

SCITUATE PLANNING BOARD MINUTES June 22, 2017

Members Present: Stephen Pritchard, Chairman; Ann Burbine, Vice Chairman; Richard Taylor and William Limbacher.

Others Present: Ms. Laura Harbottle, Town Planner.

Others Absent: Benjamin Bornstein, Clerk.

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

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

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

Documents

- 6/22/17 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chairman Pritchard indicated there was a posted agenda. Mr. Limbacher seconded the motion for the posted agenda and the vote was unanimous in favor.

Public Hearing Accessory Dwelling Special Permit – 33 Barker Road

Assessor's Map/Block/Lot 46/10/7F

Applicant/Owner: Ann Corbo/Kathleen Corbo

Documents

- Email from Laura Harbottle to the Board dated 6/17/17 with application for an accessory dwelling at 33 Barker Road, Accessory Dwelling Site Plan by Morse Engineering dated 5/2/17, transmittal to departments dated 5/8/17, floor plans by HC Design dated 4/25/17 and memo from the Board of Health dated 6/16/17

Chairman Pritchard started the hearing off by indicating that since the project was a special permit and only four members were present, a 4/4 vote would be necessary for approval of the accessory dwelling special permit. Greg Morse was present for the applicant. He said that a mother and daughter live in the house and would like to have an accessory dwelling unit that the mother will reside in. He indicated the existing house has five bedrooms and there will still be five bedrooms total with the accessory dwelling as one bedroom will be removed in the primary dwelling for the accessory dwelling to have one. He said the accessory dwelling will be 748 sq. ft. so it is allowed as it is under 750 sq. ft. Mr. Morse indicated the existing house has nonconforming side and rear yards and approval from the ZBA was given last week as there is an increase of more than 20% in the building area with the proposed accessory dwelling. Mr. Morse indicated that there are two parking spaces for the accessory unit and two for the primary unit in the existing driveway. He said the parking spaces do use a portion of the Hillcrest Road right of way and have so since Mrs. Corbo bought the house.

Ms. Harbottle indicated that the Health Director has asked for documentation associated with the septic system as the Board of Health (BOH) has no information on the property and adequacy for the bedroom count needs to be determined. She said parking is tight with cars stacked especially if any other members besides family are involved. She said the whole property is tight and the septic issue must be resolved. Mr. Morse said he met with the BOH and the house is serviced by a cesspool. He

said he will submit a report to the BOH; however, there are no new bedrooms so there is no increase in flow so no inspection is required. He said he is required to submit the location of the cesspool to the BOH which is twenty feet from the foundation. He did say that sewer is available on Barker Avenue, but it is a cost issue at this time. Chairman Pritchard questioned if there was adequate infrastructure. Mr. Morse maintained that Title 5 flows are based on the number of bedrooms and there is no increase in the number of bedrooms. Mr. Limbacher added provided that the location passes. Mr. Taylor inquired about removal of doors to the old fifth bedroom. Mr. Morse said the doors will be removed and widened to 60" to eliminate privacy. The Board asked for a revised floor plan to clearly show that there are two means of egress from the accessory dwelling and all the doors from the primary dwelling are shown as in reviewing the floorplan it seemed like a door was missing from the porch to the dining room.

The Board discussed that the parking is loosely defined and runs into the right of way and even though there will be the same number of occupants, the property can be sold in the future. Mr. Morse said the driveway could be widened. The Board indicated they would like to see that on a plan as they don't want to agree to parking in a right of way that they have no control over. Chairman Pritchard said he would also like it noted on the plan that the primary dwelling will now be a four bedroom dwelling.

Ms. Burbine moved to make the following Findings of Fact concerning the accessory dwelling at 33 Barker Rd.:

1. On May 4, 2017, Ann and Kathleen Corbo applied for a special permit for an accessory dwelling proposed to be attached to a single family home at 33 Barker Rd.
2. Based on the application, the interior floor space of the proposed accessory dwelling will be 748 sq. ft. This is less than the maximum of 750 sq. ft. allowed by the Zoning Bylaw. The accessory dwelling meets the size requirements of Section 530.2F.
3. The side setback of the existing house is less than 5' and is nonconforming. A special permit to allow expansion was approved by the Zoning Board of Appeals on June 15, 2017.
4. According to the Town of Scituate Assessor's Field Card, the existing house has a net area of 1,718 sq. ft. and five bedrooms. The Proposed Accessory Dwelling Plan dated 3-31-17 shows four outside parking spaces. Two spaces are across the property line but appear to be off the street. This appears adequate to provide two parking spaces for the accessory dwelling and sufficient parking for the primary dwelling.
5. The owner has submitted a signed, notarized statement that she will live on the property.
6. The primary dwelling and the accessory dwelling will be serviced by a septic system. The accessory dwelling will have one bedroom and the primary dwelling will have four bedrooms. The adequacy of the septic system for the number of bedrooms must be determined by the Board of Health.
7. There are two means of egress, a door to the deck and a slider to the outside.
8. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

On discussion, Ms. Harbottle said that the first sentence of condition 6 can be removed. The Board discussed that they would like to say that four parking spaces are shown and two extend into the Town right of way. Mr. Limbacher moved to approve the Findings of Fact as presented. Mr. Taylor seconded the motion. The motion was unanimously approved.

Ms. Burbine moved to approve the Special Permit for an accessory dwelling at 33 Barker Rd. with the following conditions and standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

- 1) Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Proposed Accessory Dwelling Plan, 33 Barker Road, Scituate, MA by Morse Engineering, dated 3/31/16, revised 5/2/17, and elevations and floor plans including Drawings A1.1, Proposed First Floor Plan; Proposed Second Floor Plan; Proposed Elevation; (South) Elevation and (East) Elevation by HC Design, dated August 25, 2016, March 10, 2017 and April 25, 2017.
- 2) The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application. The number of bedrooms in the primary dwelling is limited to four. The special permit shall be revoked if the number of bedrooms is increased without prior approval of the Planning Board.
- 3) The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
- 4) An inspection will be required to verify the structural integrity of the septic system and any additional information will be provided to demonstrate the number of bedrooms. The special permit shall be revoked if the number of bedrooms is increased without prior approval of the Planning Board.
- 5) The parking to serve both units shall be shown on the lot, rather than partly within Hillcrest Rd. The change shall be made prior to the filing of the decision with the Town Clerk.
- 6) The standard conditions for accessory dwellings approved by the Planning Board shall be conditions of this decision and shall be included for recording at the Registry of Deeds.

Mr. Limbacher asked for the drawings to be modified for the first floor to show the existing door to the outside. Ms. Burbine moved to modify the motion. Mr. Limbacher seconded it. Motion was unanimously approved.

Approve Middle School Identification Sign per Scituate Zoning Bylaw Section 710.1G

Documents

- Email to the Board from Laura Harbottle dated 6/17/17 with 6/14/17 letter from the Design Review Committee
- Email to the Board from Laura Harbottle dated 6/19/17 on downsized Middle School sign

Shane Nolan, owner's project manager, Superintendent John McCarthy, and project architect Jon Richardson were present for the school. Mr. Nolan said that from the comments two weeks ago,

they went back to the School Building Committee (SBC) and wanted to come back to the Board with a unanimously supported sign. He indicated they did receive a letter from the Design Review Committee (DRC). Mr. Richardson indicated that the sign was relocated to the island, it has been reduced in size by 2/3 and is 12' wide and 3'4" tall for the masonry, it uses materials from the building including painted metal and brick and the committee did discuss the (DRC) input of having a coordinated signage package with the High School as it is really a campus. Mr. Richardson said there is no authority or funds to redo the High School sign and the SBC felt the sign fits with the building.

Ms. Harbottle said the proposed sign is smaller which adds a human scale which the children should favorably respond to. She said the location seems good. Ms. Burbine offered that she did not like the sign as it is unnecessary as the name is nicely written on the school and she thinks the pole should go. Mr. Limbacher said the how and why of the sign needs were presented and he is not sure it is needed, but will support it. Mr. Taylor said he is not sure that people will understand the nautical reference in the sign as he does not and asked how it is smaller. Mr. Richardson said the pier is two brick courses lower and everything is scaled down. He said the metal is the same as on the cornice on the upper story. He said it is an abstract boat and the tall stair on the school is an abstract lighthouse. Ms. Burbine asked if the pole could go. Mr. Richardson and Superintendent McCarthy both said the pole was discussed with the Public Building Commission who were strongly in favor of keeping the 9' pole. They said they did show several versions of the sign to the committee. Gerard Kelly of 56 Moorland Road, a member of the SBC, said the site is in the process of being broken down and time is running out for installation of the sign. Robin Levine, chair of the SBC, said the sign was reviewed multiple times and all agreed this was the sign that they wanted for this project. Chairman Pritchard reiterated that no one has looked at signage as a whole for the campus and the DRC asked that signage for the whole campus be considered to have a united look instead of an individual school look. He said it needs to be someone's job to do this. Mr. Nolan agreed no one looked at the campus and added that the Middle School sign is signed off on from the Massachusetts School Building Authority (MSBA) of which the Town will be reimbursed \$40,000 for out of the \$55 million total cost. Ms. Levine said all the site signage is changing. Superintendent McCarthy said he does not disagree a campus is created and the SBC did dismiss matching signs. He said the MSBA will pay for some of the sign; however, if the High School sign is done now both signs will need to come totally out of Town funds. He said a High School sign is not within the project and is it worth it to the Town to get no reimbursement.

Chairman Pritchard said he understood the dilemma, but wants to know if someone is looking at campus signage. Mr. Richardson said the desire is for the High School sign to be compatible, but not match. Chairman Pritchard asked where most of the cost of the sign comes from. Mr. Richardson said the steel, etc. Mr. Taylor asked if funds could be escrowed to study campus signage. Mr. Nolan said that is not possible as the MSBA monitors projects and dictates funding per the funding agreement. Mr. Richardson said they discourage third party changes and want Towns to do the project that was funded. He said the High School sign is an expansion of the scope. Mr. Nolan said the project would not be closed out with a sign unfinished. He said the subcontractors will be demobilizing at the end of July and if they needed to come back the cost of the sign would be driven up.

Mr. Richardson said that there is the possibility for the sign to be lighted. Ms. Burbine said internally lit signs are not allowed by the Town bylaw. Mr. Richardson said the sign is lit internally by having a void in the middle. He said they could put concealing lights inside and the letters are cut in in stencil font so they are not the same as the school. Ms. Levine said she does not see the

benefit in waiting to do the sign as the SBC has already voted. Chairman Pritchard said he would like a commitment for a holistic campus approach to signage. Ms. Levirne said the High School sign is a gift from a class and thinks they would encounter resistance to change. Nancy Holt, Finance Director for Town of Scituate and a member of the SBC, said she will bring it to the School Committee and SBC. She said she is one of four members of the management team here tonight that has heard the message. She said further review could be in a capital plan and said the High School sign would be out of the Middle School scope of work so she would vote against it. Ms. Holt agreed to have the signs reviewed as part of the capital plan. She said there was a lengthy discussion on the sign and all agreed it was a representation of the school with a formal vote taken. Mr. Kelly said Ms. Holt can endeavor to have conforming signage, but the only funding now is for the Middle School sign and time is running out. Chairman Pritchard said coming back to the Board with a report from the School Committee will be a condition of approval. Superintendent McCarthy said he can talk to the School Committee about the high School signage. The Board agreed it was a reasonable condition.

Ms. Burbine moved to approve the identification sign for Lester Gates Middle School as shown on the rendering by Dore & Whittier presented to the Planning Board on June 22, 2017 with an overall length of 12' and overall height of 3'-4" except that the sign shall not be internally illuminated. It is the express wish of the Planning Board that signage from the Middle and High School be compatible as the two schools appear as one campus. The Planning Board asks the School Committee to come back to the Planning Board to discuss a coordinated program on signage. Upon discussion it was reiterated that the sign shall not be internally lit and the Board agreed the lower pole is allowed. Mr. Limbacher seconded the motion. The motion was unanimous approved reluctantly.

Continued Public Meeting – Site Plan Administrative Review – 4 Union Street

Documents

- Proposed Site Plan for 4 Union Street in Scituate, Massachusetts by Ross Engineering Co., Inc. dated March 23, 2017 with revisions through June 15, 2017
- Email from Laura Harbottle to the Board dated 6/17/17 with elevations dated 6/17
- Revised elevations received from John Hallin stamped in June 22, 2017

John Hallin and Paul Mirabito were present for the applicant. Mr. Hallin indicated that since the last meeting he has been to the Design Review Committee (DRC) with architectural drawings that the Board requested and the current architectural drawings include changes the DRC desired. He said the gable end is clapboard, the six doors with six panels are painted blue, there are 4 single lights on the front and on the back there are two windows added facing the brewery and the addition face is stepped back one foot. He said the end door goes to the existing building vestibule, the roof dormers are the same and the roof shingles match the existing building. Chairman Pritchard confirmed the addition is lower. Mr. Hallin said the doors are 10 feet wide and 8 feet high and the ceiling is 4 feet lower. He said the DRC recommended blue doors to match the existing which is faded. Mr. Hallin said he submitted pictures of lights to the DRC and he would not repaint until needed. The Board asked about the dormers in the addition. Mr. Hallin said there are two facing Union Street and on the opposite side facing the brewery. Ms. Harbottle indicated that a majority vote is needed for Site Plan Review. Ms. Burbine asked how tall the attic was to the ridge line as she surmised that an accessory dwelling could be placed above. Mr. Hallin said it was 11 feet floor to peak and he could put an accessory dwelling, but the space will be used for sprinklers and heating equipment and would need to come back to the Board for a revision.

The Board asked if the site plan reflected all the changes. Mr. Mirabito said it did and has a revision date of 6/13/17. Mr. Hallin said a handicap parking space was added. The Board discussed the dumpster location in front of the building and if there was room as there is lawn and a walk. Mr. Hallin said he could do a barrel. Mr. Taylor asked about a sign. Mr. Hallin indicated the existing one may be repainted. Mr. Taylor asked if removing a window from the apartment effected egress. Mr. Hallin said no. Mr. Limbacher said the DRC talked about replacing the existing garage doors with something similar to the addition when that work needed to be done. He said with the step back in the building and atrium breaking up the building, it looks like a horse barn. He said he was concerned about density on the lot and it was better than before. Mr. Hallin said it is comparable to other lots. He said his existing square footage is 3200 plus 1413 for the addition for a total of 4613 sq. ft. He said the microbrewery is approximately 5600. Ms. Burbine commented about the density and pavement. She said what is shown is better and has 15 parking spaces. Mr. Hallin said there is less pavement now and the workers park in front and around back if needed. Ms. Burbine said for access to the second bay and aesthetics could the dumpster be moved to the back. Mr. Hallin said he could do barrels with covers out back and didn't want a snow plow to push snow into the dumpster. Ms. Burbine asked if the dumpster could be screened. Mr. Mirabito said a white fence and gate are shown on the plan. Mr. Limbacher asked how a handicap person enters the building. Mr. Hallin said they come from the rear or coming around to the front. Ms. Burbine questioned workers coming in the street to get around and said the apartments are not handicap accessible. She said the handicap space should be in the front in place of the #8 space. She said the site is "smushed" and indicated that a contractor told her to vote for the project and she resents that as she is trying to figure out if this is the highest and best use of this corner lot as Greenbush is changing. Ms. Burbine said there will be a lot of workers coming to and from the site. Mr. Hallin said most workers are just there in the morning and afternoon.

Chairman Pritchard asked about the TSS reduction. Mr. Mirabito said TSS is not an issue as it is not in the zoning bylaw and site plan regulations. He said the Stormwater was designed under the Site Plan Regulations and the plan does not trigger stormwater as there is not an increase of 25% or more in impervious area and redevelopment projects are only required to do best management practices. He said the site achieves 87.5% TSS. He said the Water Resources Committee commented based on the Merrill review. Peter Palmeri of Merrill Associates said that he didn't see if the Stormwater Regulations applied to the project, he just did the review. Ms. Harbottle concurred that TSS removal is in the Stormwater Regulations and she thinks Mr. Mirabito is correct that TSS does not apply here. Mr. Mirabito said there is a decrease of 690 sq. ft. of impervious even with the new addition. Ms. Harbottle said that the parking is going to be pervious pavement and suggested that Mr. Hallin go to the Water Resources Committee to verify the pervious nature of the proposed material. Mr. Mirabito said the consultant reviewed the pavement. Mr. Palmeri said the detail is from the DEP handbook and is applied to the new parking in back.

Ms. Burbine commented that there is no greenery between Mr. Hallin's site and the brewery. Mr. Hallin said there will be a wooden fence of 4 to 6 feet to remain. He said the current hedge will be removed and there will be grass. Mr. Taylor commented that this is the third iteration and the applicant has listened to the comments. He said there is some overuse of the site, but the comments have been addressed so he is in favor of the plan. Mr. Taylor commented that he wanted to make sure that the same thing that happened with Ford Place does not happen here and questioned if there was language in the decision. Ms. Harbottle commented that a monetary deposit seems to work best. Ms. Burbine offered that she thinks people are learning their lessons.

Ms. Burbine moved to approve the site plan entitled Proposed Site Plan for 4 Union Street in

Scituate, Massachusetts by Ross Engineering Co., Inc. dated March 23, 2017 with revisions through June 15, 2017 because it 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, subject to the following conditions:

1. All construction shall conform to the site plan entitled Proposed Site Plan for 4 Union Street in Scituate, Massachusetts by Ross Engineering Co., Inc. dated March 23, 2017 with revisions through June 15, 2017 except as it shall be modified to meet the conditions below and the Elevations and Floor Plans entitled Addition to Hallin Carpentry Shop 4 Union Street, Scituate, Sheet A-1 Union Street and Old Country Way elevations; Sheet A-2 Plans and Section, and Sheet A-3 Rear Union Street Elevation, by David Tonis Architect, East Bridgewater, dated June 2017. *The Board added that "No changes will be made to the detail without prior approval of the Planning Board."*
2. The buildings shall meet all requirements of the Massachusetts state building code.
3. Materials and details of construction shall meet all requirements of the DPW, Board of Health, Fire Department and Building Department. 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 approval of this site plan. All necessary permits and approvals must be received prior to a building permit being issued.
4. Prior to connection to the Town's water service, the size of pipe from the main to the stop and waste (shut off) shall be approved by the DPW Water Division. An inspection of the new service by the Water Department will be required. *This condition was eliminated.*
5. Fifteen parking spaces shall be provided including one handicap space. Spaces shall be individually marked with pavement striping or concrete bumper stops. *The Board added "The handicap parking space shall be located in Space #8 at the front of the building."*
6. The applicant shall provide specs on a 16' tall garage door for the addition, with the intent that when the existing garage doors must be replaced, matching doors shall be used. *The door was corrected to be 12 feet tall and Mr. Limbacher asked if the doors on the existing building would be replaced. The Board added "The applicant will evaluate and come back to the Planning Board concerning replacement of all three existing twelve foot doors within ninety days of issuance of this Site Plan Approval."*
7. The addition shall be set back a minimum of one foot from the existing structure to offset it from the older building and to visually establish each building as separate entities.
8. The pedestrian opening to the leftmost side of the new addition shall be stepped back two feet.
9. The gable end of the addition facing Old Country Way shall be of painted clapboard. The remainder of the building will be natural, white-cedar shingles.
10. Blue clapboard siding shall be used, to match the pedestrian doors that will provide entrance to the new bays, and the pedestrian doors currently in the existing 3-bay structure. The color of the 12-foot overhead doors for the bays will be white, matching the white of the doors on the current building.
11. Two small, square A-21 windows shall be added to the façade facing the microbrewery. They are to be appropriately centered between the egress doors in that wall, and shall be of the same size and height from the ground as an existing A-square window already in place on the rear of the existing structure).

12. The light fixtures shall be as per the architectural light fixture chosen by the applicant and shall be placed above the doorways as per the plan. This detail shall be attached to the Planning Board decision.
13. Roof shingles on the addition are to match the roof shingles on the existing structure.

Required Prior to Application for a Building Permit

14. The owner shall submit an affidavit indicating that there is one two-bedroom apartment and one one-bedroom apartment above the existing building. Due to the available parking, no change in the number of bedrooms shall occur without prior Planning Board approval.
15. The development shall obtain all necessary approvals for the use of Town sewer. Copies shall be provided to the Planning Board.
16. The plan shall be modified to show a radius acceptable to the DPW at the entrance to the new parking.
17. The following notes shall be added to the plans with a full paper copy provided to the Planning Board prior to application for a building permit:
 - A. The pervious parking material must be approved by the Town of Scituate Water Division after obtaining input from the Water Resources Commission prior to application for a building permit.

Required Prior to the Start of Construction

18. A pre-construction conference will be required prior to the start of construction including the Planning Board's consulting engineer, a representative of the DPW, the site contractor and the Town Planner.
19. The applicant shall provide a check to the Planning Board to cover the cost of inspections by the Town's consulting engineer. These shall include inspection of the installation of pervious pavement. The check shall be given to the Town Planner prior to scheduling the pre-construction conference.
20. All clearing and earth moving operations shall only occur while erosion and sedimentation control measures are in place. See the approved stormwater permit for information on erosion controls and the required crushed stone construction entrance, both of which shall be installed prior to the start of work.

Required During Construction

21. Stormwater control measures shall be installed and maintained according to the approved plan. Any changes shall require approval of the Planning Department.
22. Water and sediment shall not be discharged to the street.
23. 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 Sunday or legal/federal holidays.

Ms. Harbottle offered that Mr. Mirabito said that the detail for the pervious pavement came from the DEP so there is no need for the WRC to review. (*Condition 17*). She also said that in theory both apartments are one bedroom and this should be in the decision. The Board concurred. The Board discussed the dumpster and if they were eliminating it. Mr. Hallin said it does not matter to him, but he would prefer to keep it. He said he could put it in back, but snow removal would be an issue. Chairman Pritchard said if there is a dumpster it needs a fence so that the large dumpsters would not be able to be used on the site. Mr. Limbacher suggested adding a condition that there be no further

expansion of the building and no further accessory dwellings in the addition. Mr. Hallin said he would like the option and the parking exceeds what is needed. Mr. Mirabito said there can be up to three in the business district and Mr. Hallin has the right to come back to the Board to seek that approval. He indicated that if he came under the Village Business Overlay District bylaw then 16 units could be allowed. Mr. Limbacher said the building would not pass the requirements. Mr. Mirabito said any property owner has the right to come in and ask for an accessory dwelling special permit. Chairman Pritchard said he was concerned about one addition at a time as the density is maxed out now. Mr. Limbacher again suggested the applicant give up the right now. Mr. Hallin said there is value in the future. Ms. Burbine said she agreed with Mr. Limbacher as the property is very dense now and pushing the envelope. She said she wants no further expansion as the mechanicals will be in the attic. Mr. Taylor said it is not feasible anyway. Ms. Burbine said the condition should be no further expansion of this site. Mr. Hallin said his hands are tied and it is not fair and he thinks he is being treated unfairly. He said he has no plans for an apartment. Chairman Pritchard asked if there were plans to expand. Mr. Hallin said it restricts value in the future. He said if the use is restricted now, it changes the use for the future. Mr. Mirabito suggested that there be no further expansion of the building envelope unless the applicant comes back to the Planning Board.

Ms. Burbine moved the motion as amended with the above changes. Mr. Taylor seconded the motion. The motion was unanimously approved. Chairman Pritchard and Mr. Taylor voted for the motion, Mr. Limbacher voted against the motion and Ms. Burbine abstained for a 2-1-1 abstain vote. The Board discussed whether the motion passed as there was one abstention. Mr. Limbacher expressed concerns for pedestrian traffic and the density. Chairman Pritchard asked for a re-poll. The vote was 2-2 with Mr. Limbacher and Ms. Burbine abstaining. Ms. Burbine said she agreed with Mr. Limbacher. The vote was 2-2 so it was not approved.

Mr. Limbacher said they could come back to a full Board. Mr. Taylor inquired if there was never a chance that there could be an apartment added on the second floor, would that make a difference. Mr. Limbacher expressed concern that the density would increase with apartment in the future. The Board discussed they would need a separate motion. Ms. Burbine suggested re-polling the Board on the same motion. Chairman Pritchard re-pollled the Board a third time. The vote was 3-1 with Mr. Limbacher still voting in the negative.

Public Hearing Accessory Dwelling Special Permit – 15 Tenth Avenue
Assessor's Map/Block/Lot 39/4/12
Applicant/Owner: The Schindler Revocable Trust

Documents

- Email to the Board dated 6/17/17 from Laura Harbottle with application for an accessory dwelling special permit received 5/23/17, site plan dated 2-5-16 by Hoyt Land Surveying, house plans by KBS Builders with floor plans and elevations dated 4/27/15, transmittal to departments dated 5/23/17 and memo from Board of Health dated 6/22/17

Maureen and Gerry Schindler were present representing The Schindler Revocable Trust. They indicated they are proposing to take the existing home on the site down and replace it with a new home. They said they have approvals from the Conservation Commission and ZBA. Mr. Schindler said the home dates to the early 50's and is on a non-conforming lot even though it is the widest on the street. He said it will be all new construction and will be elevated by raising the foundation so it will look better from the neighborhood. He confirmed there were two means of egress- one in the front and one in the back to a deck with stairs.

Ms. Harbottle asked if the fill impacts flood storage. Mr. Schindler said the Conservation Commission approved the project and there will be a wall on the right side of the house for displacement. The Board questioned where the parking would be. Mr. Schindler said it would be on top of the wall. The Board questioned how he was going to get there as it appeared there was a wall along the front. The Board also questioned if four cars could be accommodated and recommended to Mr. Schindler that a continuance would be necessary for him to provide the information.

Ms. Burbine moved to continue the public hearing for the accessory dwelling special permit for 15 Tenth Avenue until July 13, 2017 at 9:00 p.m. to clarify parking. The meeting on 7/13 will be at the Public Safety Complex. Mr. Limbacher seconded the motion. Motion was unanimously approved.

**Public Hearing – Scenic Road/Public Shade Tree Hearing
724 Country Way**

Applicant/Owner: Town of Scituate DPW, Public Grounds Division

Documents

- Email to the Board dated 6/20/17 from Laura Harbottle with Scenic Road application and transmittal to departments dated 6/1/17

Mike Breen from Scituate Public Grounds Department was present. He said the Norway maple in front of 724 Country Way has a crack through the center of the tree that has increased in size in a year from ¼” to 3/8”. He said the sidewalk is also being pushed up from the roots of the tree creating a safety hazard. He said the tree was just inspected by Bartlett Tree who indicated the tree is not in immediate danger of falling; however it should be taken down as there is not much life left in it. Mr. Breen indicated that National Grid has previously cut out dead portions of the tree. He also indicated that the owner of the house at 724 would like the tree removed. Steve McLean from 724 Country Way said he sent a let to the Selectmen and indicated the dangerousness of the tree and is in favor of its removal.

Ms. Burbine moved to close the Scenic Road Act and Public Shade Tree public hearing and approve the removal of an approximately 9 foot circumference Norway maple tree within the Country Way right of way in front of house 724 for the Town of Scituate Public Grounds Department as the roots of the tree are creating a hazardous buckling situation with the sidewalk and public safety is a concern. “The tree is not save able” was added during discussion. Mr. Limbacher seconded the amended motion. Motion was unanimously approved.

**Review Progress on Stormwater Management, North Side of Blanchard Farm Estates
Discuss/Vote: Merrill Report and Next Steps Required**

Documents

- 6/7/17 letter from Merrill Associates on Drainage Swale Review
- 6/20/17 letter from Merrill Associates on Drainage Swale Response to comments
- Email to the Board from Laura Harbottle dated 6/20/17 with Hodge Water Resources Data, response to questions, as-built calculation questions from Steve Pritchard, Morse letter dated 6/19 on Steve Pritchard’s as-built questions
- As-built swale sections dated 6/8/17 by Morse Engineering and plan
- As-Built topography showing rear yards Lots 7-9 (Swale) dated 6/2/17

- Email to Board from Laura Harbottle dated 6/6/17 with swale design calculations and email from Greg Morse to Merrill and Laura Harbottle dated 6/6/17
- Email from Jacqui Quinn to Laura Harbottle dated 6/15/17 on Lot 7 and 8 Blanchard Farm swale review
- Email from Greg Morse to Laura Harbottle dated 5/24/17 with Topography as-built #9 Lot 7 Blanchard Farm Lane dated 5/24/17
- Email from Greg Morse to Laura Harbottle dated 6/13/17 on swale and request for a site meeting
- Email to the Board from Laura Harbottle on screening for driveway on Lot 8 and screening of rear property line for Lot 7
- Hunter Planting Plant list and Plan L-1 by Morse Landscape Design
- Email from Tracy Hunter to Laura Harbottle dated 6/13/17
- Email from Frank Kelly to Laura Harbottle dated 6/12/17 on Hunter landscape

Greg Morse was present. He indicated that since the last meeting, the swale has been constructed on Lot 7 and he has done a certification of the grading to the design as required for the occupancy permit. He indicated that the as-built has been completed for Lots 7-10. Mr. Morse said he ran cross sections for what was built; Merrill reviewed them and said they did not comply. He indicated he did review and rerun the drainage calculations and the swale has more capacity as it is deeper and wider and thus meets the intent of the design to mimic and be better than what was existing. He said there is no potential for water to run across the lot line. Mr. Peter Palmieri said he reviewed the calculations and the swale has the capacity for the 100 year storm. He said that due to the irregular cross sections, he recommends a small berm of 6" be built by Lots 7 and 8 to prevent flow across the wall. He said the drainage design needs maintenance and the berm would give a safety factor of 1' depth. He said a drainage easement would have been good. He said he met with Mr. Morse in the field and thought that that had been agreed to with the plan view and cross section. Mr. Morse agreed that they talked about constructing a berm and also had the same discussion in April 2016. He said that Amory Engineers reviewed and approved a 6" high berm that could be brought up to one foot. He said what is out there contains the 100 year storm and does provide some freeboard. Mr. Morse said he was hired for Lot 7 and does not know about Lot 8. He said Lot 7 has one foot of depth in the swale.

Ms. Burbine inquired if the swale worked during the rain of 6/16/17. The neighbors, Mr. & Mrs. Kelly said they had no water. Tom Quinn said he has no comment as he did not go out and inspect. He said the natural swale was 25 feet off the wall and now the new swale is 5 feet off the wall. Chairman Pritchard said the primary concern is will the stormwater system contain the stormwater on the site? He said he is still looking for the developer to say that the 100 year storm is contained from Lot 10 all the way down. Mr. Morse read a letter from Merrill Engineers dated June 20, 2017 indicating they agreed that the two foot wide by 6" deep swale was the minimum design from one end to the other for the 100 year storm and what was built was larger. Chairman Pritchard said that upstream of Lot 8 is a feeder area that doesn't flow to Whittier. Mr. Morse said it flows to the channel. Mr. Palmieri said that on the cross sections there is a flatter area uphill on Lot 8. He said if a slight mound was placed it would eliminate the low area. He said that is why he is suggesting freeboard. He said he is comfortable with Lots 9 and 10 flowing downward.

Chairman Pritchard asked several questions of Merrill with the following answers. He asked if the swale contained the 100 year storm end to end and yes is the answer. He also asked about the discrepancy in the minimum velocity. Mr. Palmieri said it is 13.8 CFS and as the flow gets shallower the velocity drops and as it drops the capacity of the channel goes down. He said in the

worst case, the cross section still has capacity for the 100 year storm. Mr. Morse said that he provided the hydro cad capacity analysis for the as- built which yielded 8.79 CFS in the swale based on Merrill's numbers and at the smallest point there is still freeboard. Mr. Palmieri said the freeboard is .2 feet and that is why he thought it should be deeper.

Mr. Quinn said the numbers just reviewed are for Lots 7-9 and he inquired to the pitch of the swale as ideally it should be 2%. Mr. Morse said it is overall .0098 from the level spreader back to Lot 8. He said the upper section of the swale is 1.4% and it is .004 by Lot 7. He said there is no minimum slope required and the maximum is 5%. Chairman Pritchard asked about the Hodge report data and Mr. Quinn's slope concern. Mr. Palmieri said there is not any ideal slope. He said DEP accepts flatter slopes for infiltration and to prevent scouring. He said swales can go up to 5% as grass offers resistance. He said there is no hard and fast rule; however, the swale functions as designed with no flooding to the abutting properties. He said the swale could use a little more freeboard though. Chairman Pritchard asked Mr. Palmieri if he thought the Hodge people would reach the same conclusion. Mr. Palmieri said the flooding was also due to the fact that there was a stockpile blocking the drainage flow. Chairman Pritchard said the lack of definition of the swale was also a contributing factor.

Mr. Quinn reiterated that the original swale was 25 feet off the wall and the new one is 5 feet with plantings that are nearly in the swale which could impact future maintenance of it. Mr. Morse said the plantings went into the swale embankments which will not impact the swale flow and the plants will also uptake additional water. Mr. Quinn still reiterated that the swale is 5 feet off the wall and there was a buffer when the Board approved the Definitive Subdivision Plan. Chairman Pritchard said he has no answer for that; however, the stormwater is managed so it will not flow to Whittier Drive properties and that the primary objective now. He said it doesn't sound like the buffer will be re-established. Mr. Morse said the subdivision plans showed a limit of work 20 feet out. He said what is out in the field differs; however, the drainage calculations assumed the whole lot was cleared and fully developed and it was not proposed as a no disturb area.

Mrs. Quinn asked how far off the boundary is the house on Lot 7. Mr. Quinn said it was 31 feet. Mr. Morse said it complied with the 30 foot setback. Chairman Pritchard asked about ongoing swale maintenance and if the swale was described in the deed to the house. Mr. Morse said the homeowner will be in charge of maintenance and it should generally be just mowing. Chairman Pritchard said the swale must be maintained as a swale. Mr. Morse said the stormwater bylaw would capture changes in the future as it is a documented drainage path. Patrick Hunter, the owner of Lot 7, asked about the stormwater bylaw and who would raise the issue. Chairman Pritchard said the subdivision was permitted through the subdivision regulations which required stormwater management so that stormwater runoff can't be increased to other properties and the designed swale moves water to its destination point. He said these are ongoing requirements to the subdivision going forward. Mr. Morse said the swale is on private property and not maintained by the Homeowner's Association; but, the remainder if the system is. Chairman Pritchard said in hindsight there should be an easement.

Ms. Burbine asked if the Board is satisfied with the permanent solution, but with the addition of more freeboard per Merrill's recommendation. Mr. Morse indicated the berm would be on Lot 8. Mrs. Quinn asked if there were plans as Ms. Harbottle said there would be. Ms. Harbottle said the motion was to get a plan; however, this has no connection to the owner of Lot 8. She said this is part of the basic design of the subdivision and should go back to the developer. Mr. Morse said the property has been conveyed so the developer has no rights. Ms. Harbottle said the developer should

pay and permission from the property owner will be needed as this is part of the subdivision. Frank and Terri Kelly said the planting and screening on Lot 7 is great.

Ms. Burbine moved to find that a natural swale at the back of Lot 7 and 8 was eliminated with the development of Blanchard Farm Estates, and when there is heavy rain stormwater has flowed onto adjacent properties. The proposed mitigation consisted of a shallow swale connected to the level spreader north of the detention basin. The Town's consulting engineer believes the swale should be deeper, with a berm constructed on one side. The Planning Board agrees with this approach and requires that this swale be shown on a plan to be submitted to the consulting engineer for his approval. At this point it shall be constructed by the contractor. This work shall be completed within three weeks, or the Planning Board may pursue issuance of fines in accordance with the Town of Scituate Non-Criminal Disposition Bylaw. On discussion, the Board determined to take out reference to Lot 7. Mr. Morse inquired to additional freeboard. The Board determined the additional freeboard on Lot 8 was required. Chairman Pritchard moved the amended motion. Mr. Limbacher seconded the motion as amended. Motion was unanimously approved.

Discuss/Vote Replacement of Permanent Screening – 7 Blanchard Farm Lane

Documents

- See previous list of documents above for Blanchard Farm Estates

Ms. Harbottle then brought up the screening on Lot 8. She said the homeowner would be okay with fencing behind the grasses approximately 4 feet tall. She said the owner does not want to pay for this though. She said the owner did cut down the arborvitae as some were dead. She said she spoke with Town counsel who indicated that as he understood it the arborvitae are shown on an as-built plan needed for occupancy so that the property owner could be held to the condition. Mr. and Mrs. Quinn said they would like the screening and fence to go far enough so that it blocks lights as cars are entering the driveway not just for parked cars. Chairman Pritchard said that the screening should be put in place with what the Board has.

Ms. Burbine moved to find that the orientation of the driveway on Lot 8 allows headlight glare to spill onto the property at 30 Whittier Drive, where it is an annoyance to the neighbors. This was discussed in depth at Planning Board meetings on 5/4/2017 and other times and was proposed to be mitigated by a requirement for arborvitae. These arborvitae were shown on multiple as-built plans used with the issuance of occupancy permits for review of grading. The arborvitae were removed without notice to the Town or neighbors. I Move to find that the arborvitae were necessary mitigation required by the Town and that the owner of Lot 8 is responsible for either replacing them or substituting a solid fence of 4' minimum above the elevation of the driveway turnaround, across the width of the turnaround. This work shall be completed within three weeks, or the Planning Board may pursue issuance of fines in accordance with the Town of Scituate Non-Criminal Disposition Bylaw. Chairman Pritchard said three weeks is not enough time and asked for it to be six weeks. He said they can propose other screening which is evergreen so added the words "by installing dense evergreen vegetation, of a type to be reviewed with the Town Planner prior to planting". Mr. and Mrs. Quinn asked for the screening to be extended to beyond the driveway to capture the lights coming in the driveway. Ms. Harbottle said this was not part of what was required. Mrs. Quinn said the arborvitae never screened the headlights, only a car. The Board agreed to add "and such additional width to fully screen headlights from 30 Whittier Drive" after the width of the turnaround. Mr. Limbacher seconded the motion as modified to include the three modifications. Motion was unanimously approved.

Form A Plan 147/149 Clapp Road
Assessor's Map/Block/Lot 24/2/29 & 24/2/29A
Owner: Russell Stiles
Applicant: Alexander and Kristen Emond

Documents

- Application and Plan of Land in Scituate, MA Showing a Division of Parcel 24-2-29 and 24-2-29A 147 and 149 Thomas Clapp Road by Morse Engineering Co., Inc. dated 6-15-17 sent by email by Laura Harbottle to the Board dated 6/17/17

Greg Morse was present for the applicant. He indicated they would like to carve a parcel of land out from Lot 1 and add it to Lot 2 so Lot 2 will be able to own its front yard. He said both lots have the required area and Lot 2 is a 50 foot frontage lot and cannot be further divided.

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land in Scituate, MA Showing a Division of Parcel 24-2-29 and 24-2-29A 147 and 149 Thomas Clapp Road by Morse Engineering Co., Inc. dated 6-15-17 as the division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw. Mr. Taylor seconded the motion. Motion was unanimously approved.

Accounting

Documents

- PO # 1712321 (\$390.00)

Ms. Burbine moved to approve the requisition of \$390.00 to Merrill Corporation for construction inspections for Lot 1 Otis Place. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Old Business and New Business

Documents

- Email to Board dated 6/16/17 from Laura Harbottle with agenda for 6/22/17
- Email to Board dated 6/20/17 from Karen Joseph with amended agenda for 6/22/17

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 11:12 p.m. Mr. Taylor seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Benjamin Bornstein, Clerk

7-13-17

Date Approved