

SCITUATE PLANNING BOARD MINUTES June 11, 2015

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

Members Absent: Robert Greene.

Others Present: Ms. Laura Harbottle, Town Planner.

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

Location of meeting: Selectmen's Hearing Room, Town Hall, 600 C J Cushing Highway.

Chairman Pritchard called the meeting to order at 7:30 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 6/11/15 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Pritchard moved to accept the agenda. Mr. Limbacher seconded the motion and the vote was unanimous in favor.

Form A – Old Driftway

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

Applicant: TW Conroy 3, LLC

Owner: Massachusetts Bay Transportation Authority

Documents

- Transmittal to departments dated 6/4/15
- Form A application, Plan of Land in Scituate, MA showing a division of parcels 53-2-8, 8B, 9A and 10 Old Driftway prepared by Bay Colony Group, Inc. for the project Greenbush Parking Lot Parcels A and B revised dated 6/1/ 2015
- Email to Board dated 6/5/15 with about noted materials and planner recommendation

Rich Leslie, Joe Lynch and Don Nagle were present for the applicant. Mr. Leslie indicated there were 4 parcels that they would like to divide into two parcels. He said one would be retained by the MBTA and the other one is under purchase and sales agreement to Conroy Development. He indicated Parcel B has frontage on Old Driftway. Ms. Harbottle said that Parcel B has frontage on a public way and the plan should be endorsed. She indicated that the MBTA has consented to the application by signing it.

Mr. Taylor asked about the parking lot on John Tedeschi's property. Mr. Leslie said that they have met with him in the field. Mr. Vogel asked if it was a corner lot as it has frontage on two streets. It was determined that that would be up to the Building Department.

Mr. Taylor moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, MA showing a division of parcels 53-2-8, 8B, 9A and 10 Old Driftway prepared by Bay Colony Group, Inc. for the project Greenbush Parking Lot Parcels A and B revised dated 6/1/ 2015 as the division of the tract of land shown 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 Old Driftway. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Mr. Nagle asked about the design of the project parking and building and if the Board wanted the project to go to the Design Review Committee (DRC) first or come to the Planning Board first. Mr. Taylor said that the Design Review Committee is amenable to reviewing the project as they briefly discussed it the other night. Mr. Vogel said that the DRC is a less formal venue and the project receives some design input prior to coming to the Planning Board, but it won't be a final proposal. Chairman Pritchard said he wouldn't object. He said that since it is a signature project perhaps outside help might be needed for review as it will be a focal project. Ms. Harbottle indicated that a design group like the Cecil Group could help. She said they were helpful with the Harbor. Mr. Limbacher agreed as this would be the beginning of a whole new development area. Mr. Taylor said he asked the DRC to become familiar with the Economic Development Commission's Market Study prior to the application being filed. He said he would advocate for a third party review at some point in the process. Ms. Harbottle said she would find out what other towns do and what sequence they are working in.

Mr. Nagle said he thought he should bring it up now. Chairman Pritchard said it could save a lot of architectural time to see if the massing etc. works. Ms. Harbottle said the Warner Group did this type of review in the harbor. Ms. Burbine said that she wants views to be considered as there are incredible views from the site. Mr. Lynch said that the property is supposed to be conveyed to Conroy at the end of the month.

**Continued Public Hearing – Common Driveway Special Permit – 35 Dreamwold Road
Assessor's Map/Block/Lot 33-6-31, 16 & 16A
Applicant/Owner: Susan A. Phippen Trust**

Documents

- Response to comments from Morse Engineering dated 5/28/15.
- Common Driveway Plan Sheets 1-4 revised dated 5/28/15.
- Stormwater Report and Calculations for Common Driveway lots 2, 3 and 4 for the Susan A. Phippen Trust revised dated 5/28/15 by Morse Engineering
- Supplemental Engineering review from Chessia Consulting dated 6/4/15
- Email from Laura Harbottle to the Board dated 6/5/15 with Response to comments, Common Driveway Plans, test pit logs, ECR Wetland Analysis, mounding analysis emails to Jeff Hassett with mounding analysis data sheet and Chessia Supplemental Report
- Revised mounding analysis dated 6/9/15

Mr. Limbacher recused himself from the discussion and left the room.

Jeff Hassett was present representing the Susan A. Phippen Trust. He indicated that the proposed common driveway comes in over the same location as the existing drive and branches off beyond the remaining driveway to the existing house. He said revised plans have been submitted which address Fire, Water Department and the Chessia Consulting Services comments. He indicated the following changes have been made to the plans: overhead wires have been removed to the existing house, the water line has been relocated to avoid existing trees, an infiltration basin has been added to control rate/volume, Tc has been revised, an erosion and sedimentation control plan was provided and test pits in the stormwater basin and a mounding analysis were completed showing that the water table won't rise into the basin. Mr. Hassett said that all wells are based on surficial geology and he

assumed a depth of bedrock for the calculations based on well data in the area. He said that based on a depth of 88' his calculations work. He indicated the plan meets the purpose of a common driveway to reduce the number of driveway openings onto a road. He said that the only portion in the 50' wetland buffer is the basin which is located in a disturbed area. He said the Conservation Commission seemed in favor of allowing the basin in the 50' buffer. He said the rural atmosphere will be preserved with the common driveway as the houses are back from the street and the view from Dreamwold Road won't be altered.

Mr. Chessia indicated that the trees have also been labelled and there is some work in the right of way and not sure if there is an easement. He said the pipes in the catch basin are not in alignment and the outlet pipe from the wetland is clogged, but if DPW is going to provide maintenance, there should be an easement. Mr. Hassett concurred that the pipe leaving from the wetland is clogged and he asked Mike Breen of the Highway Department to clean it. He said the applicant will provide an easement to the town for maintenance. Mr. Chessia indicated that the plan relies on roof drywells. He said no testing has been done for these and should be a condition. He said the assumptions for the mounding analysis are reasonable with the few modifications. He said if the site was bigger a well would be needed for verification of the assumptions. He said that if the pipe to the wetland is fixed as it is broken, clogged or both then it is 4 – 5 feet to the road and the wetland will not fill up. Mr. Chessia also said the top of the basin berm should be 8' per DEP standards for vehicular access for maintenance instead of the 6' shown. Mr. Hassett said it is a small basin with 3:1 side slopes and access to the overflow structure comes from the driveway or the road so that a wider top is not necessary.

Mr. Chessia also indicated that the DEP handbook says that infiltration basins should be 50' from wetlands. He said this one is not, but the Conservation Commission should make that determination. He indicated that the rain garden is being used for treatment and not for exfiltration, so more soil media is needed as well as a low level maintenance drain. Mr. Chessia said that the erosion and sedimentation plan should require vegetation in the basin before water is discharged into it. He said there should be a separate place to send water during construction so that it does not silt up the basin.

Mr. Taylor asked if the tree behind the hydrant on Lot 1 would remain. Mr. Hassett said that it may not if the future owner of Lot 1 decides it needs to be removed. Mr. Taylor thanked the applicant for putting services to the existing house underground. He said the situation of 3 curb cuts on Dreamwold Road is not ideal, but the common driveway seems like the best solution.

Ms. Harbottle said the Conservation Commission thought that the pond would be a vernal pool, but after further investigation it is not. She said the water quality in the existing wetland is not good. She said she is glad that existing trees are to be maintained and said that the Conservation Commission will review the location of the infiltration basin. She indicated that under the redevelopment provision, the basin could be closer to the wetland. She said the site is reasonable for 3 lots. Mr. Vogel asked about the shed on the existing property and if there was an 8' setback. Mr. Hassett said there was a swale to the back of the shed. Ms. Harbottle said the house on the lot with the swale could be set back further if more distance was desired between the house and the shed. Ms. Burbine was happy with the underground utility changes and saving the existing trees. She said she had no problems with the plan.

Chairman Pritchard asked the Board if they wanted an easement for maintenance for DPW for the pipe from the wetland to the catch basin. Mr. Hassett said they will provide an easement. Chairman Pritchard said that the testing for the roof dry wells could be made a condition along with the 3' of

soil media and drain in the bottom of the rain garden. Mr. Hassett said a drain was not necessary as it could be pumped out. Mr. Taylor thought that no one would pump it out. Ms. Harbottle thought a drain would be practical. Mr. Chessia suggested it could be as simple as a riser and a cap. The Board concurred. Chairman Pritchard said he would like runoff managed during construction with a temporary sump. Mr. Hassett said he could get something to work. Ms. Harbottle suggested a temporary forebay. The Board discussed the berm width at the top of the basin. They determined 6' was reasonable as there was other access to clean the emergency spillway.

Findings of Fact: Mr. Taylor moved to make the following Findings of Fact for the common driveway special permit for 35 Dreamwold Road:

1. The Susan A. Phippen Trust, Maureen O'Connor Hurley and Kimberly Stewart, Trustees, filed an application for a special permit for a common driveway serving three lots at 35 Dreamwold Road with the Town Clerk on March 30, 2015.
2. The property at 35 Dreamwold Road contains about 4.05 acres and is in the Residence R-2 Zoning District. The Planning Board endorsed a Form A Plan dividing the property into four parcels on April 9, 2015.
3. On March 16, 2015 the Zoning Board of Appeals approved a special permit under Section 610.B of the Scituate Zoning Bylaw to create two 50 foot frontage lots as Lots 1 and 3.
4. The plan shows soil disturbance and vegetation removal as generally limited to what is necessary for constructing the common driveway and its drainage system. The proposed stormwater management system has been reviewed by the Town's consulting engineer, Chessia Consulting Services Inc. whose comments indicate the system has been adequately addressed with the revised plans. The common driveway meets the standards of Section 720.7A.
5. The common driveway has a varied surface width of not less than 14'. An email from the Fire Chief indicated that he approved the width. The common driveway meets the requirements of Section 720.7B.
6. The common driveway is accessed from Dreamwold Road, a public road in Scituate. The common driveway meets the requirements of Section 720.7 C.
7. The water line is shown on the common driveway plan. The common driveway meets the requirements of Section 720.7 D.
8. The common driveway cross section shows a top course of 1 ½" of bituminous concrete over a 1 ½ bituminous concrete modified binder and a 2" bituminous concrete binder over a 15" processed gravel sub-base. The common driveway meets the requirements of Section 720.7 E.
9. The common driveway is approximately 270 feet in length. The common driveway meets the requirements of Section 720.7 F.
10. Chessia Consulting Services, Inc. indicated the stormwater management system is satisfactory. The common driveway meets the requirements of Section 720.7 G.
11. No impervious area is located above the major components of the proposed septic systems. The common driveway meets the requirements of Section 720.7 H.
12. A small wetland with existing vegetation will remain on the north side of the common driveway. The common driveway meets the requirement of Section 720.7 I for screening.

13. The Fire Chief approved a 20' by 45' area of the common driveway and Lot 3 driveway for emergency vehicle turnaround. The common driveway meets the requirements of Section 720.7 J.
14. The consulting engineer has indicated that stopping sight distance requirements at the entrance have been met. The common driveway meets the requirements of Section 720.7 K.
15. Based on these findings and information submitted by the applicant and reviewed by the Board, the common driveway meets the requirements of Section 720 of the Scituate Zoning Bylaw.

Ms. Burbine seconded the motion. The motion was unanimously approved.

Decision: Based upon the testimony presented at the Public Hearing and the findings, Mr. Taylor moved to approve the special permit with the following conditions:

1. One Common Driveway shall be constructed according to plans entitled Common Driveway Special Permit Plan, prepared for The Susan A. Phippen Trust by Morse Engineering Co., Inc. dated March 12, 2015 with revisions through May 28, 2015 and as further revised to meet these conditions.
2. Lots 2, 3 and 4 shall access over a single Common Driveway. No further extensions or attachments of any other roadways or Common Driveways, or other access to any other lots besides those created by the plan shall be permitted.
3. Prior to obtaining building permits, the applicant must obtain all necessary approvals from the Board of Health, Conservation Commission, Fire Department, Building Department and Department of Public Works, and these shall be deemed conditions of the Planning Board approval.
4. No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water. In accordance with this policy, all irrigation systems installed in Scituate must be supplied by on-site sources at the expense of the property owner.

Common Driveway Agreement

5. A Common Driveway Agreement shall assign to the owners of Lots 2, 3 and 4 the responsibilities and costs of maintenance and repair of the Common Driveway and emergency turnaround (including snowplowing), as well as the catchbasin, rain garden, infiltration basin, grading and all other improvements for stormwater management in the Common Driveway Easement.

The responsibilities of maintenance in the Common Driveway Agreement shall include all requirements of the Operation & Maintenance Plan, which shall be attached to the Agreement together with other typical maintenance such as snow-plowing, driveway repair and any cape cod berm repair.

The Agreement shall require annual certification by an engineer that the stormwater system is being properly inspected and maintained per the Operation & Maintenance Plan. The Operation and Maintenance Plan shall also be provided to the Planning Board as a stand alone document.

6. The standard format from the Planning office shall be used. A final draft of the Agreement shall be provided to the Planning Board within two weeks of the approval of this special permit. The Agreement shall be recorded at the Registry of Deeds.

Finalization of Documents

7. The plans for the Common Driveway shall be submitted to the Planning Board for their signature after the expiration of the twenty day appeal period of this special permit. The plans and special permit shall be recorded together at the Plymouth County Registry of Deeds.

Required Prior to Planning Board Signing Plans

8. The following notes shall be added to the plan:
 - The lots on this plan shall not be further divided or subdivided.
 - The Common Driveway is owned by the homeowners. It shall always remain private and shall never be maintained by the town. A Common Driveway Agreement assigns to the owners of Lots 2, 3 and 4 the responsibilities and costs of maintenance and repair of the Common Driveway and emergency turnaround (including snowplowing), as well as the rain garden, infiltration basin, grading and all other improvements for stormwater management in the Common Driveway Easement.
 - New construction must comply with the Zoning Board of Appeals decision issued March 16, 2015 revised 4/16/15 which allows for the development of two 50 foot frontage lots.
 - No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water, in accordance with the policy of the Board of Selectmen effective October 8, 2014. In accordance with this policy, all irrigation systems installed in Scituate must be supplied by on-site sources at the expense of the property owner.
9. The following notes and plan changes shall be added:
 - Existing specimen trees to remain shall be protected by snow fence installed at the drip line of the trees.
 - No stormwater may be discharged into the infiltration basin or rain garden until these measures are fully stabilized. A temporary forebay for stormwater control during construction shall be located on the plan.
 - Rain garden detail/plan view shall be revised to include 3 feet of soil media, a low level maintenance drain (in bottom of basin with a riser and cap), elevations, spot grades, and plants keyed to the planting schedule. 5 feet of sod between the gravel filter strip and top (WQV) elevation) shall be provided. Detail to reflect the actual site conditions.
 - An easement to the Town shall be provided for the drainage pipe in the wetland.

Construction

10. A pre-construction conference will be required prior to the start of construction including the Planning Board's consulting engineer, the site contractor and the Town Planner.
11. Prior to scheduling the pre-construction conference, a schedule of construction activities shall be given to the Town Planner and the applicant shall provide funds to cover the cost of inspections and attendance at the pre-construction conference by the Town's consulting engineer.
12. The Town Planner is to be notified when construction begins and when construction is completed. All clearing and earth moving operations shall only occur while erosion and

sedimentation control measures, approved by the Town Planner and shown on the plan are in place. Such control measures shall remain in place until the Town Planner determines that the danger of erosion or sedimentation no longer exists.

13. Additional soil testing shall be performed at the location of the recharge system and roof drywells for each dwelling prior to the start of construction of the driveway. The testing shall be witnessed by the Board's consulting engineer.
14. Construction of the Common Driveway shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board at completion that the driveway and drainage structures were constructed in accordance with the approved plans. This certification shall be accompanied by as-built plans, signed and stamped by a registered professional land surveyor and the supervising engineer. Inspections will be required for staking of limits of drainage basins and roadway limits prior to clearing and grubbing; grading of drainage basins; placement and compaction of gravel subbase; placement of base/binder; and placement of the top course of the common driveway.
15. Prior to the issuance of an occupancy permit, the Board's Consulting Engineer shall inspect the lots and notify the Board and Building Commissioner that the grading conforms to that shown on the Common Driveway plan.
16. Construction work shall not begin prior to 7 am on weekdays and 8 am on weekends and shall cease no later than 7 pm or sunset whichever is earlier. No construction is permitted on Sundays and federal/legal holidays.
17. There shall be no parking or idling of vehicles on Dreamwold Road during construction.
18. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that access, construction of the Common Driveway and installation of necessary utilities are in full compliance with the approved plans and the special permit.

Administration

19. The applicant shall post a bond for \$5,000 prior to beginning construction of the Common Driveway to guarantee completion of site work, landscaping and clean-up of the site. After the Town Planner has inspected the site and found grading, loaming and seeding, clean up of earth materials and construction debris to be complete, these funds shall be returned with interest to the applicant.
20. 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.
21. 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.
22. Failure to comply with any condition of this special permit shall cause it to be deemed invalid.

Ms. Burbine seconded the motion. Motion was unanimously approved.

Use of FY 15 Planning Funds for Hazard Mitigation Plan

Ms. Harbottle indicated that Scituate needs an updated Hazardous Mitigation Plan to receive grants from FEMA. She said it was supposed to be on the warrant for Town meeting, but the money was not available. She said that the Planning Board and Conservation Commission could contribute some of their unexpended funds and other funding can come from the technical services item. She said there is a price of \$25,000 to get the plan done. Ms. Burbine moved to approved \$3,500 in unexpended FY15 funds for the Hazard Mitigation Plan. Mr. Vogel seconded the motion. The motion was unanimously approved.

Accounting

Documents

- PO # 1507984 (\$77.00), PO # 1508021(\$300.29), PO # 1508020(\$870.07), PO # 1508275 (\$2,720.00), PO # 1508274 (\$233.60), PO # 1508279(\$3,500.00)

Mr. Taylor moved to approve the requisition of \$ 77.00 to Plymouth Country Registry of Deeds for recording of the Planning Board member signatures, \$ 300.29 to Amory Engineers for construction inspections for 61 Border Street, for \$ 870.07 to Amory Engineers for construction inspections for Benjamin Studley Farm, for \$2,720.00 to Chessia Consulting Services, LLC for engineering peer review for 35 Dreamwold Road, for \$ 233.60 to Chessia Consulting Services, LLC for construction inspections at The Glen and for \$3,500.00 to VHB, Inc. for professional services for the Hazard Mitigation Plan. Ms. Burbine seconded the motion. Motion was unanimously approved.

Minutes

Mr. Limbacher moved to approve the meeting minutes of 5/28/15. Ms. Burbine seconded the motion. Motion was unanimously approved.

Town Planner Report

Ms. Harbottle indicated that the ZBA is considering 0 Foam Road at its next meeting. She said that the Flood Plain Special Permit from the ZBA was adjudicated by a neighbor and the judge has remanded it back to the ZBA as they now have the benefit of the Doherty case. She asked if the Board wanted to provide any correspondence to the ZBA. Mr. Vogel said he did not as it was a 3-2 vote of the Planning Board that sent the Doherty case to the SJC. Chairman Pritchard said it was the standard of review that was before the SJC and the same standard should apply to 0 Foam Road. The Board asked for the decisions on the Doherty case and that a letter be drafted regarding the standards.

Continued Public Hearing – Site Plan Administrative Review – 46 Watch Hill Drive – Inly School

Assessor's Map/Block/Lot 52-2-3A

Applicant/Owner: Inly School

Documents

- Email from Laura Harbottle to Board with draft motion and report of 6/2/15 site walk with abutters and Inly representatives

- Email to Board dated 6/5/15 with letter from Inly's attorney dated 6/4/15, revised draft motion dated 6/11/15 and letter to Ms. Harbottle from Inly School dated 6/4/15
- Email from Laura Harbottle to the Board dated 6/5/15 with Inly School Parking Plans for Drop off/Pick up and Special Events dated 6/4/15 by Peterman Architects
- Email from Laura Harbottle to Board dated 6/8/15 with pictures from Inly School parking on 6/8/15
- Email to Board from Laura Harbottle dated 6/8/15 with 6/8/15 letter from Attorney John Kuzinevich representing the abutters of Inly School
- Email to Board from Laura Harbottle dated 6/8/15 with additional comments from Inly's attorney
- Email to Board from Laura Harbottle dated 6/9/15 with Revised Draft Motion 6

Architect Tom Peterman said that Inly was asked to produce 3 things from the May 14 meeting. The first was to meet with the Architectural Access Board (AAB) to determine if the porch area needed to be accessible. He said they have met with Tom Hopkins of the AAB and he agreed the porch did not need to be accessible. Mr. Peterman reported that they can proceed, but will file for an appeal and waiver from the AAB.

Mr. Peterman reported that a Daily Traffic Parking Plan and an Event Parking Plan have also been produced as requested. He said the procedures including queuing lines, left only turns and temporary paper signs included on the daily parking plan have been enforced over the past few weeks. He said a line will be painted on the road for no parking beyond the 2 handicap spots for Inly people. Davenport Crocker, of the Inly Board, said that drop off is 8:10 – 8:30 am with staggered afternoon pickup and on 2 days per year the entire school lets out at 11:30 am which took about 12 minutes today. Mr. Peterman reported that the Event Plan would provide for 30 spaces on the lawn at the Middle School, the stacking lane on Watch Hill Drive, the lawn at the Toddler Building as well as 57 spaces on Sunflower Hill which people can then use the trail to the school. He said they would like to reserve the right to park along their entire frontage, although they don't see the need and that is why 11 parking spaces are shown from the handicap parking up to the cul-de-sac. Inly Attorney Susan Murphy said that private way owners have rights with respect to their frontage and even though Inly does not intend to use the portion above the line, they do not want to give up their rights forever. She said they came in with a plan to build 11 parking spaces, but have been requested by the neighbors not to build them. They want to reserve their upper frontage for parking for special events if needed. She said this area will not be used for daily drop off and pick up parking. Mr. Peterman said that there are 208 spaces for event parking and there could be more with valet parking.

Ms. Harbottle provided a summary of the June 8 neighborhood-Inly meeting. She said no agreement was reached with each side having their own opinions. She said they met and then went outside to the old and new mailbox locations, but no agreement was reached. She indicated that Town Counsel has said in a letter received today that the old conditions imposed for previous projects are still valid as they were never appealed. She said the Planning Board has the right to regulate parking on and around the site under the Dover amendment as long as it is not overly burdensome with the school having to show why it is burdensome. She indicated that Town Counsel has said that the Board can request student enrollment as it relates to sufficiency of parking. Ms. Harbottle reported that on an average day, 8-10 cars are parked on the grass. She questioned how people get to and from the school in the winter with the snow. She indicated that parking on Sunflower Hill is very tight and the access is narrow and a traffic engineer would need to show how parking can be done for 57 cars. She said a few motions have been passed around some requiring parking, others not. She said the

Board has been given the impression that there is no parking problem, but she is hard pressed to say there is no parking problem.

Attorney Murphy said she had not seen the Town Counsel letter, but parking per the Scituate Zoning Bylaw is based on square footage of building and not student enrollment. She said student enrollment would be provided today, but not in the future. She said that Inly has always said they need more parking, Ms. Harbottle says more parking is needed, but the neighbors don't want more. John Kazinevich, an attorney representing the neighborhood, said the neighborhood generally supports the school construction project. He said parking is the dividing issue. He indicated that parking has improved immensely over the past few weeks suggesting that Inly knows how to control parking if it wants to. He said his clients want an enforceable traffic plan. He said he agrees with Town Counsel that the 2001 conditions are still valid and Inly should live by them. He said there should be no parking above the old mailbox location and that Inly is not addressing both sets of rights to park and pass along the street equally. The residents want a commitment for a permanent screen and they want to be able to access the road safely all year round. Jack D'Ambrosia of Watch Hill Drive said he has lived there 19 years and does not want to stop the project, but wants the 2001 conditions adhered to and for the problems to be worked out.

Attorney Murphy said the plan shows screening and it is not the intent of the school to put in trees and then have them taken out; however, she indicated the Dover Amendment does not require permanent screening and does not want to see it required. Chairman Pritchard asked if screening was required in the 2001 conditions. Attorney Murphy said it was not relevant as it does not relate to this project. Chairman Pritchard said if they agreed to do something previously in 2001 they could include it now if the school wanted. Mr. Peterman said screening is being proposed. Attorney Murphy said the concern is that the school voluntarily had a condition that is now being used against the school. She said the school wants to put screening in, but does not want it as a condition as if any of the vegetation dies the Building Inspector could find them in violation of the conditions. Mr. Taylor said he is hearing that they are willing to add screening initially, but not have it required perpetually. Mr. DeMarco said it would be put in at the outset of the project. Mr. Vogel said plantings are usually guaranteed for a year after planting. Davenport Crocker said they are not trying to appease the neighbors. He said the school wants to invest money in trees, but how it is memorialized is what the school needs to be careful about. He said they can only work with the project now and going forward and can't do anything about the past. He said they are addressing issues as they are finding out about them. Chairman Pritchard indicated that screening is not in the draft conditions now because of Dover Amendment concerns despite them being shown on the plan. He said there is a lack of trust from the past and would like to reach a middle ground. Mr. DeMarco said screening will be put in at the onset, but Attorney Murphy's point has to be considered. He suggested drafting language now.

Mr. Limbacher said he was concerned that they tell the Board that they don't need the parking spaces, but there seems to be a moving target of how many spaces are needed. He said the Board will hear complaints if people drive up Watch Hill and can't equally park along their frontage. He said equal parking and access needs to be provided for all people. Mr. Peterman indicated that the school has purchased 2 properties since 2001 and do have police details for events so capacity is there. Mr. Crocker said that the attorney for the neighbors did indicate that there has been an improvement over the past two weeks. He said it is really 4 weeks and as part of the modified plan a person will be stationed at the corner to prevent Inly traffic from going up the hill. He said they are in the process of understanding how to manage traffic. He said the 11 spaces along the upper frontage are not part of the plan, but they want to keep the right to use them. He said some events

that are not special events trigger parking issues that they are trying to address. Mr. Limbacher said people on both sides of the upper part of Watch Hill Drive have rights so the 11 parking spaces should not be part of any plan. Mr. DeMarco said if they are not shown then they fear that they will not have the right to use the frontage for parking. He said if there was a condition that they have the right to use them then they will remove them from the plan. Attorney Murphy reiterated they don't want to forfeit the rights to the spaces. Attorney Kazinevich said the 2001 conditions already gave up those rights. Attorney Murphy disagreed as the conditions do not say where parking shall not be, but where parking shall be. Mr. Limbacher asked if a person was there to prevent cars from going up the hill, would it solve the problem.

Chris Campbell of 100 Watch Hill Drive said parking has been better in the past month and asked about parking on the athletic field. Attorney Murphy said it is not part of the plan and is never intended to be. She said they will strike any references to field parking on the plan. Chairman Pritchard asked if the 11 spaces are not shown on the plan, but the rights are conditioned upon conversations with the neighbors would this be acceptable. Mr. DeMarco said if the rights aren't taken away they may agree. Ms. Harbottle said that the Board can't insert itself into a property right dispute as that is not in the Planning Board's jurisdiction. She said traffic, safety, the number of vehicles and access for emergency vehicles are top concerns that need to be addressed on a plan. Jesse Napoli, an abutter to Sunflower Hill, said it would help to have a guard at the corner to the hill. He agreed things had improved in the past few weeks and if a guard would turn around the traffic at the hill then the problem is solved.

Mr. Limbacher brought up the issue of screening again. Mr. Lee of 97 Watch Hill Drive said the existing screening is a very important issue as the residents don't want to be looking out into parking. Inly indicated that all of the existing trees are now shown on the latest site plan for approval. Attorney Murphy indicated that the screening by the Art Barn and handicap spots will be enhanced with new plantings. Attorney Kazinevich said the neighbors wanted the screening by the field kept when they thought that parking was proposed there. Chairman Pritchard said that the conditions should memorialize the initial planting.

Ms. Burbine commended the school for talking to their neighbors and asked how many special events occur in the year. Mr. DeMarco said 10 – 6 during the day and 4 at night. Ms. Burbine indicated that the communication must continue and the neighbors should be advised when there are events. Mr. DeMarco said the school calendar can be emailed to neighbors. Ms. Burbine concurred that it should be sent yearly. Mr. Crocker said it isn't just the special events that some neighbors found objectionable. He said parking is now available during the day and everyday parking is also addressed. Theresa Napoli said that it was a private road and multiple parties could happen the same night and thinks the calendar would be good. She asked that the permanent signage be discussed with the neighbors. Mr. DeMarco said that communication was a two way street and they school has put a lot of time and money into the project and wants to move forward. Attorney Murphy said the signs are needed and they show a reasonable plan. She suggested that if the neighbors and school mutually agree to remove signs would that be a problem for the Board. Mr. Pritchard said it can go through the Town Planner.

Mr. Vogel asked if there was a neighborhood association and if Inly could be represented in it. He thought the off-site shuttle was still a good and necessary idea. Attorney Murphy said that when the off-site shuttle condition was put in in 2001, the school did not own Sunflower Hill or the lower house which now accommodates the parking. She said it should not be reinstated as part of this

project. Chairman Pritchard agreed and said that if the school needs to find more parking then they have an obligation to do so.

Mr. Taylor said it appeared that the 3 major points have been solved. He said there is an adequate plan for event parking and there is a plan for traffic flow for pick up and drop off. He asked about the 11 spaces being shown on the plan. Attorney Murphy said the spaces can be taken off the plan if wording such as the plan does not address the private parking in the way is added. Mr. Limbacher said that the Board needs to be assured that there will be safe access for all and a right of access for all. Attorney Murphy said if they need off-site parking they will obtain it.

Chairman Pritchard said that the final plans need to reflect the changes agreed upon. He asked if there should be a continuance. Attorney Murphy said that they can stay and get it done tonight due to the timeframe. Ms. Harbottle suggested the Board really wants to make sure the language is right. Attorney Murphy indicated there are safety issues for children which is why the work needs to be done in the summer. Mr. Crocker said that concrete needs to be poured for September. Mr. DeMarco said that demolition needs to get underway. The Board and the applicant asked for a 5 minute recess to work out proposed condition wording. Mr. Taylor moved for a 5 minute recess. Ms. Burbine seconded the motion. Motion was unanimously approved.

Mr. Taylor moved to make the following Findings of Fact:

1. The property at 46 Watch Hill Dr. is occupied by the INLY School and is located in the Residence R-1 zoning district and Water Resource Protection District. The Table of Use Regulations indicates the use is allowed by right in this zoning district. According to G. L. c 40A § 3, "No zoning ordinance or by-law shall prohibit, regulate or restrict the use of land or structures... for educational purposes... on land owned by... a non-profit educational corporation; provided... that such land or structures may be subject to reasonable regulations for the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."
2. The applicant submitted the site plan entitled New Classroom Addition for Inly School at Scituate, MA Site Plan Review Submittal dated March 31, 2015 with revisions through May 8, by Sean P. Malone, P.E. for Peterman Architects, Inc.
3. The Planning Board approved a Site Plan Administrative Review for the INLY School Art Barn on May 31, 2001 with conditions relating to parking and traffic. All of these conditions remain in effect except to the extent modified herein.
4. According to the site plan, the proposed addition will be 26' in height, below the maximum of 35' allowed in a Residential zoning district. The applicant agreed that the addition will be located so as to meet required setbacks, and agreed to hire a surveyor to confirm those setbacks if required by the Building Commissioner.
5. The Scituate Zoning Bylaw Section 760.6, Table of Minimum Parking Requirements, requires one parking space for every 200 sq. ft. of building area for educational exempt uses. The plan shows 64 designated parking spaces and there are others off Route 123 not shown on the plan. The net gross square footage added to the campus will be 10,500 sf. After accounting for the removal of the modular classroom units. Thus, the project will require the addition of 52 parking spaces. The site plan shows only 2 additional parking spaces but the applicant has demonstrated that the parking requirements can be met on-site or using off-site parking.

6. The Watch hill Drive neighborhood provided information in a letter dated May 12, 2015 that parking and traffic flow and traffic safety for the INLY school has been an on-going problem during normal school hours and during special events. Observations by the Town Planner on June 8, 2015, found that approximately a dozen cars were parked on the grass during the daytime, and cars were parked opposite the school and north of the main entrance during the afternoon pick-up period. In order to maintain safe conditions for children, parents, teachers, other employees of the school, and residents of Watch Hill Drive, an adequate supply of parking accessible to the school buildings should be provided.
7. Watch Hill Dr. is a private road and police are not authorized to ticket or enforce posted “no parking” provisions. This decision does not address the rights of private parties in the private way of Watch Hill Dr.
8. The site plan entitled New Classroom Addition for the Inly School at Scituate, MA, Site Plan Review Submittal dated march 31, 2015 with revisions through May 8, 2015 by Sean P. Malone, P.E. for Peterman Architects, Inc. meets the requirements of the Town of Scituate Zoning Bylaw Section 770.6, Site Plan Review Standards of Review to a degree consistent with reasonable use of the site for the purpose permitted by the regulations of the district in which the land is located.

Ms. Burbine seconded the motion. Motion was unanimously approved.

Mr. Taylor moved to approve the Site Plan referenced above with the following conditions:

1. Any modifications to the bulk and height of structures, yard sizes, lot area, setbacks, open space, building coverage, parking, as well as the existing storm water management system shall conform to the approved site plan. Prior to scheduling the pre-construction conference, the site plan shall be modified to conform to the conditions below to ensure an adequate supply of parking.
2. Where this Site Plan Administrative Review requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board’s approval of this site plan. All necessary permits and approvals must be received prior to construction. Materials and details of construction shall meet all requirements of the DPW, Board of Health, Fire Department, Conservation Commission, Building Department, the State Building Code and the Commission on Disabilities.
3. The Building Department may require a survey stamped by a licensed land surveyor to ensure the building can be built as shown meeting all setback requirements.
4. All roof drain piping within and beneath the building slab shall be included on the building permit plans submitted with an application for a plumbing permit, to insure the roof drain system below the building complies with the Mass. State Plumbing Code.
5. The right of access for neighbors and actual access for emergency vehicles shall be maintained in accordance with the Dropoff & Pickup Traffic Flow Plan and Event Parking Plan both by Peterman Architects and both dated 6/4/15 which shall be revised as provided below.

Pre-Construction

6. A pre-construction conference including the Town’s consulting engineer, the site contractor and the Town Planner will be required prior to the start of construction.
7. Prior to scheduling the pre-construction conference, the following shall be provided to the Planning Board:

- a. A schedule of construction activities;
- b. A revised plan containing:
 - i. The location of the parking attendant shown on the Drop Off and Pick Up Traffic Flow Plan shall be moved to just beyond INLY's Main School exit driveway.
 - ii. The representations of cars north of the crosswalk to Sunflower Hill shown on the Drop Off and Pick Up Traffic Flow Plan and Event Parking Plan shall be removed from the plans. The language on allowing parking in the athletic fields shall be removed from the plans.
 - iii. A note shall be added to the Site Plan stating that the lighting in the parking lot shall be programmable as to on-off and intensity;
 - iv. Staging and soil stockpile areas, best management practices of earth dikes, barrier filters, hay bales and temporary sedimentation sumps as needed, added to the Erosion and Sedimentation Control Plan.
- c. One final complete submittal, in hard copy form, for review to insure all comments are addressed; and to be maintained by the Planning Department office as a record submittal to be referenced in the approval.

Construction

- 8. Stormwater control measures shall be maintained during construction according to the Storm Water Pollution Prevention Plan and as required by the Long Term Pollution Prevention Plan and Stormwater Operation and Maintenance Plan dated March 2015. Water and sediment cannot be discharged into the existing infiltration system until the site is fully stabilized.
- 9. The Town Planner is to be notified when erosion control measures are installed, when construction begins and when construction is completed. If deemed necessary by the Town Planner, temporary sedimentation basins, check dams, silt socks and or noise and dust control may be required. All erosion control measures shall remain until the Town Planner determines that the danger of erosion or sedimentation no longer exists.
- 10. Construction work shall not begin prior to 7 AM weekdays and 8 AM on Saturday and shall cease no later than 7 PM or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays.
- 11. There shall be no parking or idling of vehicles on Route 123 or Watch Hill Drive during construction.
- 12. Construction of the proposed site and site utilities shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board and Building Commissioner that the site and site utilities were constructed in accordance with the approved plans. The certification shall be accompanied by as-built plans for the improvements shown on the plan, signed and stamped by a land surveyor and the supervising professional engineer. The as-built plans must be submitted to the Planning Board prior to the issuance of a final occupancy permit.
- 13. INLY will initially install screening as shown on the site plan, and their only obligation thereafter shall be to maintain the same for one year.
- 14. There may be deviations from the No Parking signage shown on the plans upon submittal in writing signed by INLY and all Watch Hill Dr. residents north of the Main School exit.

Ms. Burbine seconded the motion. Motion was unanimously approved. Mr. Taylor moved to accept

the applicant's request to extend the time to file the decision until June 17, 2015. Mr. Vogel seconded the motion. Motion was unanimously approved. Mr. Taylor voted to close the public hearing. Mr. Vogel seconded the motion. Motion was unanimously approved.

Old Business and New Business

Documents

- Email to Board members with vote of Planning Board dated 6/2/15 on Benjamin Studley Farm at 214 Clapp Road

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 11:40 p.m. Mr. Taylor seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk
7-23-15
Date Approved