit is owner occupied.
 - G. No on-street parking by occupants of the primary or accessory dwelling shall be permitted at any time.
 - H. Construction vehicles/equipment shall not idle, be parked, stored, loaded or unloaded in the street.

- I. This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The owner shall provide proof of this recording to the Planning Board.
- J. This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.
- K. The Planning Board reserves the right to review compliance with this special permit at any time. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.

Mr. D'Onofrio noted that he will need to sell another property and hopes that does not pose a problem for getting occupancy for the accessory dwelling.

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

Public Hearing – Special Permit – Accessory Dwelling – 60 Marion Road
Assessor's Map/Block/Lot: 40-11-18
Applicant/Owner: Glenn S. Miller and Charlene Deangelis

Document

- PDF 4-29-19 Carrison 112 Hatherly
- Email from Sean McCarthy to Paul Mirabito dated 4.1.19
- PDF 4013 ACC DWEL PLAN 3-12-19
- PDF 4013 Acc Dwg Sp Pt Filing Pkg 03-14-19
- PDF Building Commissioner Letter
- PDF Cert-127511
- PDF Doc-10875
- Email to Shari Young from Paul Mirabito dated 3.31.19
- Email to Karen Joseph from Paul Mirabito dated 5.1.19
- PDF 8-4-11 Final Decision, 556-562 First Parish Road
- PDF Filed with TC Decision ADSP 562 FPR
- Doc Lot Size vs. Square Footage

Attendees: Paul Mirabito, Ross Engineering Inc.; Glenn Miller and Charlene Deangelis

Mr. Mirabito reviewed the plans.

- Lot is 10,000 sq. ft.
- Located in the R-3 District
- Existing dwelling on site is single family home 815 sq. ft.
- Proposal to raze the existing garage and replace it with a primary dwelling
 - Size of the primary dwelling was determined by the size of the accessory dwelling which gives 2,100 sq. ft.
 - Existing home will become the accessory dwelling
- Accessory Dwelling would be 38.8% of the floor area of the primary dwelling (2,100 sq. ft.)
- On town water and sewer

- Parking
 - Paved driveway for new proposed dwelling; provides 2 spaces
 - 2 parking spaces for accessory dwelling – one at front corner of lot, second is to the right side of the existing house
- Existing drain line in middle of the property- Town has an easement from 1920's
 - Roof run off from existing dwelling is tied into the drain line
 - DPW plans showed the drainage pipe running to Kenneth Ave.
 - Further investigation showed plans were not accurate
 - The drain pipe does not run to Kenneth Ave.
 - No intentions to change anything on the pipe
- No change in elevation of land around existing dwelling; minor grading around proposed new dwelling

Mr. Mirabito argued there was precedent set with decision for 566 First Parish Road from fall 2012. He referred to the plan of 566 First Parish Road, explaining a lot was created that had an existing garage with an apartment; a special permit for and accessory dwelling was granted by the Planning Board when the property owner proposed to build a new three bedroom home. He opined this is the identical situation.

There was discussion about the difference in size of the two lots being compared; First Parish Road was 31,000 sq. ft. versus the current scenario with a 10,000 sq. ft. lot. The Board felt this was putting two houses on one lot. Mr. Pritchard opined the Board's authority is to grant an Accessory Dwelling is based on the primary dwelling; in this case the existing dwelling is 815 sq. ft. The Board does not have the authority to approve a primary dwelling; the Board can approve an accessory dwelling that is 40% of the primary dwelling. The existing structure on the lot is the primary dwelling. The Board did not think it had prevue to approve a primary dwelling.

Ms. Burbine read the bylaw 530.1.D. She opined the current proposal appears to have two houses on one lot.

Mr. Bornstein pointed out the precedent sited also had a Common Driveway, was on a much larger lot and had a much different feel on the site plan. He opined he would be wary of enforcing a potentially poor decision; where any dwelling could be called an accessory dwelling to then build a new larger building.

There was further discussion on what would be allowed now with size of the dwelling that is on the lot; an accessory dwelling that is 750 sq. ft. or 40% of the existing dwelling could be built.

The Board was not willing to set a precedent of going backwards; using an already existing primary dwelling to set the standard for building a new dwelling and creating an accessory dwelling on one lot.

Mr. Miller indicated that most of the area is 5,000 sq. ft. lots; what they are doing is putting two houses on a 10,000 sq. ft. The lot is two 5,000 sq. ft. lots that have been combined. He opined what they have done is separated the lot as if it is two 5,000 sq. ft. lots; the dwellings would fit into the neighborhood. He does not feel the integrity of the neighborhood would not be affected.

The discussion continued with what the Board felt they are able to approve and this proposal was slippery as to their prevue; they are able to approve an accessory dwelling based on a primary dwelling. The Board felt this was going backwards. The Board opined they did not agree with the precedent that had been set and that they do not have the authority to approve an accessory dwelling in this manner.

The Board and the applicant discussed options that would be available to develop the lot and create an accessory dwelling.

Mr. Mirabito requested that the application for an accessory dwelling be withdrawn without prejudice

Motion:

Mr. Pritchard moved to accept the applicants request to withdraw the application without prejudice. Ms. Lambert seconded the motion; the vote as unanimously in favor.

Public Comment:

Mr. Joseph Carbone resident at 14 Pennycress Road asked the Board about the certification that is required every March for the accessory dwelling that the owner is living on the property and what happens if the owner passes away and leaves the property to someone and the property is then owned by a corporation. The concept was discussed and under the bylaw currently an owner would have to live on the property.

Continued - Public Meeting – Site Plan Administrative Review – Municipal Water Treatment Plant Well 17A 90 & 96 Tack Factory Pond Drive (continuance requested)

Assessor's Map/Block/Lot: 42-4-8

Applicant/Owner: Town of Scituate - Water Division

Document

- Email to Shari Young from Alex G. Bouthillette dated 5.3.19 request for continuance

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public meeting for the Site Plan Administrative Review for the Municipal Water Treatment Plant Well 17A 90 & 96 Tack Factory Pond Drive until May 23, 2019 at 8:30 pm. and to continue the time for action for filing with the Town Clerk until June 28, 2019.

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

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

Minutes

Documents

- Meeting minutes 4.25.19

Ms. Lambert moved to approve the meeting minutes for April 25, 2019.

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

Accounting
Documents

PO #1910546 (\$3,544.18)

Ms. Lambert moved to approve the requisition of \$3,544.18 to Merrill Corporation for peer review of 247 Driftway/Drew/MBTA.

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

Liaison Reports:

BOS – reported by Ms. Burbine:

- Sister City Group wants to construct a memorial on Cole Parkway for the Easter Uprising of 1917
 - 7' monument, will have the proclamation on it
- Cedar Point Sewer has been tabled – requiring additional study
- Water Study approved by Selectmen
 - Price was just under \$100,000.00
 - Part of proposal approved was the creation of an Advisory Group
 - Mr. Pritchard would like to be on the Advisory Group

DRC – reported by Ms. Lambert:

- Senior Center keeps changing; will be discussed at Monday night Town Meeting
 - Informal discussion with Planning Board
 - Parking and traffic plans were inadequate
 - No ideas on what will happen with Gates

Planning and Development – reported by Karen Joseph:

- 4 Union Street as-built going out for review
 - Price for 3 garage doors on the existing building
 - Board okay with phasing of doors – 1/month
 - Snow storage area in front of lot is all gravel
 - Design has been modified - was supposed to be grass
 - Owner to come Board to discuss change
- 50 Country Way looking for temporary occupancy for Building A
 - No proof of recorded documents for easements and restrictions
 - Access easement
 - Restriction for façade of Building A to not be changed for 30 years
 - Landscaping incomplete
 - Bike racks missing
 - As-built missing
 - Fencing missing
 - No punch list on site because no as-built
 - Still have bond for \$587, 000.00; site contractor would like to get out of the bond
 - Grasscrete pavement in the island incomplete
- Toll Brothers continue to monitor
 - Paperwork from remediation not yet filed with DEP
 - Towns Consulting Engineer is monitoring

Documents

- Email to the Board from Shari Young dated 5.2.19 with meeting agenda
- Email to the Board from Karen Joseph dated 5.2.19 with meeting materials 247 Driftway
- Email to the Board from Shari Young dated 5.2.19 with meeting minutes from 4.25.19
- Email to the Board from Karen Joseph dated 5.6.19 with meeting materials for 60 Marion Road
- Email to the Board from Shari Young dated 5.6.19 with meeting materials for 247 Driftway/Drew Co.
- Email to the Board from Shari Young dated 5.7.19 with meeting materials for 247 Driftway/Drew Co.
- Email to the Board from Karen Joseph dated 5.8.9 with meeting materials for 60 Marion Road
- Email to the Board from Shari Young dated 5.9.19 with meeting materials for 247 Driftway/Drew Co.

These items were distributed to the Board electronically.

Ms. Lewis moved to adjourn the meeting at 10:11 p.m. Ms. Lambert seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: May 23, 2019