

SCITUATE PLANNING BOARD MINUTES July 12, 2018

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

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

Members absent: William Limbacher

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

- 7/12/18 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 – 50 Country Way – Status of the project:

Document

- Doc 50 Country Way July work Schedule 6.21.18
- Emails to Karen Joseph from Al Elliot dated 6.28.18
- Email to Al Elliot from Peter Genta dated 6.27.18
- PDF of Sewer fees paid for Building C
- Revised parking plans received 7.12.18
- Letter passed out by Mr. Hoffman regarding access on Drew Place

Attendees: Peter Genta, Greenbush Station, LLC; Mike Hoffman, Leasing Agent

Mr. Genta provided an update on the project. Mr. Hoffman passed a letter to the Board.

- Mr. Genta reported on the checklist from Mr. Vogel
 - Final report from Structural Engineer – will be dropping off
 - Final construction control affidavits from the architect
 - Punch list from architect on site has been done
 - Building permit card mostly signed
 - Fire Department Certificate of Compliance – smoke detectors and sprinkler passed
 - Have smoke certificate
 - Need paper work for sprinklers
 - Fire Department memo, confirming emergency access acceptable
 - Fees paid water and sewer
 - Elevator inspection certificate – pending
 - Required some adjustments for compliance
 - As-Built of foundation ready
 - Waiting on Planning Board sign off
- Mr. Hoffman working with the neighbor regarding access on Drew Place
 - Working on agreement granting emergency access through Charlie Reynolds

- Will have legal documentation

Ms. Joseph indicated that the Building Inspector, Mr. Vogel had not yet received anything on the list of items from Mr. Genta with the exception of the confirmation of payment to the Sewer Department. Further noted

- Al Elliot confirmed smoke alarms passed, sprinklers passed
- No change or sign at emergency egress
- Emergency egress not constructed to plan
- Handicap ramp Building C – different than the plans, parking spaces too short
 - Curb may have to be redone
- Parking spaces not per the plan
 - Just received revised parking plan, requested at last meeting
- Condition 46 has not been met - condition for emergency egress
- Do not have recorded owners agreement

Ms. Joseph said she can't advise the Board that conditions have been met from the special permit.

Mr. Pritchard recapped the original list of items from the Building Inspector still outstanding. Mr. Genta said that he is pulling all things together to give one package to the Building Department. The package will include – final inspection report, punch list, smoke alarms, memo from Fire Department, etc.

Mr. Genta indicated there was a memo from the Fire Department accepting the temporary gravel surface, chains and bollards installed once paved, temporarily place orange construction barrels with “do not enter” signage for the emergency egress at the back of the site exiting to Drew Place. Ms. Joseph indicated upon her site visit there were no signs or chains. She said the emergency egress is part of the conditions. She also indicated that the temporary solution would be taken off line for the permanent to be completed. Ms. Joseph indicated her conversation with Mr. Elliott was that the Board conditioned something and that is how it should be. Mr. Hoffman said he met with Mr. Elliott today and that everything was fine; there would be some requirements for final pavement.

Mr. Pritchard opined there are two different opinions. Ms. Joseph indicated she has not received anything new in writing from the last meetings memo. Mr. Pritchard opined that memorandum does not address going from temporary to the permanent pavement without blocking off the emergency access. Mr. Genta indicated they would have a paving vehicle and crew on site should anything happen it would be removed to give access to the property. He indicated there is gravel down and has been compacted which is sufficient for the Fire Department. Ms. Joseph indicated that the final construction is supposed to be pervious pavement, done in layers.

Mr. Genta discussed the layers and indicated they have every intention of completing it in the specified manner. He said they are planning on starting the work for the permanent pavement the third week of July. He indicated if something were to happen and it had to be re-done he would redo it. He said they then need to coordinate with the consulting engineer and paving company, but hope to have completed by early August.

Mr. Pritchard opined that if the Fire Department is okay with everything than he would be; however he wants to hear from the Fire Department on the temporary access and how the applicant is going to maintain emergency access during construction of the permanent fix. If the Fire Department is

comfortable with the plan the applicant has developed to maintain the access he would be okay; the information needs to be in writing and provided to Ms. Joseph.

Mr. Hoffman addressed the concerns over the handicapped ramp and parking space. He indicated that the site contractor is working on correcting the length of the spaces and access to the ramp. Ms. Joseph indicated the consulting engineer did think there was a solution with the space provided.

Mr. Bornstein's sentiments are similar to Mr. Pritchard's; ok with temporary occupancy provided the few loose ends are dealt with and get final answers.

Ms. Lambert asked that everything from the Fire Department be provided in writing.

Ms. Joseph requested the Board give clear direction of how to proceed with discussion from last meeting regarding the unit that is being marketed as a one bedroom, but is really has two bedrooms. Mr. Pritchard indicated that terms of sewer, it is being charged as two bedrooms. Mr. Hoffman said the projected plan is to take the door frame off and take the closet doors off and have a built in desk. The Board confirmed acceptable for Building C.

Ms. Joseph indicated Condition 44 requires the Home Owners Agreement be recorded prior to occupancy. Mr. Pritchard said to add this to the list of items to be taken care of prior to temporary occupancy.

Ms. Joseph asked the Board how they wish to proceed regarding Condition 46, that emergency egress/public access path must be constructed prior to occupancy. She indicated the public access path is not on Building C side. Mr. Genta indicated the sidewalk will be ready in August from the front of Country Way all the way to the back. Mr. Pritchard opined he is okay with the public access path coming later. Mr. Genta indicated projected scheduling:

- Building B – about a month behind – Projecting September Occupancy
- Building A – Projecting October Occupancy

The Board opined that Ms. Joseph can follow up and make sure all items are checked off. All open items need to be reviewed and signed off by Town Planner for temporary occupancy of Building C. If there are issues that cannot be resolved then Mr. Genta would have to back before the Planning Board.

Recap of items:

- Bob Vogel sign off list
- Memo from Fire
 - Acceptance as is
 - Acceptance that access will be out of commission while construction of permanent
 - Sign off on method of construction that preserves access if needed
- Parking spaces corrected, inclusive of handicapped space
- Record Owners agreement
- Abutter signoff for emergency egress onto Drew Place
- **Items noted for temporary occupancy for Building C only**

No public comments.

Public Meeting – Follow up from approval – 1 Crescent Ave. – Common Driveway – Plant List

Document

- Letter from ERC dated 7.11.18, list of vegetation on site for Common Driveway
- Picture of split tree

Attendees: Steve Bjorklund, 1 Crescent Ave Realty Trust

- Mirrored apron from neighbor across the street
- Plant list of what was on site at area of the driveway
 - Brad Holmes reviewed site
 - No Rhodendrens on site – not native species
- Picture of tree leaning on the house
- Japanese maple – trying to save and trim or will transplant
- Have a list of plants that could be used and flourish – will incorporate in planting plan
- Significant landscaping once homes complete
- No Conservation Commission required

Mr. Bornstein stated his concerns from last meeting were about the common driveway and if it triggered more of the concerns of a typical Site Plan Review. He is in agreement with the plant list and opined what he saw on site was scrubby plants, nothing of high ecological or aesthetic value.

Ms. Lambert opined the area needs to be cleaned up.

Mr. Bjorklund said they will save the Japanese maple out in front, will clear out the vines.

Mr. Bjorklund commented on a portion of the decision that was granted previously stating all utilities must be underground.

- Site plan shows – 2 over head electrical services
 - 2 services already exist, they are overhead and not in driveway area
 - Would need to put in 2 telephone poles to make under ground services
 - Less obtrusive leaving above ground from existing services
 - Poles on opposite side of road, can't go underground in the road

No public comments.

The Board accepted both the tree list and the discussion of the electric utilities above ground.

Request by Welby Builders to change septic system leaching field from Phase II to Phase IV – Curtis Estates – 90 Ann Vinal Road

Document

- Email to Karen Joseph from Paul Sheerin dated 7.3.18 request to change SWPPP
- PDF Site inspection dated 7.3.18
- PDF 90 Ann Vinal Road Recorded Subdivision Plans

Attendees: Paul Sheerin, Welby Builders - Owner/Applicant; Paul Mirabito, Ross Engineering

Mr. Sheerin indicated they have a letter before the Board to request that construction of the septic system be moved from Phase II of SWPPP sequencing to Phase IV.

Ms. Joseph indicated that the direction from the Board has been the applicant needs to follow the sequencing of the plan and since they would like to do something different they have been asked to come before the Board. She said construction is going well, trees are mostly cut, topsoil has been stripped, the road has been roughed in and they are working on detention basins.

Ms. Joseph indicated there was an abutter on Sedgewick that thought tree cutting was too close. Agreement was made to pull the line in to try and save two large trees. She said they are going to layout toe of slope and then revisit to see if there were any changes to the capacity of the basin. She noted invasive vines need to be selectively removed, but this will likely be an insignificant change.

Sequencing list from SWPPP:

Phase II:

- Clear-cut for berms
- Construction of the basins, #1 and #4
- Construction of the septic system leaching field
- Grading
- Maintain sediment traps

Phase II – utilities

Phase IV – lot development

Mr. Mirabito indicated the SWPPP was done before the project started. The purpose is to control and minimize erosion of onsite construction; starting in dry weather is optimal for basin installation. Basins will then be vegetated when rains comes later in the year; utilities placed while soils dry and water table down a bit. Makes sense to get road and basins in and vegetated. He said the area of the septic system is a relatively small area of construction. The leaching area consists of removing 2'-3' of unsuitable soil and importing sand; access to site is over the existing driveway; get work done that would impact erosion while the site is dry. The applicant indicated they are still investigating a possible connection to town sewer.

Mr. Pritchard said the Board didn't review a project tying into town sewer; not part of the project and he would not agree with it.

Mr. Sheerin indicated the SWPPP was drawn without consulting the Developer/Builder/Contractor and they did not know they would be strictly held to the SWPPP. He said there is no difference when the leaching field is built environmentally; but there are financial implications. Mr. Sheerin opined he does not believe they will get sewer, but it is an option. Mr. Pritchard said they must come back before the Board for a plan change.

Mr. Pritchard asked how the stormwater management during construction is impacted by waiting to build the leaching area. Mr. Mirabito indicated there would be no change to the way stormwater is managed. Mr. Mirabito said the leaching field is just a sand pit and the current plan shows a silt sock.

Ms. Joseph indicated that under the Subdivision Rules and Regulations, the proposed plan needs to show a certain amount of erosion control, sediment sumps, etc. These items are required on the SWPPP Plan for a NPDES Construction General Permit and the engineer showed them on the SWPPP Plan which was added to the plan set for compliance with the subdivision regulations.

Ms. Joseph is in agreement with Mr. Sheerin that construction is going very well - leaching field area is being used for staging, clearing is being done in phases as the Board requested, the piping for the sewer will be constructed under the road when the road goes in.

Ms. Burbine asked if it matters that it is taken out of sequence. Ms. Joseph opined probably not.

Mr. Pritchard said the proposal now is to build all infrastructure and complete it before start of construction of the leaching field; does anything have to change to manage stormwater to the area where construction will occur. There should be no changes in stormwater flows, etc. in anyway. Mr. Sheerin and Mr. Mirabito said there would be not changes; no environmental issue with building septic later.

Ms. Burbine opined she does not have a problem with changing the sequence; homes can't be sold unless it is completed.

Mr. Pritchard opined that as long as all the erosion control stays in place and water does not go in other directions or on to Ann Vinal he is okay with the projected phasing change.

Mr. Pritchard indicated again for clarity that any connection to town sewer is a different animal, depends on capacity, etc. Mr. Sheerin opined a sewer connection is a long shot.

Motion:

Mr. Pritchard moved to find the applicant's request to change the leaching field construction from Phase II to Phase IV is insignificant as long as the erosion control remains the same. Ms. Lambert seconded the motion; the vote was unanimously in favor.

Informal Discussion – Wampatuck School Playground:

Document

- PDF of CPC Application and Support Documents
- PDF of CPC Application and Current Structure
- Email to Karen Joseph from Tara Connaughton date 6.21.18
- PDF of Wampatuck CPC Funding Request Form
- Doc Playground Breakdown by Elementary School
- Doc The Scituate Educational Experience
- Ariel images of Wampatuck School yard

Attendees: Tara Connaughton, Co – President Wampatuck PTO; Linda Whitney, Principal of Wampatuck

Ms. Connaughton gave an overview of the project and the CPC Application:

- Replacement playground on south side of campus
- 2 meetings with CPC

- Estimated \$300K project
 - \$30K from Wampanoag PTO and fundraising
 - Requesting \$270K from CPC
- Overview of playground as currently stands
 - Aerial view
 - 25 years old, build 1995 by parents
 - Severe disrepair, can't be rightfully repaired
 - Reviewed by Bob Vogel and playground company, parts no longer available
 - Fixes are band aides, huge safety issue
 - Several quotes in hand
 - ADA compliance and accessibility – currently not accessible
 - Up to code accessible for community
 - Unique to other elementary schools
 - On Tilden Road in front of school
 - Walking residential area
 - Going in same spot – working in foot print of the current playground
- No lighting

Ms. Burbine indicated if this project goes through they will have to come in for Site Plan Review – talk about stormwater, etc.

Ms. Connaughton said they are trying to get a head of any issues that might arise, i.e. stormwater.

- Poured in place surface, fully permeable
- Walkway could raise stormwater concerns

She asked if there would be any requests that the Planning Board would have prior to CPC voting for the project to go to Town Meeting.

Mr. Pritchard indicated the Board would give input, but final review would be with the actual application. Mr. Pritchard asked what the School Committee's expectation is for the declining school enrollment and will it be there long enough to invest. Ms. Whitney and Ms. Connaughton responded.

- Wampanoag not in the equation
- Cushing, Hatherly and Wampanoag about the same age
 - Wampanoag structure is solid in terms of construction
 - Looking at other 2 schools
- Superintendent Griffin has stated he doesn't anticipate any changes for the school

Mr. Bornstein asked about the peak times of use, parking, and traffic outside school hours. Ms. Connaughton and Ms. Whitney responded.

- After school – parking not an issue
 - Only parking issue at drop off and pick up, not related to the playground
- Playground use is peak in the hour after school release
- Stormwater – want to make it functional and educational
 - Use as educational opportunity for environmental sciences and propose landscaping with native plantings
 - Wampanoag does already have an organic garden and a new outdoor classroom
 - Tremendous investment in the outdoor educational piece

Ms. Lambert indicated there are three playgrounds on Wampatuck grounds, but this is the largest. Ms. Whitney said yes, but the issue is it is all one piece. They are looking at different structures with smaller components. Ms. Lambert opined this is investing in the future of the kids. Mr. Pritchard asked how they determined a budget at \$300K. Ms. Connaughton referenced the materials handed out and discussed the estimates.

- \$208K – playground, equipment, surfacing, installation, delivery, etc.
- \$60K – for ADA compliance, betterment of walkway – maybe generous
- \$30K - contingency budget
- Playground consultant – hired by School Committee not included in the \$300k
- Construction handled by Playground Vendor - inclusive of the ADA walkway
- Consultant – help to manage and watch the build process
- Project management
 - Playground Consultant
 - State approved contractor list
 - Don't have to go out to bid, have cost up front
 - Already have bids
 - School, PTO, CPC and Town Hall can help manage the bills

Ms. Burbine made additional comments.

- Price high
 - 1/3 State mandated – why parents can't be involved
 - Liability, insurance, etc.
 - \$600K for playground at North Scituate
 - \$200K was because of state regulations
- Vendor selected will maintain for life
 - Will be under the contract, biannual or annual inspections, take care of getting replacement parts and fixes, at the cost of the vendor
- Town owns the playground
 - Town liability
 - Under Charter - Town owns anything outside the building

Ms. Whitney indicated that it is a partnership between the School and DPW with recognizing issues, but the School or parents really notice any issues first. With this situation the vendor will also be involved.

Mr. Pritchard's final comment was to make sure they are on the same page with what is required for Site Plan Review and have a plan for stormwater, etc. He recommended talking to an engineer for stormwater review and having a price so not surprised.

Ms. Burbine opined it is a good project and they have done a great job so far.

Accounting

Documents

PO # 1900279 (\$360.00), PO #1812645 (\$480.00)

Ms. Lambert moved to approve the requisition of \$360.00 to Chessia Consulting Services, LLC for site inspections at 50 Country Way, to Westongraphics for \$480.00 for printing of Zoning Maps under the Municipal Modernization Act.

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

Minutes

Documents

- Meeting minutes from 6.28.18

Ms. Lambert moved to approve the meeting minutes for June 28, 2018. Mr. Bornstein seconded the motion; the vote was unanimously in favor.

Liaison Reports:

CPC – reported by Ms. Burbine:

- Roach field over budget by \$80K
 - Stormwater review more than budgeted
 - CPC Approved, need to go to Selectmen, Advisory Board and Town meeting in Fall for additional funding
- Wampatuck – favorable presentation
 - CPC not willing to fund entire project
 - Fundraising to be done by the school
- Dog Park
 - Will be back for additional funding - \$100K needed

Old Business, New Business, Correspondence, Administrative Items, Update Planning/Development Report

- Rescind 52 Country Way Site Planr – have to take down the existing building as walls can't support a second floor. Information received after waiver approved.
 - Received new site plan
 - Design the same
 - DRC meeting needs to be scheduled
 - Coming back before Board for Site Plan Administrative Review

Motion:

Ms. Lambert moved that the Planning Board rescind the Site Plan Waiver for 52 Country Way – Gunther Tooties as the existing Morning Glories building will not be able to support a second floor and will need to be removed entirely to the ground. This information was obtained after the last meeting on June 14, 2018. This building work is not minor or insignificant in nature of effect and thus a Site Plan Administrative review is required.

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

Zoning Bylaw Discussion:

- Stormwater Regulations- working on draft
- Lot Shape – address irregular shaped lots
 - Inventory of lots that show issues
 - Mann Lot, Creelman, First Parish, Country Way/Hatchet Rock

- Baseline set of knowledge
- How have other towns dealt with
- Difficult for property owners to know where property lines are
- Housekeeping issues for next Town Meeting
 - Language for Zoning Map Change – advised by Town Counsel to go to Town Meeting
- Discussion over 50' frontage lots
 - 50' Frontage lots do need to have double the lot area
 - Planning Board not willing to tackle at this time

Additional projects for upcoming year:

- Master plan - going out to bid shortly
- EDC – visioning for Greenbush area
 - EDC and Planning Board need to work together
- Water and Sewer study

The Board discussed meeting with the Town Administrator, Director of Planning & Development, Town Planner and Town Counsel to explore what/if there are any recourse options for the Board with enforcement of special permit conditions.

Documents

- Email to the Board from Shari Young dated 7.6.18 with agenda for 7.12.18
- Email to the Board from Karen Joseph dated 7.9.18 with meeting materials for Curtis Estates and Wampatuck School Playground
- Email to the Board from Karen Joseph dated 7.9.18
- Email to the Board from Shari Young dated 7.10.18 with meeting materials for Wampatuck School Playground
- Email to the Board from Shari Young meeting minutes from 6.28.18
- Email to the Board from Shari Young with meeting materials for 50 Country Way

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 8:42 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 7/26/18