

SCITUATE PLANNING BOARD MINUTES ~~June~~ 28, 2018

Members Present: Ann Burbine, Chairman; Stephen Pritchard, Vice Chairman; Patricia Lambert, Clerk, William Limbacher and Benjamin Bornstein, vacant Alternate member.

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

Members absent:

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

Documents

- 6/28/18 Planning Board Agenda

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

Informal Discussion – The Riverway – Mike Lorusso

Document

- Email from Pam Avitabile to Karen Joseph regarding 60 New Driftway taxes
- PDF of Decision – Flood Plain & Watershed Protection District Special Permit 11.2.05
- PDF of Decision - Planned Development District Special Permit FP & WPD Special Permit 11.2.05
- PDF of Master Deed Riverway Condominium
- PDF Tri-Partie Agreement and Communication
- Doc Lorusso Phasing Right Agreement Land
- Mixed Use Building Plans
- PDF SKM_454e17050314030

Attendees: Mike Lorusso

Mr. Lorusso is the owner of the marina located on the property at the Riverway.

- Owner of marina for past 8 yrs.
- Leasing space at South Shore Auto Parts for last 10 years
 - South Shore Auto Parts space has been sold
- Negotiating for 3-5 yrs. with the Donnato's, developers of The Riverway, to purchase rights to develop the commercial use of The Riverway
- Some legal issues - taxes
- Planning permitted uses of the mixed use building, but what he wants is different from the original permit
 - Use entire building for use of marina or other permitted use
 - Not planning to include the affordable housing component

Ms. Joseph indicated with regard to the Planning Board the Special Permit is non-compliant.

- Mixed use building has not been built

- Town Counsel advised
 - Mr. Lorusso would need a modification to the Special Permit, to do what he proposes
 - New use needs to be in conformance with the Zoning Bylaw
- Property for mixed use building belongs to condominium association
- Board may want to ask for something in return for not having affordable units
- Mr. Lorusso would have to supply all proper documentation for application for modification
- Original requirements of mixed use building
 - Basement – room for marina
 - Any of the uses in the current marina building
 - No repair, no storage of boats
 - For storage – golf carts and equipment
 - 1st floor – office or retail – specifics documented in the deed
 - 2nd floor – 2 affordable units – to be included on the subsidized housing inventory

Ms. Burbine opined the lesson has been learned that the mixed use building should have been built first.

Mr. Bornstein asked Mr. Lorusso for more detail on what the proposed plan of activities would be for the site. Mr. Lorusso indicated an allowed retail use, coffee shop, retail store - fishing apparel, something to benefit the condominiums possibly a general store, marine store, kayak rentals, ice cream shop; something to give broader appeal to the marina and for residents. There would be a structure – seaside look, objective not to sell the marina, grow the business. Ms. Joseph indicated there are specific limitations in the condominium documents of what cannot go in the space, i.e. McDonalds, etc. Mr. Lorusso would have to abide by or change condominium documents.

Mr. Limbacher asked about the back taxes on the property. Ms. Joseph indicated back taxes were not paid. Taxes were abated because it was determined the lot should not have been assessed as a separate map/block/lot. This will be an issue to be worked out as process goes on; Town Counsel has opined the Planning Board's concern is the Special Permit has not been met. Ms. Joseph indicated that Town Counsel has been provided with the condominium documents, etc. and with any application submitted it would be the burden of the Mr. Lorusso to make sure it is correct.

Ms. Lorusso disagrees opining there should have been no parcel created because it is a developable right and the legal contract between the developer still has 5 years. left. He does not know why the Town created the parcel and then took it away. He is trying to purchase the development rights to build something and move forward. Neither Mr. Lorusso nor Ms. Joseph was aware of this issue until recently.

Mr. Pritchard opined there is a dispute of who has the right to sell it. Mr. Lorusso indicated the Donnato's believe there is still 5 ½ yrs. left of the contractual agreement with the town on the development rights of the mixed used building. Ms. Joseph indicated there is some information in the deed; right now Town Counsel is advising the Planning Board is concerned with the Special Permit and its non-compliance. Mr. Lorusso would like to work with the Board to make it compliant.

Ms. Burbine polled the Board to see if they supported the concept of Mr. Lorusso coming back before them with a modification to the special permit.

Mr. Bornstein indicated he has a hard time losing the 2 affordable units. Mr. Lorusso said he would release all or a portion of \$50,000 performance bond that is part of the Tripartite Agreement to the Housing Trust Fund. Mr. Pritchard asked if there is a way to integrate the affordable units into Mr. Lorusso's plan. Mr. Lorusso opined the affordable units as proposed would take up 50% of the building each at 2,400 sq. ft. with only 500 sq. ft. of retail space. He is not the original developer so he does not have the balance of the remaining development to offset the cost; he would also lose space and because zoning for the parcel has changed, can only be 2 stories versus 3, each unit has to have two parking spaces, etc. cost is substantial. Mr. Pritchard has the same concerns as Mr. Bornstein regarding the affordable units.

Ms. Lambert said the Board needs to re-think the agreement and if the Board has the right to do that. Ms. Joseph indicated the the Board does have the right to modify the special permit as long as the change is in conformance with the zoning bylaw; the Board can ask for something in exchange. Ms. Burbine indicated any money relinquished to the Town would have to go to Board of Selectmen and then they would have to put it into the Housing Trust.

Ms. Burbine opined that receiving the money would go a long way to keep the spirit of the affordable housing. She also indicated that there needs to be proof that Mr. Lorusso can buy the development rights and the developer can sell the development rights.

Member's positions on Mr. Lorusso's request to potentially modify the original permit:

- Mr. Limbacher willing to look at the proposal
 - Would like to figure out how to get affordable component
 - \$50K to Housing Trust could be a component

Mr. Lorusso can today build what is planned and would not need to come before the Board. He is not interested in that building and would not proceed. He indicated he has no financial interest in the development, the Riverway.

- Ms. Burbine opined to have Mr. Lorusso move forward
- Ms. Lambert agrees to have Mr. Lorusso move forward and see what can be found
- Mr. Bornstein yes to move forward
 - Would like to see data on how the \$50K would offset the loss of the potential affordable units.
 - Maybe there is flexibility in the number
- Mr. Pritchard opined he is willing to listen not committing to anything at this point
 - Would like to know what the Town's recourse is with the current Developer for implementing the permit as required
 - Ms. Joseph will clarify with Town Counsel. Recourse is to take legal action
 - There is potential solution, but does not deliver on special permit as is
 - Make sure it works with the future Greenbush Corridor development

Mr. Lorusso opined that the Town has already done the recourse and given the land back to the Condominium Association and it is no longer owned by the Developer. Mr. Lorusso is not buying a parcel of land or carving a piece of land out. He is buying a Developable Right.

The Board invited Mr. Lorusso to come back.

Informal Discussion – 50 Country Way – Status of the project:

Document

- Doc 50 Country Way July work Schedule 6.21.18
- Email to Karen Joseph from Peter Genta with Affordable Unit counts
- PDF of Greenbush Bedroom Counts
- Email to Karen Joseph from Peter Genta with Assigned Parking Plan
- PDF 2018 Floor Plan
- Doc Owners Agreement 1079250_1

Attendees: Peter Genta, Greenbush Station LLC, Owner; Steve Guard, Attorney

Mr. Genta provided an overview of the construction:

- Building C – complete
- Building B – 80 % complete
- Building A – 70% complete
- Provided a construction schedule for site improvements

Ms. Burbine indicated there was list of issues from the Building Inspector:

1. Final inspection report from structural engineer – Mr. Genta said it would be ready on Monday
2. Final construction control affidavits from architect, structural, civil, MEP and fire protection engineers – Mr. Genta said same report ready on Monday
3. Punch list for building and site by architect and engineers of items still to be addressed – Mr. Genta - not aware of what is on the list
4. Building red card with all final sign-offs from Town Inspectors – Mr. Genta in possession of
5. Fire department Certificate of Compliance for sprinkler and alarm systems – Mr. Genta scheduled testing on Tuesday
6. Fire department memo confirming emergency access is acceptable
 - a. Fire Department wants one way in and one way out
 - b. Mr. Genta – Fire Department was on site, tested with their vehicles and sent report via email
7. Evidence of fees paid for Water and Sewer departments – Mr. Genta said will done next week
8. Copy of elevator inspection certificate – Mr. Genta said state scheduled to inspect on Tuesday
9. As-Built foundation plan stamped by Civil engineer – Mr. Genta has
10. Sign-off by Planning Board that conditions have been met

Pritchard indicated there is a dispute over the access off of the emergency way onto a private way, Drew Place. Mr. Guard said that the permit calls for the applicant to extend an access road at the back of the property to Drew Place. He indicated there was a letter from Attorney Ohrenberger representing residents on Drew Place.

- Intend to build the road and meet the condition in the permit
- Drew Place a private way no control over that
 - Drew Place plowed by the Town

- Applicant's side of access road will have bollards and chains, emergency access only
 - Can also put bollards on MBTA side have easement
- Not asking for access over the private way
 - Private way is access for Fire and Police
- Mr. Guard committed to meet with Mr. Ohrenberger to discuss issues

Ms. Joseph indicated Town Counsel advised this is a private property dispute. She suggested that there may also be a stockpile/some debris running over on the adjacent property causing some concern. She suggested any type of clean-up may go a long way. Mr. Guard indicated that the applicant thought all disturbance was on his property. Mr. Guard said if there is an issue they will take care of it. Ms. Burbine indicated the applicant will need to resolve this issue. Ms. Burbine said there has to be 2 means of egress per the special permit and the Fire Department. Ms. Joseph recommended that the property line be staked.

Additional items under discussion:

- Property Owners Agreement
 - Applicant accepted changes from Town Counsel
 - Added property address and title reference
 - Ready to be signed
 - Additional comments from Mr. Pritchard
 - Add language that calls out public access no limitation or obstruction of public access.
 - Applicant will add to the rules and regulations – will be attached to all leases
 - Look at language regarding roommates
- Questions on bedrooms:
 - Parking plan, loading area Building A - noted as parking – need revised plan
 - Buildings not in conformance with design plans
 - Per design plans – 16 one bedrooms, 14 two bedrooms, total 30 units
 - On the ground
 - Building C – 8 one bedrooms, 3 two bedrooms
 - One unit listed as one bedroom and den, will be assessed as a bedroom has a closet
 - Applicant says unit has been marketed as 1 bedroom
 - Building A - Unit 301 – 2 bedrooms and a study, study is does not have closet, removed from the other bedrooms
 - Board needs to determine position on the units and how to handle for the future.
 - Mr. Pritchard not inclined to change the count
 - Need to document the units, require as final document that gets recorded
 - Applicant to provide list of what units are 1 and 2 bedrooms
- Parking:
 - 1 space/bedroom - marketed
 - 1.5 spaces/ bedroom – permitted
 - Can't do a ½ a parking space
 - 2nd car goes into the overflow

Ms. Burbine opined that there is a laundry list of issues to address. Mr. Guard indicated Mr. Genta was hoping to identify the outstanding issues, provide dates with a goal to apply for temporary Certificate of Occupancy for Building C with no other buildings being signed off until all issues have been addressed. Mr. Guard indicated any Building Department inspectional issues would have to be achieved before given a temporary Certificate of Occupancy. Ms. Joseph indicated the decision is up to the Board. She noted there is a temporary emergency egress that is not constructed per the plan; schedule has been provided when it would be done. She said the Board needs to determine if the access being out of commission for approximately 1 week is acceptable for occupancy.

Mr. Pritchard opined that seems unlikely anyone would be in building before the 7/16/18 so just take the extra week and be ready on the 7/23/18 per the schedule.

Ms. Burbine opined to hold until the meeting on the 7/12; hopefully all issues will be resolved and then go forward, a lot to get done. Public safety most important aspect, that is first and foremost.

Mr. Genta asked what would happen if a neighbor were to put boulders on the roadway. Ms. Burbine indicated Mr. Genta would need to pursue the issue with the town; it does not have anything to do with the Planning Board. She said there is an out here, they could talk to MBTA and have the easement go all the way to Ford Place.

Ms. Joseph indicated the affordable housing lottery took place and the monitoring agent will be following up people with the people selected.

Mr. Limbacher said his expectation is that the applicant will take Bob Vogel's letter and work through Bob to the Planning Board.

Site Plan Waiver – 52 Country Way – Gunther Tooties

Assessor's Map/Block/Lot 53-5-3A

Applicant: Paul M. Rodrigues

Owner: Morning Glories, LLC

Document

- PDF 50 Country Way Landscape Plan
- PDF 2018001V4 Layout1 r copy
- PDF 52 Country Way Plan 1992
- PDF application dated 6.12.18
- PDF Board of Health Comments dated 6.25.18
- PDF Gunther Tooties Scituate Elevations
- PDF Gunther Tooties Scituate Floor Plans dated 6.14.18

Attendees: Paul Rodrigues, Agent; Tony Chin, Future Owner Gunther Tooties

Mr. Rodrigues presented the plans to the Board

- Adding 2nd story
- Renovation – not a tear down
- Location of drive thru the same
- Alterations
 - Pavement coverage of 9,700sq. ft. to 6,700 sq. ft.
 - Dumpster pad blocking off 1.5 space – move the pad

- Green space on plan where there is currently asphalt
- Yellow space on plan will be grass, currently asphalt
- No disturbance to stormwater
 - Not changing any drainage or grades, grass already at grade
 - Approved 50 Country Way plan for layout and landscape plan
- Zone A is on the plan – about ½ up the site
 - Remove front portion of the pavement, add striping, no physical construction
- Minor alteration as far as site goes – building will look totally different
- Going to make one way traffic for the drive through
 - Will have one way signs for drive through
 - One circular way
 - Traffic study for next door(50 Country Way) took into account this traffic flow

Ms. Joseph's comments:

- Suggested applicant apply for site plan waiver
 - 2nd floor is taking the functions that are on the first floor - Office and storage
 - Same 16 seats, no increase in seats
 - Showed changes in pavement
 - Curb in back already installed with 50 Country Way improvements

Mr. Bornstein indicated that with the dormers it looks possible for a 3rd floor. Mr. Rodrigues said it will be 2 stories only there will be vaulted ceiling. Mr. Bornstein also asked if they had comparable locations and if they knew how many people come through the drive through during busy times. Mr. Rodrigues said there is a location in Pembroke, 254 Church Street that has a drive through.

- 1st free standing building he will own
- 7:30 am – 9:00 am – most traffic, a little around lunch time
- Maximum back up in Pembroke 3-4 cars
- Should not see back up on to Country Way
 - 1 ticket at a time, about 2.5 minutes
 - From menu board – there are 6 cars that can be stacked
 - Would need 25-30 cars to impact Country Way

Ms. Lambert opined it is an improvement over what is there now; area can be a bottle neck.

Mr. Limbacher asked what the foot traffic is versus the drive thru – 50/50

Mr. Pritchard addressed several items with the applicant.

- P&S does not close till permits received
- Stormwater drainage not changing
 - Drywells? Will reconfiguration change the drainage?
 - Same sq. ft. so same amount of water – should not change flow to adjacent property
- Water and sewer connecting - no change
- No change in services
- Trash disposal same, just changing location
- All new equipment – all old equipment has been auctioned off
 - Doing full gut interior renovation

- Any additions in terms of equipment
 - Not adding anything that has not already been there
 - Commercial hood on Stockbridge side, Vent for Kettle
 - Coolers are bigger but same number; not louder than home air conditioner unit
- Need 2nd bathroom, lot of dry storage – paper goods, etc.
- Design – signage – want to have it reviewed –with Design Review Committee (DRC)
 - Will submit, come back for the signs
 - Consult with DRC about building materials
- Feels much nicer, but would like to have consultation with DRC – make a condition
 - Clapp board, painted trim – similar but different to apartments
 - Colors are colors of coffee – beige and white

Motion:

Ms. Lambert moved that the Planning Board finds the proposed building work is minor as the second floor being proposed will house storage and office functions that currently occur on the first floor, there is no change in seating numbers of 16 from the existing restaurant and minimal site work is proposed resulting in an insignificant in nature of effect proposal. The existing and proposed parking count will remain the same at ten. The Board proposes to grant the site plan waiver for applicant Paul Rodrigues and future owner Qi Chen for a proposed Gunther Tooties at 52 Country Way, with the following conditions:

1. Construction shall comply with the improvements submitted with the application. Signage shall be in accordance with the zoning bylaw shall be submitted to the Town Planner for approval prior to implementation.

Comments: new language added to included review with DRC for signage and building materials. Traffic circulation one way added.

2. Approval is contingent upon all local approvals being obtained from the Town of Scituate particularly approval of the Board of Health and Building Inspector or Inspectional Services Department.
3. Trash shall be handled in covered sealed containers and emptied at least once daily or more frequently if necessary, or as otherwise directed by the Board of Health.
4. Indoor seating is limited to 16 via tables and counter seating. No outdoor seating is shown or proposed.

Comments: after discussion of original Morning Glories seating was determined that 4 outside seats could be added with no change to parking. Provide seating for outside and can be submitted when applicant comes back for signage, materials and lighting.

5. Any further expansion of the use applied for must come back to the Planning Board for approval.

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

No public Comments.

Site Plan Administrative Review – 1 Crescent Ave. – Common Driveway

Assessor's Map/Block/Lot 56-2-17F

Applicant: One Crescent Ave Realty Trust

Property Owner: Douglas William Cooke Garnett and Susan Post Garnett

Document

- PDF 3940 CD 6-15-18
- PDF 3940 CD Filing Package
- PDF 3940 CD Plan dated 6.12.18
- PDF Abutter letter to the Board from Steve and Priscilla Grable dated 6.25.18
- PDF Context Map
- JPEG image view looking up Bridge Ave
- JPEG image view from Crescent and Bridge
- Transmittal Letter dated 6.18.18
- PDF Abutter letter to the Board from Allison Cochrane and James R. Bates dated 6.28.18
- Email letter to the Board from abutter Maura C. Quinn dated 6.29.18

Attendees: Steve Bjorklund, Diamond Development; Dave Vance, partner in project

Ms. Burbine disclosed that she has done work for Mr. Vance, but has no financial interest in this project.

Mr. Bjorklund indicated the site has received Form A endorsement.

- Form A originally 2 lots
 - 1900's house built across 2 lots
- Requesting 2 lot common driveway
 - Improving site distance - sumac trees – dangerous - to be removed
 - Strange intersection – One Way sign for Crescent, but street goes to the left, Bridge St.
 - Presently 3 driveway entrances – Crescent, intersection Crescent and Bridge, further up on Bridge street
 - Reducing to 1 curb cut
 - Fire chief has signed off on 14' width – better access to the site
- Reason for the common driveway
 - 2nd lot on Form A labeled not a buildable lot without Common Driveway
 - Measure 2nd lot width from different direction - parallel to common drive
 - Able to have 2 single family homes versus Common Ownership
 - Plan B – still have 2 homes, but connect them and driveway remains the same
 - Construction stand point does not matter if driveway labeled as Common Driveway or access to a duplex
 - 8' set back between each dwelling, 16' over 33' between the proposed homes
 - Remove the line potential footprint is 10,600 sq. ft. for 1st floor area - maximize the size
 - 2 lots and common drive way there is a reduction of 2,241 sq. ft.
 - Reducing overall impervious area on the site
 - Neighbor across the street has driveway of pea stone and cobble pavers about 20'-22' wide

- Only portion of the driveway is common , 75 feet
 - Fire truck turn around - per Section 720 of the zoning bylaw
 - Extended to be able to park 2 cars off the common driveway

Ms. Joseph indicated the Board can approve under a Site Plan Administrative Review

- Common driveway less than 500' long, only 2 lots
- Form A endorsed at last meeting, 6/14
- 75' long, 14' wide
- 6" pervious pea stone
- Common driveway agreement – no changes can be made without Planning Board approval
- Reduction of pervious pavement
- Cutting back sumac, plus - have plenty of site distance
- 3 comments from abutters

Comments from the Board:

Ms. Burbine opined the current house is in dire condition, totally over grown, 3 different driveways.

Mr. Pritchard said the application needs to be corrected and signed. He indicated there were some abutters on the list that had been crossed off and wanted to understand why. Ms. Joseph indicated that abutters to be notified were to be contiguous and directly across the street and that was done and the application was signed.

Stormwater:

- Ross Engineering said not applicable in the application
- Mr. Pritchard opined it is applicable wants to know what is the change of runoff
 - Is there a change – will there be more runoff, change in flow or velocity
 - Current drainage goes towards Fifth Ave (paper street), Crescent and Bridge Street
 - More pervious area on site, so less water leaving the site
 - Driveway is flat - if water does escape driveway runs to catch basin on Bridge
 - Redirecting flow to the catch basin
 - Less velocity and flow than currently on the site now
 - Backside not increasing amount of flow – not adding water, changing the contour
 - Adding grass and stone

Mr. Limbacher noted the 33' between the two proposed houses.

- Not exact foot prints of houses, still designing
- Could be more than 32' apart
- Without the common driveway the homes could be 16' apart
- Bridge Street – working on foot print, slightly smaller than footprint on plan
- Proposed houses – 3,300 sq. ft. approximately. May be similar to a house in Minot

Mr. Bjorklund indicated there will be a Common Driveway agreement filed that home owner's will receive with the maintenance, etc. of the driveway.

Ms. Burbine asked how much room there will be between the proposed dwelling that fronts on Bridge Street and is adjacent to 22 Bridge Street.

- Required to have 8' may have 10' when house designed

Public comments:

Mr. Steve Grable resident of 11 Bridge Ave. indicated he sent a letter to the Board addressing this issue. He opined the reason is to put 2 large homes on the property that normally would not support the size; they are both spec homes. He said the home there now has been there for 100 years and there are two driveways. He opined it would change the neighborhood; he said there are no other common driveways that he is aware. He does not see how this meets the requirements for the purpose of the common driveway in the bylaw. Mr. Grable said there seems to be an implied threat that there would be condominiums. He also said that he was told that one of the developers came to town hall and said that all the neighbors were on board with this change, but the neighbors were just informed the other day.

Ms. Priscilla Grable resident of 11 Bridge Ave. indicated that what is presently on the site is a 2 family dwelling. She said that she was told if this doesn't go through then a 2 family home can go on the property, not condominiums. She opined it is a different perception than what they were told and what is by right within the bylaws. She said presently they have a large dwelling with two families and a circular driveway in the front and side driveway in the back. She opined that with what has happened how do they trust what could be there size wise. She said if he had the ability to have these two homes there, abutters would not be here having this meeting; he needs the driveway to maximize his profit and totally clear cut a property that leave no real green space with the size of the house and the driveway. She asked how it maintains the beautification of the town as they are spec houses; he is looking at this from a profit base not a neighborhood base. She indicated that Mr. Bjorklund went door to door yesterday and did not know if that was in response to the letter that she and her husband sent. She indicated another abutter sent a letter with concerns. She said how can they trust what is being said in this meeting is going to happen on these small 10,000 sq. ft. lots. She said that she and some other neighbors purchased homes there and didn't go in to maximize the property and change the face value of the neighborhood. She said people need to look at the big picture. She said she does not trust that the size of the homes will be any bigger than the home pointed out on Hatherly Road and what is shown on the plan. She indicated she would like to see the plans of the homes, because the visual on the plan does not look like it is near 2,900 sq. ft. or 3,200 because of the attached garage.

Mr. Bjorklund responded to Ms. Grable's comments.

- Assessors records 2,956 sq. ft. for house on Hatherly Road
- Similar house planned at 2,778 sq. ft. – 170 sq. ft. less
- Narrow house facing the street, smaller Gambrel style
- Making a threat – that it could be condominiums, just legal ownership for single family versus two family
 - Trying to explain what he could do, by the bylaw
 - Build new duplex
 - Without the separation of the houses could be a larger structure
 - Legal ownership of the 2 dwellings – keep single family
 - Self-regulating by having two lots
- Could take house down and build bigger without coming to the Board

- Purpose of the common driveway – reduce number of access points to public roads
- Understands the neighbors fears
- 582 Hatherly built by Mr. Vance sold for \$1.2 million, now worth \$1.4 million
 - Not spec homes, shoe box – these are custom build homes
- Can't build 2 homes without the common driveway for lot width
 - Lot width measured off the common driveway
 - Would have to do 2 family home and sell as condominium
- Dividing lots as they were 100 years ago before house was built in the middle
- 100' feet of frontage on Bridge Street
 - Keep single family dwellings
- Stone makes it look more like a common way versus common driveway
 - Turn arounds are not near each other
 - Will look like abutter's driveway across the street
- Houses will be smaller than Evangeline Drive
- Gambrel style homes – gives appearance of smaller size
- Bridge Street house – narrow in front long in the back, front door on Bridge
- Crescent House– will face towards the harbor, front door on Crescent
- Closeness of the homes – not out of the ordinary on second cliff

Ms. Burbine opined that she does not want people to think when they come before the Board it is a done deal. She said she does not always agree with Mr. Bjorklund, but he does do a good job.

Mr. Bornstein indicated he had a different opinion and does not have a problem with a duplex. He said he is nervous that this will set a precedent that common driveway bylaw could be used to artificially increase density of lots. Mr. Bjorklund said he tried to explain that there could be structure with 10,600 sq. ft. of first floor space with the lot as a single lot. He indicated that by doing two lots, the square footage is reduced by 2,241 sq. ft. so they are reducing the density.

Mr. Pritchard indicated that this meeting is a Site Plan Review and the next steps are to decide if the Board needs more information from the applicant. He opined he does not see the need for that, but would like to see some changes that have been committed to, i.e. the driveway construction, stone pavers, etc. Mr. Bjorklund indicated that all the information is on the plan and can't be changed without Board approval and has been supplied to the Town Planner.

Ms. Joseph indicated that Board has two motions before them, 1. Approval 2. Continuance to July 12th if the Board wants more information. The Board can make that decision.

Mr. Bornstein asked if procedurally the Board could request information as they would for a Site Plan Review for the common driveway inclusive of lighting, landscaping, etc. to help with the abutters concerns for the landscaping and look and feel of the actual site. Mr. Bornstein asked if any privacy concerns had been mentioned from the abutters. Mr. Bjorklund indicated he has spoken with one of the direct abutters about a fence that is currently there and they are working to determine if there will be a new fence or something else; hedge will stay between the proposed new homes.

Ms. Burbine indicated this is about a common driveway. She opined that there is not any new information to bring to the table. She said it is in his best interest to landscape it as much as possible. Mr. Bjorklund said the only landscaping on the plan is the hedge as a marketing tool. Mr. Bjorklund

indicated he is available for the neighbors and is happy to share the home plans and landscape plans as they are ready.

Ms. Joseph indicated technically the Site Plan Review is met with the common driveway under 500' and section 770.5 of the bylaw; but if the Board determines more information is needed then the Board can ask for it.

Ms. Joseph indicated that she asked the applicant to work to save a Japanese maple that is on the property because it is an unusual variety. Mr. Pritchard opined the one of the standards of review is to identify trees of a particular caliber. He asked how many trees would be cut down. Mr. Bjorklund said he did not know, but there is a broken tree where the proposed driveway is going. Mr. Vance also said the new driveway is going through the middle of the existing house. Ms. Grable indicated there will be a bit that will be cleared for common driveway, several trees need to come down and a lot of vegetation that will be cleared.

Mr. Ted Thorton resident of 7 Crescent Ave. indicated the lot is currently graded toward Fifth Ave and is concerned about runoff. Ms. Burbine said the applicant by law cannot put any more water - runoff on anyone's property than what already exists. Mr. Bjorklund said there is some landscaping in the area and is willing to work with Mr. Thorton.

Motion:

Ms. Lambert moved to approve the Site Plan Administrative Review for a Common Driveway for 1 Crescent Avenue Lots 1 and 2 with the following conditions:

1. Construction shall comply with a plan entitled Common Driveway Plan in the Town of Scituate 1 Crescent Avenue Scituate, Massachusetts by Ross Engineering Co., Inc. dated 6/12/18 except as may be modified to meet the conditions below.
2. There is a decrease in impervious surface from the existing conditions by 400 sq. ft. for Lot 1 and 464 sq. ft. for Lot 2. The common driveway is to be constructed of pervious pea stone 6" deep and 14 feet wide. This cannot be changed without further review and approval from the Board.
3. A preconstruction conference is required prior to starting construction. The applicant will provide a deposit of \$5,000 prior to the pre-construction conference to guarantee cleanup of the site and providing an as-built plan showing the common driveway, its easement and the site grading and amenities.
4. The Homeowners of the properties serviced by the common driveway shall be responsible for the maintenance associated with it. The common driveway shall never be considered for acceptance by the Town.
5. If changes to the plan result in the need for a Stormwater Permit, the applicant shall file.
6. The Town Planner is to be notified upon completion of construction.
7. The standard conditions for common driveways approved by the Planning Board after a public hearing on December 17, 2015 shall be included as conditions of this decision as modified by the Board herein.

Mr. Limbacher seconded the motion.

Amendments:

- Include cobblestone apron – get detail for review and approval
- Inventory of where the common drive going – plants and trees being eliminated
 - Provide feedback to the Board- if there is chance to mitigate

- Caliper of trees
- Public meeting for tree inventory

Ms. Lambert seconded the motion as amended. Four of the five members voted in favor; Mr. Bornstein voted against.

Accounting Documents

- PO # 1812293 (\$287.50), PO # 1812258 (\$2,000.00), PO #1812118 (\$90.00), PO #1812314 (\$1,040.00)

Ms. Lambert moved to approve the requisition of \$287.50 to Image Resolutions for printing of Zoning Bylaws, for \$2,000.00 to Merrill Corporation for Stormwater Regulations Revision, for \$90.00 to MAPD for Brad Washburn membership dues, for \$1,040.00 to Merrill Engineering for construction inspections for 90 Ann Vinal/Curtis Estates. Mr. Bornstein seconded the motion; the vote was unanimously in favor.

Minutes Documents

- Meeting minutes from 6.14.18

Ms. Lambert moved to approve the meeting minutes for June 14, 2018. Mr. Limbacher seconded the motion; the vote was unanimously in favor.

Liaison Reports:

EDC – reported by Ms. Burbine:

- Greenbush Vision Plan meeting held 6/25/18 at the microbrewery was well attended with Over 60 people
- Will do again in early fall to keep people in the loop
- Concerns of the neighborhood and Jenkins place
 - People feel being displaced, been business district since 1950

Water Resource Committee – reported by Mr. Bornstein:

- Water update – use has been high
 - Undetected leaks - no way to track leakage
 - Behavioral
- Water study
 - Bottle neck in moving along, funding issue, and scope of work more than what was budgeted for
- Water rates – DPW follow up
- Dolan Well and Reservoir projects
- Water Offset Program –
 - Meeting with few boards held
 - Will present to Board of Selectmen end of July/August
 - Asking for a letter of support from the Board
 - Will see final document
 - Policy to live in water and sewer regulations – easier to get implemented

Humarock Meeting – reported by Ms. Lambert:

- Need 35 signatures for easements - have only 3

- Need signatures by September 1st
- Residents accusing the Selectmen of threatening them
 - Selectmen have said there is a limited amount of money and if not used in Humarock will take somewhere else
- Raise road by 10 feet, beach nourishment is different

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

Vote of members for signatures of minutes, bills and bills signed under the Municipal Modernization Act. Mr. Pritchard moved that Ms. Lambert replace Mr. Bornstein as an approved signature, Mr. Limbacher seconded the motion; the vote was unanimously in favor.

Planning/Development Report

- Remaining busy with multiple applications
- Zoning bylaws and maps being printed
- Stormwater regulations – internal meeting, meeting with developers held
 - Consultant taking first pass of draft - Merrill Engineers
 - Continue to have more meetings
 - Some type of default standard
 - Trying to simplify the process
- Master Plan – July 1 funds available, Department working on an RFP.

Documents

- Email to the Board from Shari Young dated 6.26.18 with agenda for 6.28.18
- Email to the Board from Shari Young dated 6.26.18 with meeting minutes from 6.14.18
- Email to the Board from Karen Joseph dated 6.26.18 with meeting materials for Conservation Way, The Riverway, 50 Country Way and 52 Country Way (Gunther Tooties).
- Email to the Board from Karen Joseph dated 6.27.18 with meeting materials for 1 Crescent Ave. Common Driveway.
- Email to the Board from Shari Young dated 6.28.18 with meeting materials for 1 Crescent Ave.
- Email to the Board from Karen Joseph dated 6.28.18 with meeting materials for 50 Country Way.
- Email to the Board from Karen Joseph dated 6.28.18 with amended agenda, materials for 1 Crescent Ave., and 50 Country Way.
- Email to the Board from Karen Joseph dated 6.28.18 with materials for 50 Country Way.

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 9:32 p.m. Mr. Pritchard seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved 7/12/18

