

SCITUATE PLANNING BOARD MINUTES June 13, 2019

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

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

Members absent:

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

Location of meeting: Selectmen's Hearing Room, Scituate 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

- 6/13/19 Planning Board Agenda

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

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

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

Applicant: Drew Company, Inc.

Owner: Massachusetts Bay Transportation Authority

Documents

- PDF 19-023 PB Review Report – Greenbush Development, 6-06-19
- PDF 18004 HW Greenbush Response BOTH LETTERS
- PDF 180618_Sewer Flow Assessment – STAMPED_18004
- PDF 190530 Supplementary Info 18004 REV
- PDF Greenbush Station_Zoning Compliance Diagram_05-29-19
- PDF 190530_Greenbush Permitting Set_Stamp_18004
- PDF Letter 6.12.19_DrewCompanyComments – Morse Engineering
- PDF ST Overall-Oneway – provide at meeting

Attendees: John P. Drew, Drew Company; John E. Drew, Drew Company; Jim Sandell, Architect, Robert Galvin, Attorney; Jonathan Ford, Engineer Horsley Witten; David Black, VHB Traffic.

Mr. Galvin indicated the applicants will address issues discussed at the last meeting; they will address the abutter letter from Mr. Tedeschi/Mr. Morse and will review any changes that have been made to the plans.

Mr. John P. Drew stated that since the last meeting they have answered all questions from peer review; there have been no significant changes to their plan and they have made minor adjustments to traffic. He indicated they have sign off from engineering review, landscaping and traffic. He said this evening they will just address areas where changes or improvements have been made.

Mr. Black addressed changes made to traffic and circulation.

- Crosswalks
 - Proposing crosswalks at each MBTA curb cut
 - One crosswalk at North Road
 - One crosswalk mid-block on Driftway
 - Crosswalk aligns with central pathway thru the site
 - Crosswalk at existing signal at Old and New Driftway intersection
 - Rapid flashing beacons to be installed at crosswalks
- Applicant to provide vehicular speed signage; location to be determined by the Town
 - Solar powered – similar to signs in Norwell
- Driveway between Building B and Building C will have minimal traffic
 - Only services the building, residential traffic only
- South Lane becomes One-way traffic into the site
- Signage will direct patrons to the main entrance – North Road

Mr. John P. Drew indicated they are working with the town on mitigation.

Mr. Galvin addressed the abutter letter received from Mr. Morse on behalf of Mr. Tedeschi. He said the engineering portion of the letter will likely result in some minor modifications to the plan. Mr. Galvin addressed some of the comments that are more legal or bylaw related.

- #4 – Density
 - Response: allowed 17 units per 40,000 sq. ft. with significant public benefit, additionally the Board has the authority to allow up to 20 units by waiver; opined that the project qualifies either way.
- #5 - Section 560.4 A – lot yard and lot area shall not include any other lot or area that is required by another use or building.
 - Response: the applicant has always maintained this is a mixed use development, with retail, commercial and residential elements' parking is essential. Mr. Galvin indicated that parking is a part of the use and the MBTA is an extension of the use that is permitted. The applicant opined it is all one use.
- #11 – Front yard parking on Driftway
 - Response: the Board can waive setback yard requirements. The applicant will modify the parking for Building F and eliminate the front two spaces to meet the requirement based if that is the Board's preference; the Board can determine to either grant a waiver or not grant a waiver.
- #12 – Section 560.8.C.1 – specifies buildings must be located between 10' – 25' away from a public way.
 - Response: the building is approximately 30' back. The applicant opined that that number fosters the walkability of the site.
- #14 – Bylaw requirement of buildings facing a public way are to be no more than 120' wide
 - Response: The applicant indicated that Building B is slightly over the width, but they will modify the building if needed resulting in fewer units in the building that could be added to a different building. Mr. John E. Drew indicated that the entrance was moved to meet some comments from Design Review Committee and create symmetry between Building B and C.

Building B is the only place where the issue occurs; approximately 8' - 10' over the requirement. Mr. Sandell further explained the intention was to create a portal entrance; it does not add to the width of the entire building.

- #15 - Encouraging shared driveways and parking lots across adjacent properties.
 - Response: The applicant has indicated that there have been discussions between the Drew Company and Mr. Tedeschi regarding a curb cut from his property into the MBTA parking lot. At this point the two parties have not been able to come to any type of agreement to maintain the access in the proposed development. Mr. Galvin said the bylaw does not require any type of shared parking; they do not know what the plans are for Mr. Tedeschi's property and if it would make sense for the projects to be connected. He said there is no bylaw provision that prevents the plan as it has been proposed. It is possible that an easement could be worked out, but that has not happened at this time. Mr. Galvin opined this should not be an impediment for the Board to make a decision.
- #20 – Maximum height of a building
 - Response: building heights are consistent with the bylaw
- #21 – Section 560.6 and Section 760.7 regarding Building F and two curb cuts on the New Driftway that are within 200' of one another
 - Response: the applicant opined the current plan makes the most sense, but if it needs to be modified the applicant will close up the second access. Mr. Galvin indicated that will affect the functionality of the Building F. Currently, the plan only allows for a right turn in and right turn out, there is no left turn due to safety concerns.

Mr. Galvin opined that these issues have been raised due to the fact they have not been able to come to an agreement with Mr. Tedeschi on the adjacent property regarding access, but these issues do not affect viability or the appropriateness of the plan before the Board. He indicated one exception of the 120' width, but the applicant is willing to modify the design if required.

Mr. Henderson addressed some of the engineering callouts, items #23 - #40 from the abutter's letter. He indicated that many of those comments pertain to the Stormwater calculations and test pits that can be addressed and/or small modifications can be made. They will prepare and submit a formal response to address the issues.

Mr. John E. Drew discussed the connection of the sidewalk on the south side to the existing sidewalk on Mr. Tedeschi's property. He indicated erosion control measures were placed on Mr. Tedeschi's property; to rectify that they will just cut off the sidewalk and make a sharp edge so they do not disturb Mr. Tedeschi's property. This addresses item #9 in the letter.

Ms. Burbine asked about item #10 from the letter regarding lighting. Mr. Henderson indicated they still need to figure out the lighting plan. He said he believes there are some MBTA light posts on the Tedeschi property and that is something that needs to be worked out with the MBTA.

Item #8 from the abutter's letter regarding sight line easement was discussed and determined that it becomes moot with the change to one-way traffic entrance at South Lane. Ms. Joseph indicated that the Town's Consultant was in agreement.

The applicant will provide a letter to the Board in response to each item addressed in the letter from the Mr. Tedeschi/Mr. Morse.

The Board requested as part of the response the applicant should provide a list of all waivers they will be requesting.

Mr. Pritchard followed up with some questions that were outstanding from the last meeting.

- Mail – still working on with the Postmaster
 - Mail boxes in each foyer with a box room for packages
 - Retail mail delivered directly to retailers
- Heating system – top exhaust or side exhaust
 - Still evaluating systems, most likely top exhaust systems
- Noise control from condensers
 - Roof design will cause the sound to travel up
- Trash management
 - Limited hours and limited pickups for retail
 - Frequency would depend on what type of retail
 - Food - would have daily pick up
 - Residential will be weekly
 - Dumpster locations are noted on the plans, located by the garage entrances
- Deliveries for Retail
 - Loading zone clearly marked
 - Limit the hours - off peak times from the train
 - Town will enforce hours
- No irrigation provided
 - Will use drought tolerant plantings
 - Watering to establish plants will be part of the landscape contract; will not use town water
- Closing on the MBTA property at the end of the month

Mr. Bornstein opined the town does not have a lot of sustainable buildings. He asked the applicant what some of their green building strategies are. Mr. John P. Drew indicated all projects will be LEED Certified; the applicant thinks they can accomplish Silver LEED status. Fixtures will be low flow and they will address recycling, trash and oils, with whatever food establishment is in the space.

Ms. Lewis asked about handicapped units; based on the number of units the applicant needs to meet all MAAB requirements.

Ms. Joseph indicated that the Town's consulting engineer found everything to be acceptable or could be conditioned; many items in the abutter's letter can be either conditioned or provided in a revised set of drawings.

Public Comments:

Mr. Greg Morse, from Morse Engineering representing Mr. John Tedeschi the abutting property owner said "they are in support of the project, but their concern really since day one has been about

the access.” They would like to share access with the Drew Company project. Currently Mr. Tedeschi’s property has access on to New Driftway, but as discussed turning traffic is limited. Mr. Tedeschi’s property has a curb cut onto the MBTA parking lot which provides the benefit of going to Old Driftway and having the light to be able to make a left turn. The proposed project cuts off access entirely. Mr. Morse said “he has seen this Board before stress to other applicants on several other projects the desire to work together and make projects as beneficial as can be for the property owners; we would ask that that be reviewed again a little bit, we hear regarding Building F and the application and having two curb cuts associated with Building F will further hinder Mr. Tedeschi’s property. When he comes forward with his project he will have to be 120’ from that additional curb cut. So that is something that really needs to be addressed and we have reached out to the Drew Company Engineers and the response was “no”; there was no rebuttal or dialogue, we did share our plans with them where we would like access but there was no counter there was really no discussion. So, they would really appreciate the Board helping us along that path. The issues that I brought up in my letter most of those have been there since day one essentially, we have never brought them up, we’ve never been against the project we want it to succeed it will complement the Tedeschi property we hope the project is successful we thought through the diligent efforts of our Town Planner and their Peer Review Engineers that some of these things would have been brought up. We know that the projects go through very thorough reviews and as Mr. Galvin just kind of outlined from my letter there are maybe six or seven zoning related items that you’re going to need to grant waivers or variances on. I’ve never seen this Board grant a zoning variance for front yard setbacks associated with a new building in any of the other Village Business Overlay District projects. So I think it needs to be clear what you’re approving and what variances are being required. The other items have to do with the drainage we’re asking that the project be reviewed in a way that any other project would be reviewed. But our primary concern since day one and the item we really would like addressed is the traffic access at the corner.”

Ms. Burbine opined that with the many reviews going on she is confident the issues in the letter will be addressed; hopefully things can be worked out regarding the traffic. She inquired if Mr. Tedeschi had an easement. Mr. Morse indicated “no”. He proceeded to compare the merits of this project to that of 50 Country Way and Gunther Tooties and the parking agreement between those properties. Ms. Burbine and Ms. Joseph disagreed with his assessment of the circumstances and corrected him; there was no change to the already existing parking that Gunther Tooties (previously Morning Glories) already had. Ms. Burbine said this project has been in the works for over a year; it will be good for the town. Mr. Tedeschi has provided no real plan for his property, any elevations, etc. The Board cannot hold this project up for Mr. Tedeschi to get his project together.

Mr. Morse indicated they have been awaiting the adoption of the new bylaw for the area. He opined that the Drew project is very well thought out and well designed, but feel there are a couple of minor tweaks that could be made for the benefit of all.

Mr. Pritchard indicated that before the Board would do anything with access the Board would need to know the plan for Mr. Tedeschi’s property. He opined it is difficult to carve out anything for the future without having a plan.

Ms. Joseph indicated the project has been reviewed as all projects are reviewed. She referenced a letter from the peer review engineer, Merrill Engineers dated June 6, 2019.

- Compliance with stormwater management standards
 - Treating stormwater on site
 - Bioretention areas

- Inspection report is needed to evaluate the existing water quality treatment system
 - Will condition that an inspection report of the off-site water quality unit is completed prior to construction. Any issues found will need to be addressed by the applicant.
 - The applicant will need to coordinate with the MBTA to get access to the unit to inspect the water quality
- Construction sequencing, staging and sediment and erosion control will be refined on next set of construction drawings.
 - NPDES and SWPP plans need to be in compliance

There was discussion about the phase of construction, i.e. which buildings will be built first. The applicant indicated they have not finalized that, but the entire project will be done at one time; it is not a phased project. During construction the applicant will need to maintain 50 parking spaces for the MBTA.

Ms. Joseph continued to discuss items that were in the Merrill report that can be conditioned in the decision.

- A standalone document for the O&M Plan; this will be attached to a decision
- Statement of how the MBTA determined spaces needed should be provided
- Final planting plan to be submitted prior to implementation
- Photometric plan needs to be submitted prior to construction
- Copy of Sewer approval supplied prior to construction
- Snow storage shown on the plan
 - If necessary to move off site will need to meet all federal, state and local regulations
- Test pits to be done at the beginning of construction to verify where ground water is.
 - Soil testing to occur during construction to verify 21' depth reported by Horsley Witten
 - Applicant does have data from the MBTA that was done 3-4 yrs. ago
- New Driftway to Stockbridge Road construction will be conditioned
 - Roadway will be cold planned
 - Existing granite curbing will be reused if condition permits

The Board emphasized that all water must also be managed during construction.

The applicant indicated they will be hauling material off site; the site is more cut than fill. Street sweeping will be required as part of the SWPPP Plan to ensure roadways are not full of debris.

A third party inspector will part of the standard conditions.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Mixed Use Special Permit in the Village Business Overlay District for Drew Company, Inc. at 247 Driftway until July 11, 2019 at 7:00 pm and continue the time for the Planning Board to take final action until July 31, 2019.

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

Liaison Reports:

Housing Authority – reported by Rebecca Lewis:

- The HA has a property available to build on - duplex affordable housing
- Working on how to get built
- Discussion if this could become part of a mitigation agreement with another project

Waterways – reported by Rebecca Lewis:

- Dredging of river
- Shellfish farming – writing up regulations
 - At least a year out – may not be able to use Cohasset
 - Would be provide good economic development for the Town

CPC – reported by Ms. Burbine:

- Update from Housing Authority on Lawson Green
 - 40B - 30 units, just under 700 sq. ft.
 - Project was rejected in the first round of funding, hoping to get in next round of funding in the Fall
 - State made recommendations
 - Connectivity – walking connections to Central Park Housing, Library, etc.
 - Central laundry location to promote sense of community versus plan of individual laundry in each unit
- Dog Park - Phase 1 being built
- Roach field – almost done
- Update on Fields Project
 - Contract has gone out
 - Concession stand looking into alternative ways to build, due to costs

EDC - reported by Ms. Burbine:

- EDC member in Ireland for sister city
- Getting recyclable bags – Sea Scituate
- Kiosk in the Harbor – will be on sidewalk in front of Nona's

Traffic Rules and Regulations – reported by Mr. Limbacher:

- Discussions on Drew and Senior Center
- Memo from TRRC for Senior Center to be sent to the Board

The Board discussed doing Peer Review on traffic for the Senior Center. The Board opined a traffic study should be done as it would be for any other big project.

The Board had some discussion about the upcoming meeting with the Senior Center project. Requesting that whoever will be responsible for the building's design and construction attend the meeting to be part of the discussion. Currently there is an OPM hired by the town to oversee the project; it is unclear who the OPM is reporting to in the town. Ms. Joseph is to find out who is responsible and request that the appropriate people attend the public hearing on June 27, 2019. The Board requested an org. chart to show the chain of responsibility. Ms. Joseph indicated that a cover letter about the project is coming.

Mr. Pritchard indicated he expects a traffic study to be done; if it is not done they will need to come back when it is complete. Mr. Limbacher added that parking should be included as well. The Board opined the study should include traffic and parking.

The Board also discussed that members of the Recreation Department and those that are responsible for the Old Gates School should be represented at the meeting.

Master Plan – reported by Mr. Bornstein:

- Advisory committee has been selected
- First meeting will be July 2nd
- Open meeting

Minutes

Documents

- Meeting minutes 5.23.19

Ms. Lambert moved to approve the meeting minutes for May 23, 2019.

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

Accounting

Documents

PO #1911487 (\$1,691.00), PO #1911503 (\$1,050.00), PO #1911289 (\$14.50), PO #1911649 (\$16,520.65), PO #1911650 (\$750.00)

Ms. Lambert move to approve the requisition of \$1,691.00 to CEI for peer review of 60 Country Way, for \$1,050.00 to the Town of Scituate for 27 Hood Road, for \$14.50 to Brad Washburn for mileage reimbursement, for \$16,520.65 to Horsley Witten Group for peer review inspections at Seaside at Scituate, for \$750.00 to Merrill Corporation for peer review of 4 Union Street.

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

Planning and Development – reported by Ms. Joseph:

The Board discussed the potential of sponsoring a zoning change in Humarock for the fall town meeting. The change was proposed at the spring town meeting as a citizen's petition and was postponed per the request of the Selectmen. The article would be the same exact wording as was proposed at the spring town meeting. Ms. Joseph discussed the history and reason for the change; bylaw was changed in 2007-2008 the owner at the time did not want the parcel included in the overlay district, Humarock Residential Overlay District. There is now a new owner that would like the parcel to be included in the overlay district. It was unclear why the article was withdrawn at the spring town meeting. The Board agreed to have the proponents of the citizen's petition come to a meeting and discuss the proposal at which time the Board can decide whether or not to sponsor the article.

The Board discussed other issues they would like to address for future Town meetings.

- Rat tails
- Sign Bylaw

- Lot coverage/FAR
- Accessory Dwellings – 2 houses on one lot
- Stormwater Regulations - awaiting response from Developers

Next meeting:

- Toll Brother will be coming in for discussion on Phase 2
 - Proposal from Horsley Witten for Phase 2 peer review
 - Full time for first 2 weeks
 - Three days/per there after
 - Binder down for Phase 1 roads
 - Stabilizing – building pads – about 20 units have building permits
 - Large parts of cuts and fill done
 - Fine grading of loam and seeding happening in some areas
 - Site walk scheduled for June 26th
- Curtis Estates
 - Gas started on 6/10
 - Working on cleaning out silt in basin 4
 - 2 lots under construction
 - 2 more building permits issued
- 27 Hood Rod – will be withdrawing from the Planning Board
 - Application will be reviewed and handled by Conservation Commission
- Preconstruction meeting for fields in the next 2 weeks – intend to commence work on July 1st
- Preliminary Plans – clock is ticking, need to file within the seven months
 - Attorney General response to bylaw changes is around July 11th

**Continued - Public Hearing – Special Permit Accessory Dwelling – 67 Old Oaken Bucket Road
Assessor's Map/Block/Lot 52-2-44**

Applicant: Erin McMurrer & Patrick Donahue

Owner: Erin McMurrer

Documents

- PDF 67 Old Oaken Bucket Application 5.2.19
- PDF Floor Plan Existing House
- PDF Site Plan and renderings Accessory
- Doc Cover-transmittal letter 67 Old Oaken Bucket Road
- PDF Water Department Comments
- Email to Karen Joseph from Becky Malamut, Water Resources Committee, dated 6.5.19
- Doc PJ's & Erin's House Improvement
- Email to Karen Joseph from Abutters at 10 Woodworth Lane dated 6.11.19
- Email to Karen Joseph from Abutters at 11 Dunster Land dated 6.11.19
- Photos of site dated 6.12.19
- Google Earth View
- Email to Karen Joseph from Abutters at 68 Old Oaken Bucket dated 6.12.19
- Email to Karen Joseph from Abutters at 57 Old Oaken Bucket dated 6.13.19

Attendees: Patrick Donahue and Erin McMurrer, Applicant/Owner; Maureen Hurley, Attorney

Ms. Hurley gave a brief overview of the project.

- Parcel at 67 Old Bucket Road, Parcel 52-2-44
- Requesting accessory dwelling special permit
- Need to have a Site Plan completed – to show new structure and the driveway location
- History
 - Bought property in 2017
 - Intent to have Ms. McMurrer's mother move into the barn on the property
 - Existing barn does not meet side yard setbacks
 - Originally going to purchase a strip of land from the neighbors, however that fell through
- Existing barn will be torn down
- New structure will comply with all zoning
 - 1 bedroom
 - Separate water line, water hook will be required
 - 747.25 sq. ft. gross, 693 sq. ft. net
 - 46% - 49%, but less than 750 sq. ft. so it is allowable

Ms. Joseph indicated that a plot plan will be needed for a building permit. The Board of Health (BOH) did comment that it is unclear where the septic system is in relationship to the property lines, etc. The BOH does not have a current plan on file. Ms. Joseph indicated there was a wall taken down in the primary house to make it two bedrooms, but that needs to be verified. The only report the BOH has is from 2016 Title 5, that the home has 3 bedrooms and the septic is designed for 3 bedrooms. The applicant needs to get in touch with the BOH.

Ms. Joseph also indicated that several comments were received from abutters in support of the project. The property is in the Water Resource Protection District and will need to meet all requirements, verify there is not more than a 25% increase in impervious area or disturbance of 15,000 sq. ft. which would require a separate stormwater permit. The Board would still condition the accessory dwelling to have erosion control, etc.

Ms. Hurley said they will have Mr. Morse address all this on the plan. She also requested a copy of the email that was received from the BOH.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Accessory Dwelling Special Permit at 67 Old Oaken Bucket Road until July 11, 2019 at 6:30 pm. and to continue the time for action for filing with the Town Clerk until July 31, 2019.

Mr. Limbacher seconded the motion; the vote was unanimously approved.

Documents

- Email to the Board from Karen Joseph dated 6.7.19 with meeting agenda and materials for 247 Driftway
- Emails to the Board from Shari Young dated 6.11.19 with meeting materials for 67 Old Oaken Bucket Road

- Email to the Board from Shari Young dated 6.12.19 with meeting materials for 67 Old Oaken Bucket Road
- Email to the Board from Karen Joseph dated 6.12.19 with meeting materials for 247 Driftway – Drew/MBTA
- Email to the Board from Shari Young dated 6.12.19 with meeting minutes from 5.23.19

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 9:15 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: 6.27.19

