

SCITUATE PLANNING BOARD MINUTES July 23, 2015

Members Present: Stephen Pritchard, Chairman; William Limbacher, Vice Chairman; Robert Vogel; Robert Greene and Ann Burbine, Alternate member.

Members Absent: Richard Taylor.

Others Present: Ms. Laura Harbottle, Town Planner.

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.

Chairman Pritchard called the meeting to order at 7:30 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 7/23/15 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Limbacher moved to accept the agenda. Ms. Burbine seconded the motion and the vote was unanimous in favor.

Public Hearing – Major Site Plan Review -13 Ford Place

Assessor's Map/Block/Lot 53-5-15

Applicant/Owner: John O'Keefe

Documents

- Transmittal to departments dated 6/2/15
- Application for Site Plan Administrative Review for 13 Ford Place
- Site Plan for 13 Ford Place dated 3/27/15 sheets 1-10 by Ross Engineering
- Stormwater Report for 13 Ford Place dated 3/27/15 by Ross Engineering
- Pre-Development Watershed Plan 13 Ford Place dated 3/27/15 by Ross Engineering
- Email from Doug Smith, Historic Commission dated 6/20/15
- Engineering peer review from Amory Engineers dated 7/2/15
- Memorandum from Laura Harbottle to Board dated 7/6/15
- Email chain from Laura Harbottle to Board dated 7/23/15 with comments from Neil Duggan

Chairman Pritchard opened the public hearing. Attorney Jeff DeLisi, Paul Mirabito and John and Norma O'Keefe were present. Attorney DeLisi indicated the site was in the general business zone and improved with a single family dwelling and a detached garage. He said the applicant is applying for a Major Site Plan Review.

Mr. Mirabito said the site has a single family home with a detached garage with access from Ford Place. He said the Water Resource Protection District (WRPD) and Zone A goes through the sparsely wooded site of 25,750 sq. ft. He indicated the upland site slopes from the rear to the front at Ford Place and two observation holes have been done.

Mr. Mirabito indicated that the proposed use of building bays for shops for carpenters, plumbers etc. follows the zoning bylaw. He said the garage will be relocated to attach to the house with the bays in an L shape. He indicated there would be 24 parking spaces and the perimeter would be planted with arborvitae to shield the site from view. As a portion of the site is in the WRPD, Mr. Mirabito

said the parking lot water flows into a sand filter forebay then goes to a manhole and underground chambers after being treated. He said there was a stone lined trench at the perimeter for the roof runoff to infiltrate. He said they have reviewed the engineering peer review comments and have no issue with them except that they will need permission from adjacent property owners to survey 50 feet from the property line.

Ms. Harbottle said there was initially a zoning question on use for a single family home with an attached business. She said the house is located on the plan as being attached to Building 1. She said this is not possible without a special permit for a mixed use. She said Mr. O'Keefe has agreed to remove one unit so the garage can better fit next to the house. This also provides a separation between the house and units. Neil Duggan agrees. She said the number of parking spaces is based on industrial use which is not allowed in the district. She said the Planning Board can establish the number of spaces required here based on the category of other uses. She indicated the house is a historic house built in 1850. Ms. Harbottle said the application will need to go to the Design Review Committee and she hopes there is a way to make the business units look compatible with the antique house. She said there was not a lot of room for this type of use since the revitalization of the Greenbush line removed land in the Commercial zoning district, but there are similar uses in the General Business zoning district and this project may meet the demand. She said this will be located off the main thoroughfare.

Attorney DeLisi said the vision is for the units to be used by local tradesmen for storage of tools and equipment. He said revised plans will show 5 units instead of 6 and the garage will be moved to the rear of the house for a detached dwelling. He indicated parking is shown as 24 spaces for 5 units and a garage. He said they used one space/400 sq. ft. of building to calculate parking as the zoning bylaw does not have a category for this allowed use. He said this use is similar to light industrial and warehousing for the parking use. He indicated that neither Cohasset, Hingham nor Norwell have this use in their off street parking requirements. Mr. De Lisi suggested that 24 spaces are too many and that one space per employee may be a better requirement. He said they recognize that the project needs to go to the Design Review Committee.

Mr. Greene asked about the types of occupants and if there would be a bay door and a pedestrian door. He asked when the space in front of a unit would be a parking space and when it would be a driveway. Attorney DeLisi said the units would have bay doors and that they will be taking away some parking as one unit is disappearing.

Pat Brennan of Amory Engineers said many of his comments will go away with a revised plan. He said that the front roof drainage goes to the parking lot and the rear roof drainage goes to the infiltration trench. He said that if the proposed roofs are metal they must be coated or not made of metal under DEP regulations. He said there is no piping proposed in the infiltration trench now. He said it would be better to run piping from the downspouts to the trench. He said the roof runoff from the front can be piped directly into the chambers as it does not need to be treated if the roof is not metal. He expressed concern about the front roof runoff flowing across the parking lot due to icing in the winter. He also suggested a 6" wide stone area by the 18" drop into the grass area so grass grows and it doesn't wash out. Mr. Vogel confirmed that the parking lot water still needs to go to the forebay for treatment. Mr. Limbacher asked about a maintenance plan for the drainage. Mr. Brennan said weed control for the sand filter would be required. Chairman Pritchard asked about the WRPD. Mr. Brennan said that all stormwater is being recharged, all of the recharge is occurring out of the district and it is roof water or clean water.

Mr. Limbacher asked how the site use will be controlled. Mr. DeLisi said it would be controlled by the Building Permit and Site Plan review and if the uses differed then someone could bring that to the attention of the Building Inspector. Chairman Pritchard said certain uses are not allowed in the WRPD. Mr. DeLisi said hazardous uses are not allowed and conditions could be put in the leases that preclude the uses not allowed in the WRPD. Mr. Limbacher asked if there would be propane or other chemicals that the Fire Department would need to know about. He also asked how this site use would be different from the John Hallin operation. Mr. Mirabito said Mr. Hallin has two housing units above the business use below. Mr. Limbacher asked about trucks being stored outside during non-work hours. Attorney DeLisi said there is no intention to leave trucks out overnight. He said they haven't determined if specific parking spots will be dedicated to specific units, but it does make for a better traffic flow to have dedicated spaces.

Mr. Vogel confirmed it would be a single family house versus apartments. Ms. Harbottle said unless it was a mixed use, then 10,000 sq. ft. would be needed for each occupant family. She said it is possible in the Scituate bylaw to use area occupied by businesses and parking towards the land area required for residential use. Mr. Vogel asked if there were separation requirements for the house and the units. Ms. Harbottle said there were none. She asked if they were going with the 30 foot front yard setback or average front yard setback and indicated that this may be intensification of a pre-existing nonconforming setback. Attorney DeLisi said that is not an issue as they are not changing the use of the house. Mr. Vogel said he sees the use more as warehouse type and prefers the parking requirement of one space/600 sq. ft.

Ms. Burbine asked about the separation between the garage and unit. Mr. Vogel said there needs to be five feet minimum by the Building code. Chairman Pritchard suggested that the applicant rework the plan and show the Board how much separation there will be. Ms. Burbine said she would like to see where snow storage will occur and would like to see roof heights as flat roofs are not going make it after last winter. Attorney DeLisi said there will be room for snow storage if the Board gives them an idea of the amount of parking to provide i.e. one space/400 sq. ft., one space/600 sq. ft. or one space per employee. Ms. Burbine also said she would like more landscaping to shield views from neighboring properties. Attorney DeLisi said that there is a beautiful red maple they would like to save if they are able to reduce the amount of parking. Ms. Burbine indicated that they will need permission to tie into sewer. Attorney DeLisi said he would check into it. Mr. Limbacher asked if the number of parking spaces is a moot point if the entire site is to be paved. He also asked about deliveries to the site as there would be ten wheelers, 18 wheelers and oil trucks. Attorney DeLisi said they have frontage of over 100 feet so access will be good and they are not anticipating large trucks. Mr. Limbacher asked if the Fire Department had been consulted. He indicated the Fire Department was very specific on what was needed for 50 Country Way. Mr. Mirabito said he would contact them. Chairman Pritchard said that there would need to be a continuance and he would also like to see the following items addressed: water and sewer, lighting, hours of operation, noise, and prohibitions of businesses in the WRPD as printing and painting are not allowed.

Mr. Greene moved to accept the applicant's request to continue the public hearing for the Major Site Plan Review for 13 Ford Place until September 10, 2015 at 7:30 pm and time for the Planning Board to take final action until September 30, 2015. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Public Hearing – Accessory Dwelling Special Permit – 13 Trysting Road
Assessor's Map/Block/Lot 7-3-6
Applicant/Owner: Jessica and Daniel Abar

Documents

- Transmittal to departments dated 6/29/15
- Application for Accessory Dwelling Special permit received 6/29/15 with deed etc.
- Existing and proposed conditions 3D design model for accessory dwelling dated June 2015 by Keri Murray Architecture
- Site Plan A0.00, Existing Floor Plan A0.01, Plans & Elevations A2.01, Second Floor Plan A2.02 dated 6/29/15 by Keri Murray Architecture
- Water Department memo dated 7/6/15

Jessica and Daniel Abar and architect, Keri Murray were present. Ms. Murray said the applicants were looking to add an accessory dwelling. She indicated the existing dwelling has 4 bedrooms and one will be utilized for the accessory dwelling leaving the primary dwelling with 3 bedrooms. She said the second floor of the garage will be fitted with a living room and kitchen for the accessory dwelling. Ms. Murray indicated that the existing dwelling footprint is being utilized, all setbacks and height restrictions are met, the ridge line of the house will be matched and the entry for the accessory dwelling will be on the side. She said she checked with the Board of Health who had no issues. She said the square footage is just above 750 sq. ft. and below the 40% of the primary dwelling so it meets the size requirement as they are keeping the house in the character of the existing neighborhood.

Ms. Harbottle said it is an efficient use of space, the size is about 36% of the primary dwelling and the applicants will live in the house. She said the Board of Health will need to approve the septic. She said she had no issues with the accessory dwelling.

The Board members indicated that they had no issues with the accessory dwelling, it fit in with the bylaw, it was nicely done and that is the way it should be with an accessory dwelling.

Findings of fact: Mr. Greene moved to make the following Findings of Fact concerning the accessory dwelling at 13 Trysting Road:

1. According to Town of Scituate Assessor's records, the property at 13 Trysting Road is owned by Jessica L Renehan and Daniel Abar. The property is located in the Residential R-2 zoning district on a lot of 22,910 sq. ft.
2. On June 29, 2015, Jessica (Renehan) Abar and Daniel Abar applied for a special permit for an accessory dwelling within a single family home on the property at 13 Trysting Road.
3. According to the plan, the floor area of the primary dwelling is 2,158 sq. ft. The floor area of the accessory dwelling as shown on the plan dated June 29, 2015 is approximately 780 sq. ft. The floor area of the accessory dwelling is 36% of the floor area of the primary dwelling which is less than the maximum of 40% allowed in the bylaw. It meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.
4. The accessory dwelling is less than 40% of the primary dwelling and has one bedroom. It is contained within the primary dwelling and is subordinate to the primary dwelling.
5. The plan shows the dwelling to have a paved existing driveway. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary

dwelling.

6. The applicants have submitted a signed, notarized statement that they will live on the property. The special permit will be recorded. Any future new owner will need to file an affidavit with the Planning Board that he/she occupies the property.
7. The property has a septic system that has been reviewed by the Board of Health.
8. One accessory dwelling unit is contained on the lot in a single family house. It will be a separate housekeeping unit.
9. There are no new exterior stairs.
10. The application meets the standards of Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

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

Decision: Mr. Greene moved to approve the Special Permit for an accessory dwelling at 13 Trysting Road with the following conditions:

1. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department and other town agencies.
2. Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Abar House Accessory Dwelling 13 Trysting Road Scituate, MA 02066 by Keri Murray Design Studio dated 6/29/2015 Sheets A0.00 Site Plan, A0.01 Existing Floor Plans, A2.01 Plan & Elevations and A2.02 Second Floor Plan and proposed renderings of the Abar House Accessory Dwelling dated June 2015.
3. The property at 13 Trysting Road shall contain a maximum of two dwelling units, the primary dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage of the accessory dwelling shall not be increased without prior approval of the Planning Board. 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 and attached to this decision.
4. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy from any new owner shall be completed at the closing of the sale of the house and a copy provided to the Planning Board within seven days.
5. The Planning Board will require an on-site inspection for conformance to the approved plans and these conditions prior to a Certificate of Occupancy being issued for the accessory dwelling.
6. No on-street parking shall be permitted at any time.

7. This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The owner shall provide proof of this recording to the Planning Board.
8. This Special Permit shall lapse within two years from date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.
9. The Planning Board reserves the right to review compliance with this special permit at any time. At the request of the Planning Board, an affidavit shall be provided that either the primary or accessory unit is owner occupied.
10. At each transfer of ownership of the property, a new affidavit that the owner resides on the property shall be provided to the Planning Board within seven days of the closing of the sale of the house.
11. This Special permit shall terminate if the use is not in accordance with this decision and its conditions.

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

Discussion – Sign – 56 New Driftway

Documents

- Proposed sign rev 6 dated June 17, 2015
- Proposed sign rev 9 dated July 21, 2015
- Proposed sign replacement package 7/22/15

Steve Wyman of Atlantic Management was present. He gave the Board a paper copy of the sign package dated 7/22/15 that was emailed to the Board. He indicated that they went to the Design Review Committee and incorporated their comments into the new design. He said they will reuse the existing sign and raise it so that panel slots can be provided below for tenant names. He indicated the existing lighting will be replaced with an LED fixture similar to what is there now except with a warmer tone light. He said the landscaper will provide some update plantings similar to those in the packet.

Mr. Greene confirmed that the granite posts will remain and the sign will just be lifted. Mr. Limbacher and Ms. Burbine had no issues with the sign. Mr. Vogel asked that the list of tenants be shifted down one slat so the top of the tenant sign doesn't crowd the sign above. He also suggested a more sun tolerant hydrangea be used rather than "Endless Summer". Mr. Pritchard said he liked the sign and asked about the height of the shrubs. Ms. Harbottle suggested that there be ongoing maintenance for the shrubs to make sure the sight distance is maintained. Mr. Wyman said there would be maintenance.

Mr. Greene moved to approve the sign for 56 New Driftway as shown as Revision 9 by Boston Building Wraps, Inc. dated July 21, 2015 for Atlantic Management and attached to this approval with the removable panels shifted down one slat and a more sun tolerant hydrangea provided in place of "Endless Summer". Ms. Burbine seconded the motion. Motion was unanimously approved.

Lot Releases – White Ash Farm Lane – 305 Country Way
Assessor's Map/Block/Lot 37-2-2 & 37-8-13R
Applicant/Owner: Douglas Sheerin

Documents

- 7/17/15 letter from Morse Engineering requesting Lot Releases for Lots 1-3 with estimates for paving, landscaping and fencing
- Interim As-Built Plan showing roadway construction of White Ash Farm Lane through binder course pavement dated 7/17/15 by Morse Engineering
- White Ash Farm Inspection by Amory Engineers dated 7/23/15

Greg Morse and Doug Sheerin were present. Mr. Morse said they are requesting lot releases for three lots as the road is paved to binder and provides adequate safe access. He said there still is work to be done including the fence, landscaping and final paving. He said they have an estimate for approximately \$58,000 and will provide cash surety.

Ms. Harbottle indicated that Pat Brennan of Amory Engineers sent a report from a site visit today and there is still a significant amount of work to do. She said there is grading for the basin along with loaming and seeding and final road paving. She said some items were in the estimate, but others weren't and a revision was received late today so Amory Engineers did not have a chance to review it. She said that the 10% maintenance guarantee, 10% margin of error and the inflation factor needs to be added which would put the estimate over \$75,000. She said if the Board votes to release the lots, it should consider other basins that were not done and are having issues. She said there is a little bit of a risk, but the Board could do it with a few caveats. Mr. Morse said they could work with the \$75,000 number. Mr. Sheerin said he is not going to build the other 2 lots right away.

Mr. Limbacher raised concern that the as-built shows a pipe not in the easement and asked how many of the items on Amory's list could be accomplished in a week. He was concerned about things being built correctly. Mr. Morse said the trash rack could be done, but the landscaping can't be done until September. Mr. Limbacher suggested cutting the list of items would be his preference. Mr. Sheerin said he would just like the house. Mr. Limbacher said he would prefer to cut the list or condition it if it is going to be a month before the next meeting. Mr. Vogel said he would rather do it now and condition it as the Board is getting very busy. The Board indicated they just wanted to release one lot, Lot 3.

Mr. Greene moved to accept Morse Engineering Company, Inc.'s request on behalf of Douglas E. Sheerin, to release Lot 3 of the White Ash Farm Definitive Flexible Open Space Plan approved by the Board on 5/14/2014 from the covenant recorded 11/3/14 in the Plymouth County Registry of Deeds in Book 44908 Page 102, provided that cash surety in an amount acceptable to Amory Engineers be provided to the Planning Board to secure the performance of the remaining work and Amory Engineers verifies that the size, capacity and location of the drainage basin is per the plan, and that the Town Planner hold the lot release until the money is deposited in an account approved by the Town Treasurer and proof furnished to the Town Planner of the deposit along with the recorded lot releases. Ms. Burbine seconded the motion. Motion was unanimously approved.

Form A – 22 Tichnor Court
Assessor's Map/Block/Lot 45-2-39 & 40
Applicant/Owner: Alma G. Morrison

Documents

- Application, deed and Plan of Land in Scituate, MA showing a division of parcels 45-2-39 and 45-2-40 - 22 Tichnor Court prepared by Morse Engineering Co., Inc. for Alma Morrison dated June 24, 2015 with revisions through July 20, 2015
- Transmittal to departments dated 7/15/15

Greg Morse of Morse Engineering was present representing applicant Alma Morrison. He said the Form A is for a two lot subdivision on Tichnor Court. He said one lot will contain the existing house and will have adequate frontage and lot area. He said the second lot was permitted by the Zoning Board of Appeals (ZBA) for a 50 foot frontage lot which will have double the required lot area.

Ms. Harbottle indicated the plan before the ZBA was approved and the Planning Board usually holds the plan in escrow until the ZBA decision is recorded. She said Tichnor Court is a paved public road about 16 feet wide and not in great shape, but the plan is allowed to be endorsed by the Board. Mr. Vogel confirmed that all the Board is endorsing is frontage. Janet D'Angelo, an abutter, indicated that the ZBA had several stipulations and wanted to know if they were included on the plan. Mr. Morse said the lot cannot be further divided and the plan had to indicate there were not wetlands are two of the ZBA stipulations. Ms. Burbine asked if the lot has access from Porter Road. Ms. D'Angelo said that the map does not show Porter Road, but it is located on her property and is not a public road. Mr. Morse said they were not proposing an access from Porter Road. Ms. Harbottle said there is not enough frontage on Porter Road.

Mr. Greene moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, MA showing a division of parcels 45-2-39 and 45-2-40 - 22 Tichnor Court prepared by Morse Engineering Co., Inc. for Alma Morrison dated June 24, 2015 with revisions through July 20, 2015 as the division of the tract of land shown is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the public way of Tichnor Court Road when the 50 foot frontage special permit approved by the ZBA is recorded. The plan shall be held in escrow by the Town Planner until proof of the recording of the ZBA special permit is furnished. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Accounting

Documents

- PO # 1600271(\$237.20), PO # 1600272(\$375.00), PO # 1600292(\$2,800.00)

Mr. Greene moved to approve the requisition of \$ 237.20 to Chessia Consulting Services for construction inspections at The Glen, \$ 375.00 to Chessia Consulting Services for engineering peer review for 35 Dreamwold and for \$ 2,800.00 to Horsley Witten for conceptual design review for Seaside at Scituate. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Town Planner Report

Ms. Harbottle indicated that Horsley Witten was asked to provide an opinion of the Stormwater Regulations for Toll Brothers. She said the Board will see the letter once it is finalized.

Ms. Harbottle reported that the Town Administrator said the Town has no role in the dispute on the sedimentation basins at 214 Clapp Road so Town Counsel will not look into the matter. She indicated that the plan will likely need a modification as the plan approved had the sedimentation basins in the built locations. Chairman Pritchard was concerned that if the property owner removes the basins, the system will not function as designed. Ms. Harbottle said that if a modification was submitted, the whole system would need to be reviewed. She indicated that she has gone to the site to observe the current conditions and the front basin still has a lot of water that is being pumped out of it in order for the bottom plantings to occur in the dry. She said she has been informed that the pump is being unplugged by someone. Mr. Vogel said that the plants will uptake a lot of water once they are established. She also said that the temporary sedimentation basin needs to be cleaned and she will inform Mr. Iantosca of that.

Ms. Harbottle said the Public Safety Complex will be peer reviewed by Merrill Associates. She said the review will be capped at \$2,500.00 and will include stormwater. She said Merrill Associates will not be present at the public hearing which will be August 27. She also indicated that there will be a joint meeting of the Planning Board and Conservation Commission on August 13 for the Middle School Project. She said she doesn't know if there will be peer review yet.

Minutes

Mr. Greene moved to approve the meeting minutes of 7/9/15, 6/25/15 and 6/11/15. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Liaison Reports

Mr. Vogel said there was a positive meeting on the Middle School with the Design Review Committee (DRC). He said the previous meeting with the DRC on the Public Safety Complex went well too.

Old Business and New Business

Documents

- Emails to Board members dated 7/13/15 with Conroy Development rendering and conceptual site plan for the Design Review Committee meeting of 7/14/15
- Memorandum to Planning Board from DPW on Benjamin Studley Farm Subdivision

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 9:28 p.m. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph

Planning Board Secretary

Richard Taylor, Clerk

8-13-15

Date Approved