

SCITUATE PLANNING BOARD MINUTES July 26, 2018

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

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

Members absent:

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

- 7/26/18 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.

Public Hearing - Scenic Road – Shade Trees – 92 Neal Gate

Site Plan Administrative Review – Common Driveway

Assessor's Map/Block/Lot 57-1-3 and 57-1-6

Applicant/Owner: Gregory P. & Wendy S. Sears

Document

- PDF 8487 Sears Common Driveway Plan
- PDF Application 6.18.18
- Doc Driveway Agreement DRAFT Sears 92 Neal Gate dated 7.9.18
- Comments from Fire Department dated 7.18.18
- Comments from Water Department dated 7.19.18
- PDF application for Scenic Road dated 7.5.18
- Comments from Tree Warden dated 7.17.18
- PDF Locus Map
- Transmittal Document dated 7.5.18
- PDF 18190 PB Review Report dated 7.24.18

Attendees: Steven Guard, Attorney; Terry McGovern, Stenbeck & Taylor; Mr. & Mrs. Sears, property owners.

Mr. Guard indicated to the Board the Common Driveway is less than the required amount for a full Site Plan review, only requiring an administrative certificate of action. He opined it is very straight forward. He asked that Mr. McGovern review the plan for the Board and indicated they have received comments from the Town Consulting Engineer, Peter Palmieri of Merrill and will be making some plan changes based on those comments. He said they will request a continuance to make the recommended changes, but would like to get some feedback from the Board.

Mr. McGovern began with the Scenic Road:

- 3-4 small caliper trees, less than 8" being removed

- Relocating portion of the stone wall, approximately 22' wide
 - Moving to the east, where the existing gravel driveway is
- Use of existing gravel driveway will be discontinued, will be loamed and seeded
- Utility connections for the new house will be underground through the new driveway
- Tree Warden indicated no substantial trees
- Merrill comments there could be some trimming to improve site distances

Ms. Joseph concurred that Mike Breen, Tree Warden, did not have any issues with trees to come down. She indicated the stone wall is very low to the ground, but stones will be repurposed.

Mr. Pritchard asked a couple questions:

- Will there be trees taken down where the stone wall is being relocated to?
 - Mr. McGovern said no and reviewed photos with the Board.
 - Ms. Joseph indicated 3 trees and some brush were advertised.
 - Mr. Palmieri recommended that site distance on the plan be moved back slightly.
 - No additional trees would need to be removed to achieve this
 - If additional trees need to be removed that are larger than 3" there would be a modification to the public hearing.
- Stone wall re-build clarification?
 - Existing gravel driveway entrance – no longer in use – stones removed be reused in that location
 - Existing driveway will be loamed and seeded
 - New driveway does not line-up directly opposite with anything across the street
 - Closest street is Roundtree Lane – approximately 350' away
 - Site distance of approximately 500' to the west, 394' to the east
- Common Driveway Width concerns
 - Fire Department requesting 16' of pavement
 - Applicant intends to speak to Fire Chief about requirement
 - Removal of the stone wall is 22'
 - Stones removed will be reused on the property to close in old stone driveway opening

No additional comments from the Board on the Scenic Road.

Public Comments:

Mr. Greg Sears, owner of 92 Neal Gate Street, indicated that they would like to maintain the wall as it was. He said they have one of the most historic walls in the area and he wants to keep it that way.

Driveway:

Ms. Burbine indicated there is a new proposed driveway, an existing stone driveway to be abandoned and an existing paved driveway. Mr. McGovern indicated the existing paved drive will remain. Mr. Guard said the property has 2 curb cuts and they are just re-utilizing the second driveway towards the middle creating a common driveway. The only driveway to the new lot will be the common driveway. Nothing will be done to the existing house. Access to the storage of equipment behind the barn will not have anything to do with the common driveway.

The Board did not have any issues with the Scenic Road and Shade Trees, but under recommendation from Ms. Joseph kept the public hearing open until the common driveway is further discussed.

Driveway:

Mr. Guard indicated they would be making adjustments to the common driveway plan based on peer review comments. Mr. McGovern addressed the issues:

- Driveway width should meet Fire Department criteria
 - Proposed 14' wide with stone shoulder to the west
 - Will be addressing to make 16'
 - Swale and rain garden along side
 - Turn around for emergency vehicles
- Stormwater management around the septic system
- Separate sewage plan
 - Septic plan reviewed by BOH
- Site of proposed house about 88' from the street
 - Zone 2 and small portion of lot in Water Resource Protection District
 - Keeping any grading and disturbance out of those areas
 - House close to front of the property
 - Lot width running parallel with common driveway
- Driveway length approximately 143'

Ms. Joseph indicated:

- Property in Water Resource Protection District
- Asked for the septic to be shown on the plan
- Drainage reviewed under common drive will not require separate stormwater permit
- Plan will require a Form A after if common driveway is approved

Mr. Pritchard indicated there were several other comments from Mr. Palmieri. Mr. McGovern said they will be addressing those comments. Mr. Pritchard asked if there was consideration for the utilities to go underground, it had been noted that the power pole was staying in place.

Mr. McGovern said the utility pole services the existing house, but the connection comes from across the street and would be difficult to do. Mr. Sears said he would like the pole to go away too; but needs to talk with the electric company. Mr. Pritchard suggested having that information for the next meeting to discuss. Mr. Guard said that if they cannot do anything with the pole the intent is for the utilities for the new house to run underground.

Mr. Bornstein asked if there were any plans or diagrams for the proposed rain garden. Mr. McGovern referenced the septic plan. Mr. Guard said they can provide more detail.

Mr. Pritchard asked how the current drainage is flowing and how it might change. Mr. McGovern indicated the wall cuts a lot of water off from the road. There is some water from the existing driveway and none from the stone driveway, but generally nothing going on to the road. He said the intent is to make sure that nothing discharges on to the street in the future. He indicated the drainage pattern they have shown has the driveway pitching, a 2% pitch towards a stone trench next to the driveway, then a grass swale to a rain garden.

Mr. Limbacher is concerned about the infiltration going into the rain garden, because it appears everything is draining that way. Mr. McGovern referenced the plan and pointed out a small bowl area, a grass and wooded area. He said it is capable of storing up to the 100 year storm and there is not a lot of discharge from the house. He indicated that they did look at a second recharge area and putting in a berm based on comments from Mr. Palmieri.

Mr. Sears asked the Board if there are any other issues aside from some of the review concerns that would hold up the project so they can continue with their plans. Mr. Pritchard noted some of the outstanding items:

- Site lines – visibility from the driveway
- Engineering calculations
- Reacting to comments

Mr. Pritchard opined that the Board is really ok with the Scenic part and just leaving it open in case of any issues with the driveway; once the issues are addressed with the driveway he does not really see any issues.

Ms. Joseph pointed out that the lot width for both lots will be measured parallel to the common driveway, but the driveway is really only servicing one lot. Mr. Guard indicated that under the bylaw the implementation of the common driveway does not make the existing house non-confirming; both lots conform.

Mr. Guard asked for input on the common driveway declaration. Mr. Pritchard opined there should some language changed in a section that discusses changes. He opined there should be some language that says changes can be made by the lot owners as long as they don't violate the permit for the common driveway. He referenced Section 4 and provided some language, but would like to see an amendment made at the next meeting. He also added if there is a modification or amendment made it should be filed with the Planning Board.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the Site Plan Administrative Review public meeting and Scenic Road/Public Shade Tree public hearing for the proposed common driveway at 92 Neal Gate Street until August 23, 2018 at 7:30 pm.

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

Site Plan Waiver – 360 Gannett Road – Jamie's Pub

Assessor's Map/Block/Lot 13-2-37

Applicant/Owner: 360 Gannett Road Realty Trust, LLC

Document

- PDF Architectural Renderings(black & white)
- PDF Architectural Renderings(color)
- PDF of Tax Payment 7.9.18
- PDF Site Picture
- PDF Site Plan Application
- PDF Site Plan Submittal Set
- Transmittal letter dated 6.25.18
- PDF of letter for Karen Joseph with Board of Health comments dated 7.25.18

Attendees: Steve Guard, Attorney; Darren Grady, Grady Associates; Ralph Coppola, Main Street Architects; Ralph Constantine, Property Owner.

Mr. Guard indicated:

- Building was lost during a fire last year
- Proposed structure compliant with handicapped accessibility
- Building foot print increased to accommodate current building codes
 - Sprinklers
 - Handicapped bathrooms and access
- Application received and reviewed by ZBA
 - Approved by Special Permit – decision being filed with Town Clerk
- No proposed expansion of approved seating/capacity of 100
- Slight relocation of parking spaces to accommodate the building
- Revised plans
 - Parking spaces have been labeled, dimensions of spaces
 - Second means of egress through back hallway
 - Door opens to rear of property
 - Scale put on plan
 - Fence around dumpster – going to maintain
 - Rendering preserves the character of the original Jamie's

Mr. Grady reviewed the plan:

- Proposing drainage around the foundation
 - Pipe and stone infiltration
 - Post rate less than pre rate
 - No basement on slap
- Maintaining utilities
 - Existing tanks for water waste
 - Filing with Board of Health (BOH) to use existing tanks
 - Existing electric, etc. will be connected to new building
- Handicapped access in front and back

Mr. Coppola reviewed the elevation and design layout:

- Same character of original building
- Wall sconces on side of building
- Lighting in the back
- Second means of egress past the bathrooms
 - Handicap accessible
 - Ramp inside
- Back of kitchen is receiving area
- Designed to existing capacity
 - 6 more bar seats from previous building
- Upstairs office and supplies
- Sprinkler room
- Fire wall on abutter side – gas station side
- Same power feeds as original – feed in from the back
- Keeping front of the building clear

Mr. Guard indicated in terms of operation there are no planned changes.

- Food deliveries between 8 am – 4 pm
- Dumpster emptying – usual time – will move cars if needed
- Most everything is the same, except for the building

Ms. Joseph indicated because this building was destroyed by fire and there are no real changes, a Site Plan Waiver is appropriate. She does recommend that the parking be revised; it is a tight fit with the handicapped accessible door in the back; she indicated that Al Elliot, Deputy Fire Chief, was in agreement. She also recommended moving the fencing around the dumpster to provide more space, but it is up to the Board's discretion.

Mr. Pritchard asked which spaces Ms. Joseph recommends eliminating; they reviewed the plans. Ms. Joseph indicated that the original building pre-dates parking requirements. Decreasing spaces by 1-2 makes it less conforming; but is paramount to public safety.

Mr. Guard indicated the square footage of the building was increasing 24%, 586 sq. ft.

Ms. Burbine supported the comment of reducing the parking spaces in the back. Mr. Guard indicated that the current plan allows for the appropriated amount of space for handicap access and required parking space dimensions; the aisle is 5'. Mr. Pritchard recommends this should be discussed with the Fire Chief. Ms. Joseph indicated that the Deputy Fire Chief would like to see the space removed. The applicant agreed to remove the space.

Mr. Pritchard asked about the mass of the building, noting the elevation is shorter than the previous building. Both Mr. Coppola and Mr. Constantine pointed out,

- The building is a story and a half
- The first floor is street level, with kitchen being a step up
- Area above the bar is vaulted 14' ceiling versus a full second floor
- Elevation is 27'

Mr. Limbacher had three questions:

1. Floors look like there is variation in elevation, is it all one level?
 - a. Mr. Coppola indicated the dining room and lounge all are street level
 - i. Ramp inside to get to second egress in back hall, by the bathrooms
 - ii. Step up into the kitchen area
2. Clarify the drainage along the sides of the building
 - a. Mr. Grady indicated there is a 12" pipe along the side of the building and runs around the perimeter, roof drains run into it and a trench that runs around perimeter.
3. BOH memo notes differences in dimensions in building and approval is needed for the tight tanks and a food permit
 - a. Mr. Guard indicated they will have to work through this with BOH
 - i. Expectation is to ask for relief from BOH for tight tanks

Mr. Pritchard addressed the perforated pipe being used in the drainage and the 8" overflow grate. He said he would like to know what the design standard is; will it handle a 5 year storm without overflowing, a 2 year storm or just the 100 year storm. Mr. Grady did not have that information available. Mr. Guard indicated the design standard used was to keep the runoff already on the

property on the property, what does it equate to they will have to let him know. Mr. Pritchard indicated part of the requirement is that it be designed for the 100 year storm; he wants to know when the applicant expects it to overflow.

Ms. Lambert indicated that there has always been a puddle near Mordecai Lincoln. Mr. Guard indicated that they hope it will be less frequent with the new drainage for the building.

Ms. Burbine indicated her biggest concern is another way out of the building and to getting rid of the parking space behind the exit at the back of the building. She said the applicant has satisfied that and she is willing to give up a parking space or two; Jamie's is truly missed in the North Scituate.

The Board wants to keep the economic activity, but not at the expense of public safety.

Public comments:

Ms. Bev L. Bruce, resident of 19 Mordecai Lincoln Road, indicated she has concern with the overflow and it draining into the Gulf River and the puddling that exists at Mordecai Lincoln. She also had concerns with the 3 parking spaces. She asked when deliveries would be made as it is difficult to get in and out of the street during deliveries. She also asked if the applicant anticipates using the rear egress for takeout orders; the answer was no. Ms. Bruce asked the applicant to further explain the fencing around the dumpster. Mr. Constantine said tentatively it is a chain link fence, but he was looking into a brick wall or something which will depend on the budget. He said it will be totally enclosed.

Motion:

Ms. Lambert moved that the Planning Board finds the proposed building work and site work is minor and insignificant in nature of effect as the commercial structure thereon the site was accidentally destroyed by fire in the fall of 2017 and the reconstruction and relocation of that pre-existing nonconforming structure and foundation is being reconstructed so that all building encroachments from the neighboring property to the east are being removed and the other nonconforming yard setbacks are being maintained or reduced in nonconformity. The building footprint has increased slightly to accommodate current code requirements for handicap accessibility, restrooms and sprinkler requirements. There is no increase in the number of restaurant seats of 100. The existing on-site parking count is shown as four spaces. The Board proposes to grant the site plan waiver for applicant/owner 360 Gannett Road Realty Trust, LLC, with the following conditions:

1. Construction shall comply with the improvements submitted with the application including a Front Elevation of Jamie's Grille & Pub by Main Street Architects; Architectural Seating Plans ASP-1 dated 5-15-18 by Main Street Architects; Exterior Elevations A-5 dated 5-15-18 by Main Street Architects; Exterior Elevations A-5A dated 5-15-18 by Main Street Architects; Site Plan #360 Gannett Road, Scituate, MA dated May 31, 2018 Sheet 1 of 2 and 2 of 2 by Grady Consulting, LLC except for changes included in this decision. Signage shall be in accordance with the zoning bylaw and shall be submitted to the Town Planner for approval prior to implementation.

Language change: Revisions made thru July 26, 2018.

2. Approval is contingent upon all local approvals being obtained from the Town of Scituate particularly approval of the Board of Health, Zoning Board of Appeals and Building Inspector or Inspectional Services Department.
3. Trash shall be handled in a covered dumpster and emptied at least once a week or more frequently if necessary, or as otherwise directed by the Board of Health. The dumpster pad shall be fenced on three sides.

Language change: Fenced on four sides

4. Indoor seating is limited to 100 via tables and counter seating. No outdoor seating is shown or proposed.
5. Parking to the west side of the building adjacent to Mordecai Lincoln Road is limited to two vehicles in order for the two rear doors to the restaurant and cooler freezer area to be accessible at all times.

Language change: 3 parking spaces only and no parking on Mordecai Lincoln Road

6. Any further expansion of the use applied for must come back to the Planning Board for approval.

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

Form A – Hatherly Road and Tilden Road

Assessor's Map/Block/Lot 34-2-2A-F, 34-3-7, 9-11, 34-4-1-4, 34-6-13-13C

Applicant: Toll MA Land III Limited Partnership, C/O Toll Brother's, Inc.

Owner: Benjamin Goulston, Trustee of Suburban Realty Trust

Document

- PDF ANR Plan dated 7.16.18
- PDF ANR application dated 7.16.18
- Transmittal Letter dated 7.17.18

Attendees: Jeff De Lisi, Attorney

Mr. De Lisi indicated he filed a plan for ANR lots.

- 13 lots, 10 buildable lots
- 9 buildable lots along Hatherly Road on the ocean side
- 1 non buildable on Hatherly Road because of upland
- 1 non buildable on Hatherly road due to Wetlands
- Tenth buildable lot on west side of Hatherly with the Residential Development
- Plan needs to be endorsed due to changes required by Land Court
 - Minor changes in the lots
 - Access and Frontage on each lot

Motion:

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land Land Court Case 8507B prepared for Toll Brothers Inc. in the Scituate, MA by ESE Consultants, Shawn L. Crawford, P.L.S.

dated 8-14-17 with revisions through 4/26/18 Sheet 1 of 2 and Sheet 2 of 2 as the division of land is not a subdivision because every lot as shown on the plan has frontage of at least the distance presently required on Hatherly Road, Longley Road or Sixth Avenue or is labelled as not a buildable lot.

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

Form A – 58 Crescent Ave.

Assessor's Map/Block/Lot 56-5-9

Applicant/Owner: 58 Crescent Avenue, LLC

Document

- PDF 3899 Application dated 7.18.18
- PDF 3899 Plan dated 7.17.18
- PDF Aerial Image 58 Crescent Ave
- Email notice of work authorization dated 7.19.18
- Transmittal letter dated 7.19.18

Attendees: Jeff De Lisi, Attorney; Paul Mirabito, Ross Engineering

Mr. De Lisi reviewed the plan for the Board.

- Proposal to divide the land to create two lots
- Access and frontage on Crescent Ave.

Ms. Joseph confirmed there is access and frontage and it can be endorsed.

Mr. Pritchard indicated the second lot is buildable. Mr. DeLisi said there has been no determination on what will happen with the second lot at this time.

Ms. Burbine indicated this is a raze and reconstruct.

Mr. Limbacher indicated the Board is not making something conforming non-confirming. Mr. Mirabito said both lots are conforming.

Motion:

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land in the Town of Scituate, MA 58 Crescent Avenue prepared by Ross Engineering Co., Inc. for applicant/owner 58 Crescent Avenue, LLC dated 7-17-18 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 Crescent Avenue.

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

Accounting
Documents

No bills

Minutes
Documents

- Meeting minutes from 7.12.18

Ms. Lambert moved to approve the meeting minutes for July 12, 2018.

Mr. Bornstein seconded the motion; the vote was unanimously in favor. Mr. Limbacher did not vote as he was not present at the meeting on 7.12.18.

Liaison Reports:

Traffic Rules and Regulations (TRR) – reported by Mr. Limbacher:

- Discussion about a couple of intersections, signage and visibility
- 124 Front Street
 - December last year question raised why the condominiums do not have dedicated parking
 - When reviewed by ZBA, looked at pre-condition and post condition and determined there was no change to the environments from the building or rental units, thus no changes when turned to condominium ownership.
 - Resident's suggestion to take 10 spots from Cole Parkway
 - Can't take land by eminent domain
 - Decided it was outside of the prevue of TRR
 - Ms. Burbine indicated a suggestion was made to create a parking permit for the condominiums.
 - Looking at potential of eliminating fines for overnight parking
- Parking should be part of the Master Plan

ZBA– reported by Mr. Bornstein:

- Meeting tonight for Herring Brook Meadow 40B
- Ms. Joseph indicated ZBA will NOT be voting tonight
 - Changes are being made to the proposal
 - 60 units
 - One building
 - Addressing Fire Department concerns on access
 - Parking will be changing

Old Business, New Business, Correspondence, Administrative Items, Update

Planning/Development Report

- Master Plan moving forward
- Revisions to Stormwater Regulations ongoing
- Temporary Occupancy was granted for Building C at 50 Country Way

Documents

- Email to the Board from Shari Young dated 7.20.18 with agenda for 7.26.18
- Email to the Board from Karen Joseph dated 7.20.18 with meeting materials for Seaside at Scituate and 58 Crescent Ave.
- Email to the Board from Karen Joseph dated 7.23.18 with meeting materials for 360 Gannett Road – Jamie's Pub

- Email to the Board from Karen Joseph date 7.23.18 with meeting materials for 92 Neal Gate Street
- Email to the Board from Shari Young dated 7.23.18 with meeting minutes from 7.12.18.
- Email to the Board from Shari Young dated 7.24.18 with resume candidate for Planning Board Alternate.
- Email to the Board from Karen Joseph dated 7.24.18 with meeting materials for 92 Neal Gate Street.
- Email to the Board from Shari Young dated 7.25.18 with meeting materials for Jamie's Pub.

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 8:40 p.m. Mr. Bornstein seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved 8/23/18

