

**SCITUATE PLANNING BOARD    MINUTES    June 27, 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**

- 6/27/19 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.

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**Public Hearing – Senior Center – 327 First Parish Road – Major Site Plan Administrative Review, Scenic Road and Stormwater Review Section 32050**  
**Assessor's Map/Block/Lot: 38-12-0**  
**Applicant/Owner: Town of Scituate**

**Documents**

- PDF 19148 Site Plan Review – Scituate Senior Center, 6-16-19
- PDF First Parish at Cudworth Crash Summary
- PDF Green Comments 6.20.19
- PDF Kiklis Comments 6.19.19
- PDF Major Site Plan Review Application\_052019\_signed
- PDF Major Site Plan Review Application\_Traffic Analysis
- PDF Major Site Plan Review\_C19189.00 SW Report – O&M Manual
- PDF Memo\_Scituate Senior Center and Recreation Major Site Plan Addendum
- Doc Motion Form Continuance
- Doc Planning Board Cover Letter
- PDF Section 750.5 Design Review Standards
- PDF TC filed Legal Posting – Senior Center – 6.6.19
- PDF Transmittal Letter 6-4-19
- DOC TRRC Input to Senior Center Project 11 Jun 2019

Ms. Burbine indicated the Public Hearing on the Senior Center was being automatically continued due to a defect in the abutter notification.

*Motion:*

Ms. Lambert moved to accept the applicant's request to continue the Site Plan Administrative Review public hearing for the proposed Senior Center at 327 First Parish Road until August 8, 2019 at 7:00 pm and to continue the time for action for filing with the Town Clerk until August 30, 2019.

Mr. Pritchard seconded the motion; the motion was unanimously approved.

**Discussion – Seaside at Scituate – Phase 2:**

**Document**

- PDF 190613\_Construction Admin\_Proposal\_Seaside\_Phase II
- Email to Karen Joseph dated 6.21.19 with projected work schedule 6-21
- Map of property – provided at meeting

Attendees: David Buckley, Toll Brothers; Keith Curran, Toll Brothers; William Ohrenberger, Attorney; Jim Ash, GEI; Mark Manganello, LEC.

Mr. Ohrenberger provided a hand out to the Board for the discussion and stated the applicant would like to move into Phase 2 of construction.

Mr. Buckley gave an overview of where the project stands today; he indicated they have completed a significant amount of work on the project.

- Demolition of all existing roadway and buildings has been complete
- Remediation completed
- Wetland replication almost done
- Water and sewer complete
- Roadways completed
- Single family lots – almost complete and ready for construction
- Sold 40 of 142 units in the community
- Model homes being completed now
- 5 building packs – about 15 units actively under construction by Tilden Road
  - First residents in sometime in October

Mr. Buckley referred to the map provided.

- Green – everything they have been working on since October
- Yellow – is what they are looking to move into

Ms. Joseph indicated the Board did a site walk on Wednesday 6/26/19. Along with consultation from Peer Review Engineers she recommends the following before the applicant is allowed to move into Phase 2:

- Basin D needs to be completed – estimates it could be done in 1-2 week
- Stabilized areas with tackifier – building pads, large areas by Tilden road have been sprayed and do not have growth, growth is for dust control. Soil stockpile and areas by Hatherly Rd and Tilden Rd basin have growth
- Irrigation well needs certificate of compliance from the Board of Health
  - Water from basins have been used for sweeping of roads and dust control
  - Will need the well for water over the summer
- Final seeding will be done in the fall – past the season now
- Buffer area – 119 Hatherly and Tilden – progressing, staked for trees
- Gas to be in the shoulder of the road – awaiting Gas Company
- Test pit in roadway at Hatherly and Sixth Ave. done today
  - A revised solution for drainage across Sixth is needed before going into Phase 2

Ms. Joseph opined the applicant is still 2-3 weeks out from completion of these items. She recommends that once the list of items is complete that upon her review they be allowed to move into Phase 2 without having to come before the Board again.

Mr. Pritchard questioned why the applicant wants to go into Phase 2 if they have only sold 40 units. Mr. Buckley said they are here to build the entire project, there are several units that won't be built during Phase 1 because of loam storage and staging etc. and they will not sell those units in the area until no longer needed. They will be running out of room.

Mr. Ohrenberger said they want to get the entire site stabilized going into fall and it is a benefit that that school is not in session; there will be police details for any hauling of materials. Mr. Curran indicated if they don't move into Phase 2 they will miss the fall growing season.

A rough schedule was discussed:

- First need permission to set erosion control and fence along Wampanoag now
- 7/15 – begin tree clearing
- Remove stubs and soil disturbance
- Early August – grubbing and major cuts
- Late summer – September – would be more fills
  - Police details would be there during major fill operations
- Under ground – water, sewer, drainage – late summer- September
- Concurrently would be doing loaming, seeding, etc. other areas of site
- Get roadway binder down before winter

Mr. Buckley opined this would allow them to get stabilized for the winter; there is less space to work in as they continue and Phase 2 is easier, no remediation, and no demolition.

There was discussion that Basin D is half way done; estimate that it is about a week away from completion. The Basin would be used as a sedimentation sump for Phase 2; Title V sand would not go into the basin until it is no longer needed as a sump. Vast majority of the water from Phase 2 would go to the basin, pumps will be used and they will not be releasing water, they will use it onsite.

Mr. Ohrenberger indicated that if there is not enough basin water onsite they are prepared to bring in offsite water.

There are NO changes being proposed just requesting to go into Phase 2.

There was discussion about what happens along the neighborhood/Ermine Street for a buffer. Mr. Buckley pointed out where there would be clearing it is all part of the landscape plan; it will be cleared and then landscaped, buffer planting would not be done till next year. He said they could get a landscape buffer in if necessary for the neighbors.

Ms. Burbine commented that she thought Phase 2 was three years out. Mr. Buckley said that was worst case scenario; the intention is to come into a community and finish the infrastructure, etc. They expect to build 50 homes in a year, about 3 years for total construction. Originally they projected the project would take 5 years to build out.

Mr. Ohrenberger noted that the Surety for the entire project was posted before the project began; under Condition #63 prior to any work in Phase 2, fencing at site boundary with Wampatuck School and a gate at Ermine was to be installed and they would like to start erosion control, fencing and the gate right away. Ms. Joseph indicated that most of the erosion control for Phase 2 has already been done.

Mr. Bornstein asked when they expect the full site to be stabilized. Mr. Buckley said they use a hydro-seed company that has a blend that can germinate very well during warm months and requires very little water. He said they are continuously putting down tackifier etc; it is a continuous process that they do even if they know they are going to dig it up later. He indicated that as they head into the fall they will have lots that are completed so areas around the buildings will get planted with sod. October/November sod will be going down around the completed units. They may have a half dozen building packs that are fully stabilized as well as the model home area near the entry way on Hatherly that will be sodded with the full landscape plan installed.

Mr. Bornstein opined that it is "pie in the sky" to think that everything will be stabilized as laid out, but good that there is an in-term mitigation plan. He does still worry about stormwater issues and with summer potential dust and sediment issues. Mr. Buckley indicated they have several wells on site that can pump when needed; they are awaiting BOH sign off. He said when the full landscape plan is installed around the homes that will be tied into an irrigation system that is connected to the wells.

Mr. Bornstein mentioned the 60' buffer being maintained in a natural or landscaped conditioned and questioned that in some places where there is significant height to the abutters there is blank space and asked how they plan to address those areas. Mr. Buckley indicated that they have a landscape plan and 50 additional trees to be planted that they will do as they move through the site. He also said it could be case by case situation and they would work with Karen and the abutters as needed.

Mr. Bornstein opined that with Phase 2 the work is closer in proximity to a lot of the residences, people will be outside with summertime; how do they intend to deal with noise, etc. Mr. Buckley said tree clearing would be early August and only a few pieces of equipment can be used in the area; it is slow in the beginning. There was discussion about happens when school is back in session. Mr. Buckley said he cannot answer without knowing what the specific concern is. They hope to have tree clearing done before school is in session. During fill operations they will have daily details that they have worked out with the Police department. Ms. Joseph indicated the applicant has had several meetings with Police. She indicated that as a condition there cannot be truck traffic going past the school and the Planning office is diligent about monitoring trucks when reports come in.

Ms. Lewis asked which direction they will start clearing for Phase 2. Mr. Buckley was not able to give a definitive answer, but most likely would be from the access point within the site because they cannot use Ermine. Ms. Joseph added that a proposal from the Consulting Engineer has been obtained for Phase 2; the consulting engineer will be on site fulltime for the first two weeks, then part-time 3 days per week. There will be overlapping inspections with Phase 1.

*Public comments – None at this time*

Ms. Burbine recapped the discussion; start phase 2 in about 3 weeks from now the Board has an understanding why they would like to start phase 2. Ms. Joseph said she would like a plan for action

for the drainage crossing Hatherly Road as well. Mr. Pritchard opined that stabilization of Phase 1 should be done as well.

The Board and the applicant agreed to a site visit the week of July 15<sup>th</sup>, prior to moving into Phase 2. The Board agreed that if everything was done as discussed and with Town Planner sign off the applicant could move into Phase 2 without coming back to the Board. The applicant needs to complete several items.

- Soil and erosion control installed for Phase 2
  - Conservation Commission has Order of Conditions that need to be followed
- Fencing installed along Wampatuck – 700-800 ft.
  - Town Planner to walk the fencing line prior to installation
- Police details set up for fill trucks
  - No hauling during school pick up and drop off – Police to determine
  - Trucks not supposed to go past the school
- By end of November Phase 2 is stabilized
  - Need to manage the stormwater in Phase 2

*Public Comment:*

Ms. Katherine Spear resident at 17 Ermine Road asked if the turtles sweep has been completed and if a report has been received. Ms. Burbine indicated the turtles sweep was done and none were found. Ms. Joseph added that a report was received and the applicant did do all the all hours that were required; this is under the jurisdiction of the Conservation Commission. Mr. Mark Manganello from LEC Environmental Consultants indicated his firm did the work and it has been completed. A report has been submitted to Natural Heritage, the Planning Board and Conservation and all other interested parties. There were no turtles.

Mr. Jim Ash from GEI Consulting spoke about the status of the report going to DEP for all the remediation. They have a draft of the report that has not been filed with DEP yet, but will be filed in mid-July. This would wrap up the environmental and remediation work that has been done, the next step would be to file a permanent solution statement there is not particular date set for that report at this time. There was discussion if the town is able to review the report before it is filled with DEP. The data has been provided throughout to the Town's Consulting Engineer and they have made comments as they have been going along. The applicant agreed to file the report with DEP prior to Phase 2 commencing, sometime around July 15<sup>th</sup> when there will be a site inspection. This was added to the pre-condition checklist.

**Form A – ANR Plan – 443 - 461 Chief Justice Cushing Highway**

**Assessor's Map/Block/Lot 47-2-26A thru 26J**

**Applicant: David MacCready**

**Owner: Seven H. Trust**

**Documents**

- PDF ANR Application
- PDF ANR Plan
- PDF Revised authorization letter
- Doc Transmittal 443-461 CJC Hwy

Attendees: Jeff Hassett, Morse Engineering

Mr. Hassett reviewed the plan

- P&S has been signed
- Originally divided into 10 lots; now re-dividing into 8 lots
- Proposing to have 2 family homes
  - Each lot needs an area of 80,000 sq. ft. upland
- Properties have tails to create open space and buffers
- Mandatory lot buffer along 3A
  - 100' building set back to 3A
- Lots have required frontage
- Owner – Seven H Trust has provided letter of authorization, property is under agreement

Ms. Burbine opined there is access and frontage; the Planning Board stamp – ANR endorsement does not meaning zoning requirement have been met will be added to the plans.

*Motion:*

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land in the Town of Scituate, MA 443-461 Chief Justice Cushing Highway prepared by Morse Engineering Co., Inc. for applicant David MacCready and owner Seven H Trust, dated 4-24-19 with a revision date of 6-10-19 as the division of land shown on the accompanying plan is not a subdivision because it shows every lot on the plan has frontage of at least the distance presently required under the Scituate Zoning Bylaw on the public way of Chief Justice Cushing Highway with the Planning Board stamp added that Planning Board endorsement of the plan is not a determination as to the conformance with zoning regulations.

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

### **Liaison Reports:**

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

- Ribbon cutting this morning for fields (High School Athletic field project)

#### **EDC - reported by Ms. Burbine:**

- Working on zoning for North Scituate
  - Fire hydrant on Country Way that has not worked for 2 yrs. – DPW working on it
  - Dog Park
    - Phase 1 almost done
    - Will be more clearing for Phase 2

#### **Master Plan – reported by Mr. Bornstein:**

- Tuesday meeting 7/2 at 6:30 pm at the library – members of the advisory group

#### **Water Study – reported by Mr. Pritchard:**

- Ready to do a kick off - perusing an advisory board
- Contract awarded to Tighe & Bond for water study

### **Minutes**

### **Documents**

- Meeting minutes 6.13.19

Ms. Lambert moved to approve the meeting minutes for June 13, 2019.

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

### **Accounting** **Documents**

PO #1911968 (\$175.00), PO #19111842 (\$42.36), PO #1911802 (\$39.10), PO #1912079 (\$7.19), PO #1912125 (\$1,965.00), PO #1912194 (\$600.00), PO #1912198 (\$85.80), PO #1912242 (\$25.25), PO #1912264

Ms. Lambert moved to approve the requisition of \$175.00 to Murphy, Hesse, Toomey & Lehan, LLP for review of condominium documents for 6 MacDonald Terrace, for \$42.36 to WB Mason for office supplies, for \$39.10 to Brad Washburn for mileage reimbursement, for \$7.19 to WB Mason for office supplies, for \$1,965.00 to Merrill Corporation for inspections at Deer Common, for \$600.00 to Merrill Corporation for Stormwater Regulations, for \$85.80 to Karen Joseph for mileage reimbursement, for \$25.25 to Fed Ex for overnight mailing of Grant Application, for \$127.00 to Brad Washburn for reimbursement for parking and transportation to 2019 Nantucket Coastal Conference.

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

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

- Track and Field
  - Had a preconstruction conference; construction starting next week 7/1.
- Gunther Tooties – opening next week
  - Fencing not in for dumpsters and a/c
  - No Cape Cod berm at the drive through
  - Board requests the berm to be installed and enclosures done prior to Certificate of Occupancy being issued.
- Senior Center
  - Send to DRC prior to public hearing being opened – likely meeting 7/9/19
    - Placement of building on the site
    - Integration into to the site
    - Perspective from the neighborhood
    - Recommendations for the façade
    - Priority to look at the design of a “campus” point of view
      - What does a campus feel like
      - How to integrate a new building into and existing building
    - Full length of First Parish Road perspective

Ms. Lambert indicated that there is some fund raising activity, similar to the library to help promote the idea of a “campus”.

Mr. Jerry Kelly the liaison to the Planning Board from the Advisory Committee provided some commentary; the vote to support the Senior Center was not unanimous. There was some reservation about what happens with the Gates School, but the Senior Center has been long delayed. The

Advisory Committee also wanted to see what the “campus plan” is, but ultimately decided to support the Senior Center.

Mr. Pritchard indicated that he expected a traffic study to be completed. Ms. Joseph said a price to review the traffic study has been received and is pending approval. Mr. Pritchard opined the study that was done was not a thorough review.

**Continued - Public Meeting – Site Plan Administrative Review – Municipal Water Treatment Plant Well 17A 90 & 96 Tack Factory Pond Drive**

**Assessor’s Map/Block/Lot 42-4-8**

**Applicant/Owner: Town of Scituate – Water Division**

**Document**

- Email Notice Well 17A – Planning Board Meeting Continuance
- Doc Motion Form for 7<sup>th</sup> Continuance
- Response to 5.23.19 PB Meeting

*Motion:*

Ms. Lambert moved to accept the applicant’s request to continue the public meeting for the Site Plan Administrative Review for the Municipal Water Treatment Plant Well 17A 90 & 96 Tack Factory Pond Drive until July 11, 2019 at 8:00 pm. and to continue the time for action for filing with the Town Clerk until July 31, 2019.

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

**Documents**

- Email to the Board from Karen Joseph with meeting materials for the Senior Center dated 6.14.19
- Email to the Board from Karen Joseph with meeting materials for the Senior Center dated 6.17.19
- Email to the Board from Shari Young with meeting agenda for 6.27.19
- Email to the Board from Karen Joseph with meeting materials for the Senior Center and Well 17A dated 6.21.19
- Email to the Board from Karen Joseph with meeting materials for Well 17A and Seaside at Scituate dated 6.21.19
- Email to the Board from Karen Joseph with meeting materials for 443-461 CJC Hwy dated 6.21.19
- Email to the Board from Shari Young with meeting materials, abutter letters regarding the Senior Center dated 6.21.19
- Email to the Board from Shari Young with meeting materials, comment letter regarding the Senior Center dated 6.24.19
- Email to the Board from Shari Young with meeting materials, comment letter regarding the Senior Center dated 6.25.19
- Email to the Board from Shari Young with meeting minutes from 6.13.19 dated 6.25.19
- Email to the Board from Shari Young with AMENDED agenda 6.27.19 dated 6.27.19

These items were distributed to the Board electronically.



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Mr. Limbacher moved to adjourn the meeting at 8:21 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

