

SCITUATE PLANNING BOARD MINUTES July 13, 2017

Members Present: Stephen Pritchard, Chairman; Ann Burbine, Vice Chairman; Benjamin Bornstein, Clerk, William Limbacher and Richard Taylor

Others Present: Acting Conservation Agent Patrick Gallivan, Conservation Commission members – Frank Snow, Penny Scott-Pipes, Lisa Caisse, Paul Parys and Richard Harding

Others Absent: Acting Town Planner Laura Harbottle.

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

Location of meeting: Joseph P. Norton Emergency Operations Center, Public Safety Complex, 800 C J Cushing Highway, Scituate.

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

Documents

- 7/13/17 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chairman Pritchard indicated there was a posted agenda. Mr. Taylor seconded the motion for the posted agenda and the vote was unanimous in favor.

Public Hearing - Residential Cluster Special Permit – off Hatherly and Tilden Road Seaside at Scituate (Joint meeting with the Conservation Commission)
Assessor's Map/Block/Lot 46/10/7F
Applicant: Toll MA Land III Limited Partnership, c/o Toll Brothers
Owner: Suburban Realty Trust, Benjamin Goulston, Trustee

Documents

- Email from Laura Harbottle to the Board dated 7/6/17 with Conservation issues for discussion, comment from Traffic Rules, Preliminary Existing & Proposed Catchment Plans, Hydrologic Overview by Stantec, Final Scope of Services for Consulting engineer
- Email to the Board from Karen Joseph dated 7/11/17 with project comments received so far
- Email to the Board from Karen Joseph dated 7/12/17 with appendices for sewer and water reports
- Email from Karen Joseph to the Board dated 7/13/17 with Fire Department comments
- Cover letter, Fiscal Impact Analysis, Traffic Impact Analysis and Engineering Report, Title, Stormwater Report by Stantec, 10 Landscape Sheets and 37 drawing package Seaside at Scituate Site Development Plan for Senior Residential Community submitted May 12, 2017
- Emails (3) to the Board with Horsley Witten Stormwater Review dated 7-13-17; Comment from DPW Water, DPW Sewer and DPW Engineering; comment from William Jacobucci
- Letter from Horsley Witten to Conservation Commission dated 7/13/17

Chairman Pritchard indicated that the public hearing for the Residential Cluster Special Permit for Seaside at Scituate was open and two hours was allotted this evening. He said that this evening would be a joint hearing with the Conservation Commission as both boards are involved with stormwater and there is a cross connection to wetlands which the Conservation Commission has already begun hearings on. He asked that attendees sign in, to refrain from side conversations, to provide their name and address when they are granted permission to speak, to submit any comments

they would like to the Planning Office and for all communication from the proponent to go through the Planning Office. Chairman Pritchard read the list of comments received by the Planning Board from Town departments and from the public.

Chairman Pritchard indicated that the purposes of the Residential Cluster Bylaw per Section 510.1 of the Scituate Zoning Bylaw are to encourage efficient use of land in harmony with natural features, to encourage creativity in design of development, to encourage less sprawling development that consumes less open space, to preserve usable open space, to encourage affordable housing and to assure high quality design and site planning that will benefit the Town. He said it is consistent with all the Masterplan goals. He said the proponent would make a presentation followed by Board comments and questions; then the hearing would move to wetlands and stormwater.

Attorney Bill Ohrenberger introduced the project team. Dave Bauer, Toll Brothers Ma Division Manager, indicated that Toll Brothers has longevity in MA and RI and operates locally on the South Shore with projects in Cohasset, Norwell and the Pinehills in Plymouth. He said they have a contract to purchase the land from Mr. Goulston and have done much analysis on the site. He said they originally were proposing 90 single family homes; however, that did not prove to be the best use of the land. He said feedback of residents and site features were also considered leading them to the proposed project approach of a 55 plus community. He said they are proposing 142 units for 55 and older and ten single family homes at the perimeter of the property.

Mr. Bauer said that they propose deed restricting the open space and that the proposed development is a more efficient use of the land than 90 single family homes which the zoning allows for more than that. He said the townhouses would be in three to four units per building with residential ownership; however, the owners would belong to a condominium association for management of the outside buildings, grounds and utilities. He said the benefit to the Town is that the internal roads would not be maintained by the town. Mr. Bauer said the residents of the community would benefit from the private condominium association as well as amenities as a clubhouse, pool, pickle ball courts, bocce courts and walking trails. He said that the development will be a private community with a condominium association.

Mr. Bauer indicated that the floor plans have had extensive architectural input from many customers and there has been extensive architectural design for this project. He said the units will be two to three bedrooms all with first floor master bedrooms and some with a second bedroom on the first floor. He provided a graphic of the entrance and said the project would not be a gated community. He indicated that the Fiscal Analysis was done by professionals who determined there would be a net tax surplus to the community of \$884,000. Mr. Bauer said there would be no impacts to the schools from the 142 townhouses as they are for 55 and older. He indicated just the 10 single family homes could add school age children.

Chairman Pritchard asked for a graphic of slide 2 which shows the whole development. The applicant said they would provide this as well as the PowerPoint presentation.

Scott Miccile, PE, of Toll Brothers said they have contracted with McMahon Associates for traffic, but that will be discussed in detail another night. Mr. Miccile said that with an over 55 development, traffic impacts will be less intense for the neighborhood. He said there will be less am and pm peak traffic than a single family neighborhood. Mark Manganello from LEC is involved with wetlands for the applicant. He said the wetlands were delineated and surveyed in 2014 and an Abbreviated

Notice of Resource Area Delineation (ANRAD) was filed with the Conservation Commission seeking confirmation of the wetlands lines. He said all of the wetlands were peer reviewed and an Order of Resource Area Delineation (ORAD) was issued which the existing conditions plans reflect. He said there are several areas of permanent wetland impacts shown in blue and they all are non-bordering vegetated wetlands. He said those wetlands are relevant under the Town wetlands bylaw and the state. He said the non-bordering wetlands have been determined to be non-jurisdictional under the Clean Water Act and the state. He said there is one vernal pool in the wetlands which is protected under the Town bylaw. Mr. Manganello said the project has been consolidated to avoid wetland impacts. He said 7,500 sq. ft. of wetland impacts in the old road way area will be replaced with 15,000 sq. ft. of wetlands. He said there is a small amount of work in the 50' wetlands buffer which will be mitigated by 70,000 sq. ft. of buffer restoration in the old industrial building area. He indicated there will be temporary wetland disturbance for utility installation and for remediation which complies with the Wetlands Protection Act and the Town wetlands bylaw.

Planning Board member Mr. Bornstein asked how the project specifically addresses the items in Section 510 of the Residential Cluster District bylaw particularly the more economic land development with open space preserved. Chairman Pritchard said this will be a topic of a future meeting with alternatives included. Attorney Ohrenberger said they will have graphics at a future meeting. Mr. Bornstein asked for a graphic of the open space and where it was aside from the wetlands. Attorney Ohrenberger said east of Hatherly Road down to Oceanside Drive beyond the proposed single family homes is a land area that is part of the project which the applicant is willing to give to the Town and is not included in the open space. Mr. Bornstein indicated that the Town's 2015 Housing Production Plan indicates there is a community need for homes for first time homebuyers and asked how that fits in with the Residential Cluster District. Mr. Bauer said they are not proposing that kind of development, but understand there is a lack of inventory for first time home buyers. He said this development will free up smaller homes as some over 55 people in the community will move into the new development. He indicated of the two projects by Toll Brothers in Methuen, one had 30-40% of people selling homes to move to the development there and the other had 10% or more. He said they have been getting phone calls from potential buyers.

Ms. Burbine said she was concerned that the development was designated for over 55 housing. She said first time homebuyers is a concern of the Town's. She said the architecture is not creative with the sameness of driveways, garage doors and front doors all in front. She said it was an opportunity to create a village for both first time buyers and elders. She indicated she did not want a cookie cutter approach as Scituate has many unique and eclectic housing styles and typical 40B housing development look like the proposed project. She said she finds 55 plus housing discriminatory; but, will keep an open mind.

Mr. Taylor agreed with Ms. Burbine and indicated that new urban principles could be applied and materials varied. He said the cookie cutter approach could be better done for Scituate. He asked for a brief background of the site usage and the concrete on site. Jim Ash, a Licensed Site Professional from GEI and a member of the applicant's team, said he was hired to do an environmental history and use of the site. He said the property was developed in 1919 by the Army for a target range and was sold to Suburban Land Trust in 1921. He said the George Goulston Co. operated the site from 1929-1980 for light manufacturing and used it for light oil material for fabric looming. The site was also used for short wave radio. He said the property was first reported to DEP in 2004 and there were five field investigations between 2004 and 2011 and there was some remediation already done. He said the property was closed under DEP regulations in 2011. He said Toll Brothers reviewed all reports and sampling and did more testing and found conditions similar to the closure report and

recommended a few locations be excavated prior to development. Chairman Pritchard said the Board just received the Phase II report and the Board's consultant would review it and the topic will be discussed at a future meeting. Mr. Ash indicated that the closure report is an indication that the evaluation is complete and the site is cleaned up. He said no more environmental work is necessary as the criteria for residential use had been met.

Mr. Taylor said he was concerned about the road layout with some roads and their curbing and materials. Chairman Pritchard said that would be discussed with stormwater as it would affect the stormwater design. Mr. Limbacher said he was concerned with how the project fits into the bylaw and the traffic flow and how it integrates into the greater community. Chairman Pritchard said he was concerned about the creativity of the design and agrees with Ms. Burbine on the streetscape and just seeing garages. He indicated that the challenge is that a lot of work has already been done; however, there is a great opportunity for creativity that will be explored throughout the permitting process.

Frank Snow, Chair of the Conservation Commission, said that they were involved with the Wetlands Protection Act. He said the wetlands have been delineated, although there are still a couple of issues with the approved wetland delineation including the vernal pool and intermittent stream. He said a number of isolated wetlands are proposed to be relocated and the Commission needs to decide if that is possible. He said many of them are manmade and the Commission will likely approve them with mitigation and protection. He indicated the joint meeting is for stormwater as there are a number of detention areas for storage of runoff. He said these areas need to be as natural as possible to enhance the land and for wildlife habitat. Conservation Agent, Patrick Gallivan, said there needs to be a justifiable reason for wetlands filling. Mr. Snow indicated that isolated wetlands have a buffer and the applicant needs to provide the area of buffer and how much of the buffer that will be filled and replicated. Mr. Manganello said Toll Brothers can provide the buffer information. He said they have requested to extend the ORAD and would like a vote of the Conservation Commission. He said the vernal pool boundary was not shown in the ORAD, but feels the wetlands have been agreed to and the boundary of the vernal pool must be determined in the Notice of Intent (NOI) process. He said the extension of the ORAD should also include the new floodplain maps. In layman terms, he indicated that the ORAD is the agreement that the Conservation Commission agrees with the wetland bounds as shown on a plan.

Aaron McCormack of 29 Marion Road Ext. said the phasing has been indicated to be five to six years and asked when the wetland will be filled and parts built. Chairman Pritchard said that the Planning Board will go through construction and phasing issues at another hearing session. Anthony Antoniello said he is a registered professional engineer, and has appealed to the EPA and DEP the sewer connection permit. He said the sewer treatment plant is at 80% capacity and the sewer system does not abut this property. Bill Seroll of 58 Oceanside Drive asked about the land between Hatherly Road and Oceanside Drive. Attorney Ohrenberger said there was no plan to develop it beyond what is shown and the area beyond the development may be turned over to the Town. Mike Davis of 132 Hatherly Road confirmed that there will be no impact to plowing as the entire area is private property. He also said that the development should blend in. He said it was originally proposed at 90 homes and now 142 are proposed. He asked what is to prevent more homes from being developed. Attorney Ohrenberger said that the Board will approve an exact number of homes and they have asked for 142 Townhouses. He said the bedroom count is less than with 90 single family homes, but there are more buildings. Mr. Bauer said Toll Brothers could propose more homes; however they are being reflective of the market and what it likes.

The hearing moved onto wetland issues. Mr. Snow introduced Agent Gallivan and the Horsley Witten (HW) consultants of Janet Bernardo and Amy Ball. Mr. Gallivan said that he would like the ORAD extended as a whole and two pieces of information still need to be met. Attorney Ohrenberger said that the ORAD has been issued and they would like it extended to avoid a procedural problem come October and handle the two pieces of information in the NOI which is before the Commission now. He indicated he wants the items on the plan extended. Mr. Gallivan said the wetland line will be extended and he would like the vernal pool line on the plan to be extended. He said that this could be handled in August. Ms. Pipes said she had no problem with the extension of the ORAD with the floodplain maps and vernal pool bounds confirmed. Ms. Ball of Horsley Witten said there was an area in wetland K that has characteristics of a vernal pool. She said the Commission could extend the ORAD now with the bounds of the vernal pool shown on the NOI plans as well as the FEMA floodplain information. She said they are on the NOI plans. Attorney Ohrenberger said the information is already on the NOI Plans waiting for confirmation. Mr. Harding asked if they could get conformation in the next month. Attorney Ohrenberger said they are concerned with quorum problems with an October deadline for extension and they are using the same lines in the NOI. Mr. Parys said he did not see the benefit to wait. Ms. Caisse said the Commission knows what needs to be addressed and asked how the quorum is an issue. Attorney Ohrenberger said that one member of the Commission already cannot vote and they do not want to lose another. Mr. Snow said that resource areas are established so they are not debated at a later date and they do not change. He said the public hearing on the ORAD was done and he is inclined to continue with the pieces marked out as specified. Ms. Caisse confirmed that it puts nothing in jeopardy. Mr. Parys agreed. Ms. Caisse said she had no problem. Mr. Gallivan indicated the stormwater basin may not be possible due to the vernal pool. He said stormwater review is being done without a final line. Attorney Ohrenberger said that the vernal pool was in the NOI plans and he asked for a vote. Mr. Snow asked for a motion and indicated that Attorney Ohrenberger knows what happens if the line moves. Ms. Pipes moved to extend the ORAD for three years for Seaside at Scituate with the stipulation that the NOI reflect the new floodplain maps being overlaid and the boundary of the vernal pool be verified again. Ms. Caisse seconded the motion. Motion was unanimously approved.

The Board and Commission moved on to Stormwater. Kevin Klein of Stantec was present for the applicant. He said the site is mapped with identified uses such as impervious area and vegetation and the topography is reviewed for where the stormwater goes. He said in the existing site flows in 2 halves to the west and to the east. He said the area to the east flows to the wetlands which are about 14 acres and will not be altered. He said the west area has 4 acres of impervious area which flows radially in seven catchment areas. He said most flows through wetlands with some recharge on-site or goes to Hatherly Road. He said another portion goes to Tilden Road. He said Hatherly and Tilden Road are the two largest discharge points. Mr. Klein said that they did extensive test pits and did double ring infiltrometer testing for perc rates for full stormwater basins. Chairman Pritchard asked what happens to the flow going east to Hatherly through the wetlands when it gets to the road. Mr. Klein said the drainage system sends weepage to the road that freezes and is problematic. He said the catch basins in Hatherly Road need to be upgraded to catch the flow. Mr. Klein said the site was analyzed for proposed conditions using TR-20 for the 2, 10 and 100 year Type III storms and using TP 40 for the amount of rain in a 24 hour period. He said the proposed development cannot increase the rate of runoff or the volume according to Scituate's regulations. He said the Conservation Commission allows no increase or decrease in flow to a wetland so the project proposes to treat and release and retain stormwater so there are no offsite impacts. He indicated there are several small basins on site to retain runoff so that at all discharge points there would be no increases so that abutters would not be impacted. He indicated a conservative infiltration rate was

used (0.27"/hr.) and at the front of the site there will be a swale and level spreader with a catch basin so that the puddling on Hatherly will be decreased. Mr. Klein said the largest square footage of a unit was used in the calculation of impervious area so that the calculations reflect the most runoff for the project.

Chairman Pritchard indicated that the Board just received comments today and they did not have the opportunity to review them. He said that reports and comments from any person are needed a week ahead of the meeting. Janet Bernardo of HW said that she reviewed the drainage calculations and outlined some technical issues in a report to the board that the applicant will need to address. She said the MA DEP has 10 standards for Stormwater that need to be met for stormwater management programs. She said that for Standard 1 – no erosion into the waters of the Commonwealth, velocity calculations are needed. She said all the standards were reviewed and responses and /or justifications will be needed from the applicant. She said the pipe at Ermine Street is 10" but with flow of 18". She said there is existing flooding at Hatherly Road that needs to be addressed. She suggested the applicant work with DPW to address the situation. She said the flows are not increasing, but would like the applicant to do more as there is already flooding and residents and neighbors will not want the problem to remain. She said an erosion and sedimentation control plan will be necessary as well as a Stormwater Pollution Prevention Plan (SWPPP). She indicated there can be no erosion during construction. Ms. Bernardo said an Operation and Maintenance Plan to be maintained by the Homeowner's Association will be necessary. She indicated a concern that the infiltration basins may be too deep and that they need to drain within 72 hours.

Mr. Snow indicated that one discharge on the west side goes across Tilden Road to a tributary that goes to the Satuit Brook. Chairman Pritchard asked for a diagram of how all the connections tie into the Town's existing stormwater system and indicated that the capacity of the Town's system at each location would need to be verified including the flow to Satuit Brook. Ms. Bernardo said she didn't see that one, but they would not be able to increase the flow. Mr. Snow was concerned that the wetland on the property would be expanded. Mr. Klein said the wetland would be expanded, but the flow decreased. Mr. Snow said they do not want the flow to Satuit Brook decreased and said that an increase to a stream is acceptable, but not to a piped system. Mr. Klein said that by state laws the velocity can't be increased and they will look at rebalancing the site. Ms. Bernardo stated that wetland H does not want to be dried out. Attorney Ohrenberger stated that at Longley Rd. and Norwell Ave. the Town presently drains to the property and this has created a wetland. He said the applicant is willing to give the Town an easement. Mr. Klein said there will not be a direct discharge from the street to the wetland. Mr. Limbacher, Mr. Taylor and Ms. Burbine all indicated they had no comments now, but reserve the right to comment later. Chairman Pritchard asked if they are considering catchment of rainwater and reuse of it. Mr. Manganello said they are considering onsite wells or stormwater for irrigation. Chairman Pritchard asked that it be rainwater if possible. Mr. Bornstein said he was disappointed that the proposed stormwater design was not decentralized and used more low impact development technologies. He said he likes the idea of keeping stormwater from the municipal system and keeping it on-site to reduce the town liability for MS4. Mr. Klein said that wherever possible the stormwater has been kept out of the Town system, but the soils are poor and there is high groundwater especially by Hatherly Road. Mr. Gallivan stated that originally the size of the stormwater structures were larger and now they are smaller so there has been some response to what was asked for. Mr. Klein indicated that swales were put where they could be and that infiltration was put where the best soils are located. Ms. Ball stated that she and Ms. Bernardo will work together for the stormwater and wetland issues.

Chairman Pritchard asked for HW to add Satuit Brook to their list of issues. Mr. Snow said they would like to maintain the flow to the wetlands and brook and keep the detention areas as natural as possible. Laura Curtin of 58 Kenneth Rd. said that the swale along her street is not attractive and she is envisioning the same along Hatherly. Chairman Pritchard asked the applicant to look at this. Sean Harris of the Board of Selectmen, said the Selectmen are also the Water and Sewer Commissioners and on the Street Acceptance Committee, and asked if the streets were to be to subdivision standards as on Walnut Tree Hill plowing became an issue for the Town. Attorney Ohrenberger said they were to subdivision standards and that the roads would be private with a covenant so they will not be accepted in the future.

Chairman Pritchard indicated that the time allotted is nearing an end. Attorney Ohrenberger asked if their engineers can call ours and indicated that Town comments would be addressed. Chairman Pritchard indicated that HW needs to have the right information. He said beyond wetlands and stormwater is environmental issues. Ms. Bernardo said that their LSP would be prepared for August 24. Chairman Pritchard said that comments must be received by August 17 and for environmental issues to be coordinated with the Board of Health. Ms. Bernardo and Mr. Ash indicated they would coordinate with the Board of Health. Mr. Bornstein asked for the Board to schedule a site visit. Attorney Ohrenberger said that all the consulting fees have been paid to the town and asked that the Board consider a meeting before August 24. Chairman Pritchard said the environmental issues affect the wetlands, stormwater, layout and roads. He said environmental and traffic will be on August 24. Ms. Bernardo confirmed that they have been given the go ahead for all review and asked if the engineers can have an exchange of comments prior to August 24. Chairman Pritchard said as long as it is coordinated through the Planning Office. Mr. Taylor asked if traffic includes internal layout as well as external. Chairman Pritchard said it did. Ms. Bernardo said pedestrian traffic as well. Attorney Ohrenberger asked about stormwater to the Conservation Commission. Ms. Pipes indicated a continuance would be August 2 or 16. Ms. Ball indicated that the applicant has stuff to do and information would be needed by July 26.

On creativity of design, Chairman Pritchard said they wanted solutions identified for the nature of the streetscape and garages. Mr. Bauer said they were going to need help as this is their best solution. Chairman Pritchard suggested the side or back entrances would be an option for garages as creativity in design and walkability are desired under the bylaw. Mr. Bauer indicated that this fundamentally changes the project. He asked that if they demonstrate this design is a success by the market, would that be significant. Chairman Pritchard said the Board is willing to hear it, but wants to see all the data as this is not the only way the project could be designed. Mr. Bauer indicated this is a major issue and could be a struggle. Chairman Pritchard acknowledged the time and effort already put in the project; but that is the reaction of the Board. Mr. Taylor encouraged the applicant to look at materials to lessen the impacts. He suggested barn doors, colors and porches coming out. Ms. Bernardo asked if the Board wanted sidewalks on the street or paths in the rear. Chairman Pritchard said sidewalks help create a community and his sense was the front, but Toll Brothers needs to study this. Mr. Taylor offered that at the Pinehills, the cottage community and walks try to replicate new urbanism.

Ms. Pipes moved to continue the Seaside at Scituate public hearing until August 2 at 6:30pm. Mr. Parys seconded the motion. Motion was unanimously approved.

Mr. Burbine moved to accept the applicant's request to continue the public hearing for the Residential Cluster Special Permit for Seaside at Scituate by Toll MA Land III Limited Partnership, c/o Toll Brothers, Inc. off of Hatherly and Tilden Roads until August 24, 2017 at 7:00 pm and

continue the time for action to file a decision with the Town Clerk until November 30, 2017. Mr. Taylor seconded the motion. Motion was unanimously approved.

Continued Public Hearing Accessory Dwelling Special Permit – 15 Tenth Avenue
Assessor's Map/Block/Lot 39/4/12
Applicant/Owner: The Schindler Revocable Trust

Documents

- Email to the Board dated 7/6/17 from Laura Harbottle
- Email to the Board from Karen Joseph dated 7/12/17 with Plan of Land 15 Tenth Avenue by Hoyt Land Surveying revised dated 7-6-17 and Email from Shawn Hardy to the Conservation Commission dated 7/10/17 requesting a minor change

Maureen and Jerry Schindler were present for the continued public hearing. They indicated that from the last meeting they provided a revised plan with four 9' x 18' parking spaces. They said three are together and one is separate where the wall has been reconfigured and they are proposed to be pervious pavers of shells or gravel. Chairman Pritchard asked if the Conservation Commission has addressed the issue. They indicated they spoke to Mr. Gallivan who indicated it was okay. Ms. Joseph indicated she reviewed the proposed condition with Pat Gallivan who found it acceptable. Ms. Burbine read Mr. Gallivan's email.

Mr. Bornstein moved to make the following Findings of Fact:

1. On May 23, 2017, Gerald F. and Maureen Schindler, Trustees of the Schindler Revocable Trust, applied for a special permit for an accessory dwelling proposed to be attached to a new single family house at 15 Tenth Ave.
2. Based on the application, the interior floor space of the proposed accessory dwelling will be 610 sq. ft. This is less than the maximum of 750 sq. ft. allowed by the Zoning Bylaw. The accessory dwelling meets the size requirements of Section 530.2F.
3. The lot is 9,000 sq. ft., the front setback of the existing house was 13.2'; the new house is proposed to have a 15.5' front setback. A special permit to allow expansion was approved by the Zoning Board of Appeals on February 24, 2017.
4. There is a wetland to the rear of the property, which is also in the AE flood zone. The new house and accessory dwelling are proposed within the 100' buffer. The Conservation Commission approved an Order of Conditions on October 5, 2016.
5. A Plan of Land 15 Tenth Avenue by Hoyt Land Surveying revised dated 7-6-17 shows four parking spaces. This appears adequate to provide two parking spaces for the accessory dwelling and two spaces for the primary dwelling.
6. The owner has submitted a signed, notarized statement that he will live on the property.
7. The primary dwelling and the accessory dwelling will be serviced by sewer.
8. There are two means of egress for the accessory dwelling, a door to the primary dwelling and a sliding door to the outside.

9. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Mr. Limbacher seconded the motion. Motion was unanimously approved.

Mr. Bornstein moved to approve the Special Permit for an accessory dwelling at 15 Tenth Ave. with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Plan of Land 15 Tenth Avenue by Hoyt Land Surveying revised dated 7-6-17 and elevations and floor plans by KBS Builders, Inc., South Paris, Maine submitted with the application and attached to this approval.
2. The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application. The number of bedrooms in the primary dwelling is limited to three.
3. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
4. Documentation from the Conservation Commission for approval of the parking per the 7-6-17 plan is required prior to a building permit being obtained.
5. The standard conditions for accessory dwellings approved by the Planning Board shall be conditions of this decision and shall be included for recording at the Registry of Deeds.

Upon further discussion, the Board wanted to add language about pervious pavers. The following language was added to condition 4 **“The four parking spaces shown are to be constructed of pervious materials.”** Ms. Burbine seconded the motion as amended. Motion was unanimously approved.

Review/Approve Plan to Manage Stormwater after Change to Grading – 529/531 Country Way

Documents

- Drainage calculations, As-Built condition by Ross Engineering dated 6/21/17
- Letter from Robert and Tina Davin 526 Country Way dated June 14, 2017
- Letter from Merrill Engineers dated 7/7/17
- Drainage Calculations – Response to Comments from Ross Engineering dated 7/10/17
- Email to Board dated 7/6/17 from Laura Harbottle with as-built condition dated 6/21/17, review of proposed grading by Merrill dated 4/13/17, Planning Board decision dated 4/2/15, as-built watershed plans, photo of standing water across from 58 Aberdeen, email from stierney dated 6/16/17, Davin comments and 5/9/17 and email from jh10
- Revised grading report from Merrill Engineers dated 7-13-17
- Proposed conditions watershed plan by Ross Engineering revised dated 7/13/17

Paul Mirabito was present for the applicant. He indicated that the plan he showed to the Board last month had a swale at the back of the property that was directed to the front. He said the plan was reviewed by Merrill Engineers who indicated the swale will take water to the front of the property. Mr. Mirabito said that the proposed houses are 40% smaller than the proposed, so no additional infiltrators were provided.

Mr. Palmieri said that the regrading to the rear was not considered in the original submittal. He indicated quite a bit of fill was brought into the back of the lots and there was a swale designed to bring water to the front of the lots and into infiltrators. He said the applicant has addressed his comments and he is satisfied that the design will work as proposed. He said that a swale detail was provided and the calculations show that the swale can handle it. He said that the contractor needs to be better prepared to keep construction away from the property line as any runoff could get onto abutting properties. Mr. Palmieri said the design will work with policing during construction.

Chairman Pritchard said that water needs to be managed during the construction process. Mr. Palmieri said that he thinks pushing work out to the property line contributed to what happened here. Chairman Pritchard asked Mr. Mirabito who will take responsibility here. Mr. Mirabito said the surveyor will stake out the swale and the builder's contractor will do the grading. Mr. Mirabito said he represents the builder who sold the lots. Mr. Palmieri said that both houses are done and the septic systems in and the common driveway and infiltrators have not been installed yet. Chairman Pritchard indicated that no occupancy permit will be given until the stormwater measures are completed.

Mr. Bornstein moved that the proposed revisions to the finished grading as shown on the Proposed Conditions Watershed Plan by Ross Engineering revised dated 7/13/17 will work in the proposed conditions of the completed project. Water is not allowed to leave the site during construction and temporary swales and siltation sumps shall be constructed as necessary to keep the flow on site. Stockpiles shall be relocated as necessary to achieve this. Upon discussion, Chairman Pritchard said that he would like something put in that any violation of discharge to abutting properties is the responsibility of the builder, Paul Sheerin, and subject to fines. Mr. Palmieri said that he has done no inspections on the site. He said there were supposed to be some for the common driveway. Ms. Joseph indicated that the initial staking and erosion control was likely approved, but in this case the houses were built before the common driveway and thus the other inspections not really applying and the Board is going to need to require that there is a plan for containing runoff on site during the total construction process.

Mr. Bornstein read the amended portion of the motion "Any stormwater found to be discharged to abutting properties prior to final engineering sign off and occupancy permit shall be subject to fines. The Planning Board requires that inspections as outlined in the special permit be conducted at appropriate times during the construction process and the results communicated to the Planning Department." Ms. Burbine seconded the motion. Motion was unanimously approved.

Accounting

Documents

- PO # 1712498 (\$520.00), PO # 1712601 (\$188.22), PO # 1711465 (\$77.00), PO # 1712657 (\$2,027.17), PO # 1712838 (\$341.70), PO # 1712886 (\$550.70), PO # 1713073 (\$910.00), PO # 1713074 (\$520.00)

Mr. Bornstein moved to approve the following requisitions signed under the Municipal Modernization Act: \$520.00 to Merrill Corporation for engineering peer review for Lot 3 Dreamwold Common Driveway Special Permit; \$188.22 to WB Mason for office supplies; \$77.00 to Plymouth County Registry of Deeds for recording of Planning Board signatures; \$2,027.17 to K & E Construction as a refund for the Stormwater bond for 46 Tilden Road; \$341.70 to Gatehouse Media MA for legal ads in the Scituate Mariner for 20 Deer Common, 33 Barker Road and 15 Tenth Avenue accessory dwellings; for \$550.70 to Amory Engineers for construction inspections for 13 Ford Place; for \$910.00 to Merrill Corporation for construction inspections for 105 Hatherly Road and for \$520.00 to Merrill Corporation for engineering review for 4 Union Street. Mr. Taylor seconded the motion. Motion was unanimously approved.

Minutes

Mr. Bornstein moved to approve the meeting minutes of 5/25/17. Ms. Burbine seconded the motion. Motion was unanimously approved with Mr. Taylor abstaining. Mr. Bornstein moved to approve the meeting minutes of 6/22/17. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Liaison Reports

Ms. Burbine said that the EDC did not meet as there was no quorum, but indicated they will meet on 7/20 to discuss the Greenbush visioning. She said the CPC met and discussed several projects. Mr. Taylor said there was some communication with the Design Review Committee with the barn door at 13 Ford place. Chairman Pritchard asked if the Board wanted the (DRC) to look at the front entry and signage for the Seaside at Scituate project. Mr. Limbacher said it makes sense. Chairman Pritchard said the elevation of the front entry and the look and feel of it from Hatherly Road is what he wants input by the Design Review Committee on before 8/24/17.

Chairman Pritchard also said that a Masterplan discussion should be placed on the second meeting in September to discuss what is involved in getting a new Masterplan done. Ms. Burbine said that a consultant has been hired in the past and MAPC should be contacted before then. Ms. Burbine said the EDC should be involved with their proposed ideas.

Old Business and New Business

Documents

- Email to Board dated 7/6/17 from Karen Joseph with agenda for 7/13/17

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 10:00 p.m. Ms. Burbine seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Benjamin S. Bornstein, Clerk

8-10-17

Date Approved