

## **SCITUATE PLANNING BOARD    MINUTES    June 24, 2021**

Members Present: Ann Burbine, Chair; Patricia Lambert, Vice Chair; Rebecca Lewis, Clerk; Stephen Pritchard, Benjamin Bornstein and Bob MacLean, Alternate.

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: Select Board Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chair Burbine called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television and streamed live on Facebook.

### **Documents**

- 6/24/21 Planning Board Agenda

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

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Ms. Burbine disclosed that she has spoken with the Ethics Commission and has filed a disclaimer of a conflict of interest with the Town Clerk regarding a situation with a local engineer regarding some work done on her property. She said the incident will not affect her ability to remain impartial to the projects brought before the Board; she has always been fair and will continue to be fair.

### **Public Hearing – Scenic Road/Public Shade Tree – National Grid**

**Assessor's Map/Block/Lot**

**Applicant: National Grid**

**Owner: Town of Scituate**

### **Documents**

- PDF List of Trees for removal
- PDF TD filed Posting
- PDF DRAFT permit from Tree Warden
- Doc DRAFT Motion Form National Grid

Attendees: Ben Kowal, Arborist, National Grid; Luke Fiske, National Grid

Ms. Burbine indicated this is a Scenic Road hearing to remove trees on Old Oaken Bucket and Maple Street both are scenic roads; 15 trees on Old Oaken Bucket proposed to be removed and 8 trees on Maple Street.

Mr. Kowal introduced himself as a certified arborist with the National Grid Hazard Mitigation Program.

- The program assesses trees along feeders that are poorly performing
- Trees are typically the cause of outages, National Grid (NG) is working to make improvements in the area



- His group assesses trees that look like they could cause an outage within 5 years.
  - Trees are tagged for pruning or removal
  - All trees proposed to be removed are believed to be a hazard
  - Tree Warden, Mike Breen, has been notified of the trees and agrees with the recommendations.

Ms. Joseph indicated she drove around and saw the trees were clearly marked for removal on Maple Street and Old Oaken Bucket; Mike Breen has indicated he has no issue with any of the trees coming down. She recommends the Board approve the removal. Many trees are Ash trees with ash blight or have crooked leaders, broken limbs etc..

Mr. Pritchard asked how many of the trees coming down are a result of prior pruning's that have put them in this condition? Mr. Kowal said he did not see any that looked like pruning was a factor, a lot are over mature, have broken leaders, when a tree gets to a certain age they just get weakened, diseased, the way they have grown is because they were not pruned properly, and some were planted in poor locations.

Mr. Pritchard said his observation is some have been pruned and look bad and have been forced to grow sideways and ultimately die of their own weight.

Mr. Kowal said ultimately some of the trees should not have been planted in their locations, National Grid has had to prune around them and now it is just time for some of the trees to go.

Mr. Pritchard said he is trying to avoid every tree going on a scenic way.

Mr. Bornstein asked about "emerald ash borer" disease and if they have seen it in the South Shore. Mr. Kowal said he believes it has been found in Cohasset and is spreading everywhere in Massachusetts. They expect it to spread and are trying to be preventative.

No Public Comments.

*Motion:*

Ms. Burbine moved that the Planning Board vote to approve the removal by National Grid under the Hazard Tree Mitigation Program of the following trees under the Scenic Road Act in accordance with the attached list and as summarized herein as the trees are being removed to reduce tree outage problems affecting large numbers of National Grid customers:

Maple Street – Scenic Road - Remove eight trees  
Old Oaken Bucket Road – Scenic Road – Remove fifteen trees

If any resident requests a tree replacement, it will be provided by the Town where ever feasible. The selection and location of trees shall be determined between the Tree Warden, Engineering Supervisor and Town Planner.

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

Ms. Burbine moved to close the public hearing.

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



**Form A – ANR Plan – 533 Country Way**  
**Assessor's Map/Block/Lot 26-2-5**  
**Applicant/Owner: Marvel Homes, LLC**

**Documents**

- PDF 4169 FMA 6-15-21
- PDF DPW Comments 6.21.21
- PDF June 16, 2021 ANR filing application
- Doc Transmittal 533 Country Way – ANR to Board
- Doc DRAFT Motion Form A 533 Country Way

Attendees: Paul Mirabito, Ross Engineering

Mr. Mirabito reviewed the plan for the Board.

- 2 buildable lots proposed, Lot 1 and Lot 2
- Each lot has required lot width of 100'
- Access to Lot 2 over existing driveway
- Access to Lot 1 over new driveway done last week with permission from DPW
- Lots will be accessed by a common driveway
  - Common Driveway will be filed with the Board
  - Common driveway will go up the middle of the two lots
- Entire site is all upland
- Septic systems were pointed out on the plan

Ms. Joseph indicated she had shared the opinion from Town Counsel; since there is an opening in the wall at Lot 1 it does provide vital access. There is an agreement to remove the entire wall, but she recommends endorsement.

Mr. Pritchard asked if the wall is removed how does the property get re-graded so nothing goes on the street, etc. Mr. Mirabito said the applicant will replace the wall onto the property and provide a new sidewalk, the wall will go on private property, stormwater will drain as it exists today. The drainage as it exists today will be the baseline.

Ms. Lambert commented that she does not like side by side houses on the common driveway; she will address this when the applicant comes in for the common driveway.

*Motion:*

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land in the Town of Scituate MA 533 Country Way stamped by Paul J. Mirabito, P.L.S of Ross Engineering, Co., Inc. for applicant/owner Marvel Homes, LLC dated February 26, 2021 with revisions through June 15, 2021 as the division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the it Scituate Zoning Bylaw on the public way of Country Way and vital access is shown for each of the lots. The notes clarify that the lots are not buildable until and unless the Planning Board issues a permit for a common driveway. Planning Board endorsement of this plan is not a determination as to conformance with zoning regulations.



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

**Public Hearing – Scenic Road/Shade Tree – 533 Country Way**  
**Assessor's Map/Block/Lot 26-5-5**  
**Applicant/Owner: Marvel Homes, LLC**

**Documents**

- PDF 533 Country Way Legal Posting
- PDF 4169 Scenic Rd 5-28-21
- PDF 4169 Scenic Road filing pkg 6-1-21
- PDF DPW Comments 6.21.21
- PDF Tree Warden Comment
- Doc Transmittal 533 Country Way
- Doc DRAFT 533 Country Way Sc Rd Motion Form 1
- Pictures from Tina Davin abutter - received at meeting

Attendees: Paul Mirabito, Ross Engineering; Paul Sheerin Property Owner

Ms. Joseph indicated this is a new public hearing; it has been re-advertised because of changes to the trees proposed to be removed. Ms. Joseph read from the legal ad... *"The subject of the hearing is the removal of the following trees in the public right of way of Country Way: one 10" maple, one 16" maple tree, two 8" maple clumps and two 2" saplings for a future common driveway to service two lots at 533 Country Way"*

Mr. Mirabito presented the plan to the Board.

- Plan resubmitted
- Existing edge of pavement will remain in place
- Concrete wall to be removed
- Trees to be removed – 2 small saplings, 8" clump of maples that is wrapped around the guide wire and needs to come out, another few maples to be removed

Ms. Burbine asked if they will be replacing any of the trees that are being removed. Mr. Mirabito said that is to be determined with landscaping of the lots.

Ms. Burbine read a memo from Mike Breen; all trees are okay to remove, but Mr. Sheerin has agreed to replace the trees to be removed.

Mr. Bornstein opined the existing trees to be removed are not of high value and replacement of the trees is a gesture of good faith by the applicant.

*Public Comments:*

Ms. Tina Davin resident at 526 Country Way said she is concerned about water damage, trees absorb a lot of water. She understands the wall has nothing to do with the Planning Board and the town has agreed to its removal. She said there have been two rain storms and with the one that happened last Tuesday she called Mike Breen to come see the property. She said where the portion of the wall has been removed water was pouring down going north into the storm drain in front of 533 Country



Way; she provided pictures to the Board. She said the storm drain connects to a storm drain in front of her property and the town has an easement that runs through her property and the wetlands. She said with a small section of the wall removed the water is running to the storm drain and on to her property she says it is runoff from the property across the street that was never there before. She is concerned they will have more water damage and is trying to avoid more water damage. She indicated she has asked Conservation about the project because of the wetlands and she has been told it is not their jurisdiction; she does not understand how it was determined that is not within Conservations jurisdiction and that it is not within the required feet of the wetlands on her property. She is waiting to hear from Conservation.

Ms. Joseph said she did not speak with Mike Breen about what he observed after the storm.

Mr. Pritchard said the removal of the wall should not create anymore water coming off the property than was there before.

Ms. Joseph said several people did drive by the property during the storm and reported they did not see watering running out from the opening in the wall. Ms. Burbine said she was one of the people and Ms. Lambert said she was there several times and did not see any water.

Ms. Burbine said as the Board goes forward the applicant has to meet the criteria of not dumping any water on Country Way; this will be taken care off when the applicant comes to the Board for the common driveway. The Board will ensure there will not be any flooding.

Mr. Paul Sheerin, owner/applicant of 533 Country Way, said he did drive by several times during the storm and took video of the construction entrance and there was no water on the crushed stone.

*Motion:*

Ms. Burbine moved to close the Scenic Road Act public hearing and approve the removal of the following trees in the public right of way of Country Way: One 10" maple, one 16" maple, two 8" maple clumps and two 2" saplings for potential future access for a proposed common driveway. The common driveway must be approved by the Board. The applicant will notify the Town Planner 48 hours before tree removal and provide pictures of the trees. This approval is contingent upon all federal, state and local permits being obtained and is only for the tree removal. The trees shall be replaced with ~~five (5)~~ **six (6)** red maples of 2 ½" caliper minimum. Placement to be determined by DPW and the Town Planner.

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

**Presentation/Discussion/Vote – Master Plan**

**Documents**

- PDF 20210510 Scituate Master Plan\_DRAFT – compressed
- PDF 20210618 Appendix of Final Comments
- PDF Scituate 2040 All Appendices - compressed

Attendees: Emily Innes, Project Manager



Ms. Innes presented to the Board the final Draft of the Master Plan.  
*See Attachment A – Final Presentation*

The Board thanked Ms. Innes for her work and the challenges over the past year.

Mr. Pritchard opined there is still some conflict in the different sets of recommendations from all the plans and from the Town's perspective that will be the challenge to figure out what gets integrated and what doesn't; it is very well done and took a lot of work and it is a very good place to start.

Ms. Innes said comments she received from the advisory committee were very helpful, but getting costs will help the town in making the decisions. That is why the recommendation was put in the document.

Ms. Burbine spoke about people living on a barrier beach; many houses are monuments to insurance and it is a big issue that people have been allowed to rebuild and rebuild, i.e. Oceanside has been rebuilt 11 times. How does the Town deal with that for the future, how does the Town continue to pay for it and make sure the infrastructure is open and available, how does the Town deal with the insurance, FEMA and flooding, etc. The infrastructure has not been maintained.

Ms. Innes said there was much discussion about infrastructure, i.e. where to put in for repair and/or new, thinking about the life cycle of investments will be important, what is the long-term costs if infrastructure needs to be abandoned. She said Scituate is in advance of many communities because through this work questions are being asked. She said they did make recommendations for strategies of how to think about new development and setting up funds to buy properties back so they could no longer be built on, but it does come back to costs and what other options are out there. Banks and insurance companies have a big roll to play in this, the solution is not just up to the Town as there needs be conversations across many jurisdictions, State, Federal, private insurance and banking markets.

Ms. Lambert said hopefully, there will be some Federal infrastructure money that trickles down to Scituate, but the Town can't bank on it.

There was further discussion that it is not just the coast, it is wetlands and forests, increased precipitation events. In the plan there is discussion on Wetland Mitigation and how it impacts land use and is something to consider with new proposals coming in front of the Board; they may grow or shrink depending on climatic change and it will be important to consider where new development can or cannot go. Inland growth versus shoreline marshes.

Mr. MacLean asked what was used for the base case for sea level rise. Ms. Innes said they looked at multiple scenarios, but looked at NOAA 1,3, 5 and 10. He said that NOAA's base case for sea level rise in this century is .94' in this location and they are so many standard deviations away from the most probable that it is infinitesimally likely. Ms. Innes said that is the difference between looking at a comprehensive master plan versus a specific resiliency plan.

Ms. Lambert opined the town's zoning really needs to be toughened up and regarding her early point about Federal funds it would be nice to get some funds for the Wasterwater Treatment Plant.

Ms. Innes said water, sewer, coastal resiliency is what was heard in the comments over and over again consistently.



Ms. Lambert said people think of Scituate and they think of the coast, but she thinks of open space, etc. and the town is getting wetter and wetter. Ms. Innes said they wanted to address that in the comprehensive plan and address that the interior forest and the interior wetlands are also at risk and what is happening to the flora and fauna with the amount of precipitation days and warming days; they need to be considered in balancing out how to address issues in the future.

The Board discussed water and some of the water issues; just because the water comes out of the faucet does not mean we are okay. The water fees were just increased, but the town has to pay for water related items; the Town has very low water rates as opposed to other communities.

Some other issues and recommendations were discussed.

- Sidewalks – desire for community
  - Sidewalks that connect to open space
  - New sidewalk going in on Country Way, will connect to North Scituate and then to Minot beach
- Village areas - how the harbor continues
- Balance between people that want change and those that don't

Mr. Pritchard opined it is well done and something the Board should endorse, challenge is how to operationalize recommendations that might be 5-10 years down the road; are there elements the Planning Board can operationalize and put into policy discussions as they get into individual approvals.

Mr. Bornstein said he has thought about that and he thinks the Board can do a better job with liaison work and communicate with other stakeholders and boards when something from the master plan falls on those boards/committees to work on with the Planning Board. He also opined this could be used to do a full re-write of zoning. It has been a long time since it has been fully re-written.

Ms. Burbine said the bottom line is communication and not working in silos.

Changing the Zoning would have a more lasting impact; but may not be something the Board can tackle right now.

Ms. Joseph said the Board needs to figure out how to communicate with other departments, how the Master Plan can be front and center so the Board can implement what it wants to implement; i.e. the Director of Planning and Development is working to get a list together of all the recommendations from other plans, etc. and the master plan is being included. The Board needs to think about what the priorities are. The Board will likely ask the Director of Planning Development to come to a meeting in the future to discuss communication and priorities.

Mr. Pritchard to spear head a list of priorities for the Board.

Ms. Burbine said she has been trying to facilitate a meeting with the Planning Board, Select Board and Zoning Board to discuss some of their mutual efforts.

Ms. Burbine said many people think it is the Planning Board that approves all things in town, the Board does not approve water, sewer hookups, 40B's.



The next step is the Board needs to decide if they want to endorse the master plan and bring it to Town Meeting. The Board agreed they were prepared to endorse it tonight, but it should be brought to Town Meeting.

*Public Comments:*

Ms. Becky Malamut resident and Chair of the Water Resources Committee asked where the population projections came from; Ms. Innes explained there are 2 sets of projections MAPC and FXM Associated from UMass Donahue and they were not the same. She would be happy to put Ms. Malamut in touch with the people that did them for further explanation as she did not know and that is why both projections are in the appendix. Ms. Malamut said she is concerned because the projections in the previous master plan were so off and this seems low, based on the number of projects going on now.

She asked if there is a statement or choice of which one to use or is it just these are the numbers. Ms. Innes said it is just the numbers; one of the issues is so much is dependent on sewer and water expansion as to which way the numbers would go.

*Motion:*

Ms. Burbine moved to endorse and approve the Master Plan and bring it to Town meeting for endorsement.

Mr. Pritchard seconded the motion; a roll call vote was taken and was unanimously in favor.

**Discussion Surety Release – Cushing Road Common Driveway**

**Documents**

- PDF DPW Comments 6.9.21
- PDR Request for surety release
- PDF TC filed Decision 4 Cushing Rd

Attendees: Steve Bjorklund, Diamond Development

Mr. Bjorklund addressed the Board.

- 2009 Diamond Development got approval for a Special Permit Common Driveway
  - Off Neal Gate Street, near Judge Cushing Tomb
  - Private road owned by the State, very old road
  - As part of permit Diamond Development ran a new water service half way up the road to a hydrant
  - Road goes up to a cul-de-sac
- Condition #8 - the applicant is to provide the Planning Board with \$10,000 bond
  - He read the condition from the permit - “bond shall be returned to the applicant with repaving of Cushing Road satisfactory to the town and the Commonwealth of Mass after the DPW has inspected the site and found the clean up to be complete these funds shall be returned to the applicant with interest if any is due”.



- The State finally pulverized the road and put down 4" of asphalt, Diamond Development waited to put the top coat on their driveway until the State was done with the road
- Top coat has been installed on the driveway and provided As-built Plans
- He read from a Memorandum from DPW on June 1, 2021
  - Road paving was negotiated between the Town and the State
  - DPW has reviewed the current condition of the road and takes "no exception" to the work
- Mr. Bjorklund opined someone would like to make the road a public road
- New Memorandum from DPW
  - While road has been paved the DPW has written the current state of the road does not qualify for street acceptance
  - Mr. Bjorklund said he knows that and it does not have anything to do with his development
- There is a tree in the middle of the roadway that was negotiated with neighbors that they did not want to be taken out, the road has been paved around the tree.
- If street acceptance is requested DPW says the tree should be removed, street acceptance plans should be done, some drainage may be required and suggests funds in escrow should be held until it is sorted out
- Mr. Bjorklund said this roadway has nothing to do with Diamond Development

Mr. Bjorklund said they have completed the work under their special permit and they are seeking the return of the \$10,000.00; street acceptance does not have anything to do with their development.

Ms. Joseph said the Board needs to decide if the repaving is satisfactory to the Town; if the paving is satisfactory then the surety should be returned.

Ms. Burbine opined there are competing memos.

Mr. Bjorklund said the memo's say the same thing that the paving is okay and someone may have to do drainage improvements, etc. if they want to come for street acceptance. He opined that has nothing to do with Diamond Development.

Ms. Burbine said the surety is the only aspect that has to deal with the Planning Board or the Town Planner; anything else is something to do with DPW and the Town Administrator.

Mr. Bornstein said he is not very familiar with the project and asked if there were any substantive changes made to the existing roadway, i.e. grade, etc. Mr. Bjorklund said no, they ran a water line half way up the road and put in a hydrant. Mr. Bornstein asked if Mr. Bjorklund's only responsibility was to repave the road there was no discussion about drainage improvements, etc. Mr. Bjorklund said yes, they did not need to do anything else in the road. He said for years the State and the Town have been going back and forth on who owns the road; that has nothing to do with Diamond Development.

Ms. Lewis asked other than the memo from DPW have they completed everything that needs to be completed. Ms. Joseph said this is before her time as well, but DCR did complete the paving of the road and when she asked for the As-built she got it on June 3, 2021 along with the rest of the recorded information, but she did not have it until she asked for it this spring. She said she has to believe the common driveway is complete; she has a stamped as-built plan.



The only work Mr. Bjorklund did on the road was to get the State and the Town together to get the road paved. Diamond Development put a watermain in for the purpose of their project and he re-read the condition from the special permit.

He mentioned condition #15 that as-builts, etc. should be done within three months of completion and it has just been completed with the top coat.

*Motion:*

Ms. Burbine moved to release the surety to Diamond Development.

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

**Form A – ANR Plan – 14 Bayberry Road**  
**Assessor's Map/Block/Lot 5-2-13F**  
**Applicant/Owner: Amy and John Baron**

**Documents**

- PDF 21-127 ANR
- PDF ANR Application
- PDF ANR Plan\_AsFiled
- Doc DRAFT Motion Form A 14 Bayberry Road
- Doc 14 Bayberry Lane-Comment from Water Department
- Doc Transmittal Form A 14 Bayberry Road ANR

Attendees: James Garfield, Morse Engineering; John Baron, Applicant

Mr. Garfield presented the plan to the Board.

- Existing lot in the R2 Zoning District
- Lot going to be divided into Lots
- Both lots 1 and 2 conform with regards to lot area and lot frontage
- Perk tests have been performed on both lots and are “passing”
- Within the plan the existing house says to be relocated

Ms. Joseph said the Form A has been submitted under zoning that the property is on a private way that existed prior to zoning with adequate width, grade and construction of the road, road is 2-5% and adequate construction being paved and suitable for installation of municipal services. The deed has a date of 1935, it has access and frontage and the Board should endorse the plan.

Mr. Pritchard asked how a lot line can run through an existing house. Ms. Joseph said the house will have to be moved before the plan can be recorded. Mr. Garfield said that is correct and the intent is the building will be moved within the building footprint of Lot 1.

It is unclear what the sequence of events needs to be with recording and moving the existing house. The applicant will need to figure this out.



The Board received a comment that a new water line will have to go in the street and go 6' beyond the edge of the last lot; the applicant is aware of the comment.

Mr. Bjorklund said he believes the plan can be recorded, but once a lot is sold off it creates "infectious invalidity" so they won't transfer it out; it becomes a zoning violation in the Town of Scituate.

Ms. Joseph said she thinks the Board has to endorse; it has access and frontage.

Mr. Baron said that he has a plan with the bank, they cannot transfer anything unless they divide the lot and then do a transfer. He said there is really no other path, they would not move the house without getting permission from the Town, he does not think they would get a building permit to move the house. The Board disagreed and said what the applicant is doing is asking the Board to recognize that permission from the town is not required; approval not required in terms of it is not a subdivision.

*Motion:*

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land in Scituate, MA 14 Bayberry Road/Assessor's Parcel 5-2-13F stamped by Jason Scott, P.L.S. of Morse Engineering Co., Inc. for applicant/owner Amy and John Baron dated June 7, 2021 as the division of the tract of land shown on the accompanying plan is not a subdivision because Bayberry Road is a private way that was in existence on the date the Subdivision Control Law became effective in the Town of Scituate and the Planning Board determines that it has sufficient width, suitable grades at 2-5% and adequate construction being a paved asphalt road to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and building erected or to be erected thereon. Planning Board endorsement of the plan is not a determination as to conformance with zoning regulations.

Ms. Lewis seconded the motion; a vote was taken four voted in favor, one opposed. Mr. Pritchard voted against.

**Minutes**  
**Documents**

- Meeting minutes 6.10.21

Ms. Lewis moved to approve the meeting minutes for June 10, 2021.

Ms. Lambert seconded the motion; a vote was taken and was unanimously in favor. Mr. Pritchard abstained from voting as he was not present at the June 10<sup>th</sup> meeting

**Accounting**  
**Documents**

PO #2110467(\$23.86), PO #2110363 (\$124.32), PO #2110354 (\$126.00), PO #2110463 (\$27.37), PO #2100510 (\$2,836.50), PO #2110675 (\$169.07)



Ms. Lewis moved to approve the requisition of \$23.86 to Amazon for office supplies, for \$2,836.50 to Harriman Associates for consultation on the Master Plan, for \$124.32 to GateHouse Media for legal ad for 143 Border Street, for \$126.00 to GateHouse Media for legal ad for 43 Watch Hill Drive, for \$27.32 to WB Mason for office supplies, for \$169.07 to Karen Joseph for mileage.

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

### **Discussion Future Meetings:**

The Board discussed whether they will continue with in-person meetings or remote meetings; there is no technology currently available to do a remote hybrid of a meeting. The Board decided to continue with in-person meetings starting at 6:30 pm and will revisit at the end of August.

The Board discussed some things that they would like to talk about at the next meeting regarding priorities.

- Lot Shape factor
- Stormwater
- Accessory Dwelling size

### **Liaison Reports:**

#### **Traffic Rules and Regulations (TRR) – reported by Ms. Burbine:**

- ZBA asking TRR about overnight parking on Cole Parkway
  - 124 Front Street condos have no parking, looking for residential stickers
  - Not within the scope of TRR – going to Select Board
  - There is overnight parking but located where it floods
  - Does not have anything to do with the Planning Board

#### **CPC – reported by Ms. Burbine:**

- Application due 7.1.21
- Little league looking for another regulation baseball field
  - No proposed location
  - Toll Brothers has given the Town \$400K to build a field

The Board discussed Zoning Board of Appeals and there are 2 people stepping down; it will be interesting to see how the face of the ZBA changes with the openings.

Ms. Lambert discussed the property at Border Street, Select Board has had executive session and why has the Planning Board not been involved. She indicated she got a letter from a group of concerned citizens that she sent along to the Select Board; she got three responses from the Select Board. Ms. Joseph explained that the Planning Board does have a letter regarding the property, but it is not time yet for the Planning Board to opine. When it is time the Planning Board will put it on the agenda and will provide a recommendation to the Select Board, but the Select Board makes the final decision.

#### **Planning and Development – reported by Ms. Joseph:**

- Latest Development report in Boards' folders – meeting done once/month
- Country Way sidewalk has started
  - Sidewalk will connect to sidewalk on Old Country Way



- Collected \$85K for Planning Board Pedestrian/improvements fund
- May need to vote to use some of this for the Country Way sidewalk
- Lot Shape information
- Pre-construction conference for 48-52 New Driftway 7/7 or 7/8
- 18 Ford moving along – half the foundation is in
- Drew Company had a blowout this week from the storm
  - Addressed immediately, SWPPP report, pictures of cleanup, looking at how it will be taken care of in the future
- Seaside at Scituate
  - Break out
  - System supposed to be designed to handle
  - Meeting next Wednesday, with all parties DPW, Conservation, etc.
    - Ms. Lambert to join meeting
    - Town's Consulting Engineers to be in attendance
  - Toll does not think there are permanent issues just construction issues
  - Ms. Joseph questioning if rate and volume is not being increased on the east site
    - No real detention controls on the east side of the road
    - A lot of water going into people's backyards
  - Pictures of silty water – coming from construction site
  - Erosion controls in place - silt sock and silt fence, sediment trap and pumping water out to the working construction basin by the club house
  - Toll is working to address the situation will have several things done before next week
  - Sales office has been moved out
  - Clubhouse has a temporary occupancy permit

Mr. Bornstein expressed his displeasure and asked if there is any kind of incident reporting or monitoring that is going back to the federal or state agencies. Ms. Joseph indicated she gets the SWPPP report every time and she reminded them that the SWPPP report is due within 24 hrs. of an event, but she has not yet seen the report from this past storm and blowout incident. Mr. Bornstein is wondering at what point more leverage is brought in if the Town's needs are not being met in terms of environmental protection. DPW should also be involved because of MS4 and water going into catch basins.

A \$300.00 fine is nothing to these guys; the Board asked if they can be fined \$300/day. Conservation will be fining Toll for the blowout incident, amount is uncertain yet.

Toll Brothers as been directed to clean the catch basins at Hatherly Road, Sixth Ave and Seventh Ave. Drew's contractor was also directed to clean the catch basin at Old Driftway and Driftway; which has been done. Ms. Joseph asked Toll Brothers to provide progress reports of what has been done.

Toll Brothers is doing something this Board does not approve of and they need to answer to that. Toll Brothers should be brought into to speak to the Planning Board about the issues at the site.

Senior Center update

- Traffic monitoring plan starting August 1



- Still working on the lighting – working to find a way to dim the lights on the building
- Still working on the noise stuff – waiting for a report back

There is nothing in the General Bylaws for noise; there are DEP guidelines.

**Documents**

- Email to the Board from Shari Young dated 6.21.21 with meeting agenda for 6.24.21
- Email to the Board from Shari Young dated 6.21.21 with AMENDED agenda for 6.24.21
- Email to the Board from Karen Joseph dated 6.21.22 with meeting materials for National Grid, 533 Country Way Scenic Road, 533 Country Way ANR Plan and 14 Bayberry Road ANR.
- Email to the Board from Karen Joseph dated 6.22.21 with meeting materials for Cushing Road, 533 Country Way Scenic Road and 533 Country Way ANR Plan.
- Email to the Board from Shari Young dated 6.23.21 with DRAFT meeting minutes 6.10.21.

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 8:50 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Rebecca Lewis, Clerk

Date Approved: July 8, 2021