

SCITUATE PLANNING BOARD MINUTES July 11, 2019

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

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

Members absent: Rebecca Lewis, Alternate Member.

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

Location of meeting: Selectmen's Hearing Room, Scituate Town Hall, 600 C J Cushing Highway, Scituate

Chairman Burbine called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 7/11/19 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chairman Burbine indicated there was a posted agenda. Mr. Limbacher seconded the motion for the posted agenda and the vote was unanimously in favor.

**Continued - Public Hearing – Special Permit Accessory Dwelling – 67 Old Oaken Bucket Road
Assessor's Map/Block/Lot 52-2-44
Applicant: Erin McMurrer & Patrick Donahue
Owner: Erin McMurrer**

Documents

- PDF Site Plan 67 Old Oaken Bucket Road
- Doc Motion 67 Old Oaken Bucket

Attendees: Patrick Donahue and Erin McMurrer, Applicant/Owner; Maureen Hurley, Attorney

Ms. Hurley began by addressing some of the questions that were discussed at the first meeting.

- Site plan has been provided
 - Proposed new driveway has been added to the plan
 - New structure location
 - Location of gutters and where runoff will be going
- Information from Board Health
 - Septic is approved for three bedrooms
 - Accessory dwelling is 1 bedroom, primary dwelling 2 bedrooms
 - BOH requires a deed restriction for 3 bedroom septic system
 - Restriction is to be recorded prior to construction
 - Ms. Joseph concurred; standard conditions states all BOH requirements must be met, so that is all that is needed by the Board. BOH will cover the requirement of a deed restriction as relates to septic system

Ms. Joseph opined the two additional parking pad spaces on the plan are not necessary and should be removed and left as green space. The primary house has a garage and parking spaces outside and the accessory dwelling has a garage and parking available. She recommended that a plan be provided prior to construction that shows the parking pad removed, that the requirements for the Water

Resource Protection District are met and the infiltration devices will be 3' above the estimated seasonal high ground water table. She indicated that based on the amount of disturbance a stormwater permit may be required.

Mr. Morse indicated the purpose of the parking spaces was to provide a turnaround. Ms. Joseph opined that a turnaround on the other side would more visually appealing.

There was discussion about the conversion of the primary house to a 2 bedroom home. The applicant indicated a wall had been removed when they had purchased the home.

There was further discussion on the requirement of 3' separation of the infiltration devices to the seasonal high ground water table and what happens if the applicant is unable to meet it. Mr. Morse indicated he has done perk tests on abutting properties to this and opined there should not be any problems meeting the separation requirement. Typically groundwater is about 5' below, but the applicant could raise the grade around the garage if necessary.

The applicant indicated the barn on the property has not yet come down, but will.

NO public comments.

Motion:

Ms. Lambert moved to make the following Findings of Fact:

1. On May 2, 2019, Erin McMurrer and Patrick Donahue applied for a special permit for a detached accessory dwelling on the property at 67 Old Oaken Bucket Road.
2. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 747.25 gross sq. ft. This is 49% of the total square footage of the primary dwelling which is 1,512 sq. ft. according to the application. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the bylaw allows 750 sq. ft. or 40% of the total square footage of the primary dwelling, whichever is greater. The accessory dwelling is subordinate to the existing single family home.
3. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
4. The proposed detached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
5. The proposed accessory dwelling is located on the west side of the primary dwelling. Access will be via a walkway leading from the proposed new driveway to the front door.
6. The appearance of the accessory dwelling is in keeping with the appearance to the primary dwelling and the surrounding neighborhood.
7. The Proposed Accessory Dwelling Site Plan for the property shows a 13 foot wide gravel driveway of approximately 74'6" leading to a one car garage attached to the accessory dwelling. There is a proposed 9' x 18' parking pad for two cars shown on the plan which the applicant has indicated will not be built as it is not needed to provide for two parking spaces for the accessory dwelling as there is room in the garage and outside of it. This appears adequate to provide two parking spaces for the accessory dwelling. The primary

dwelling shows an attached two car garage with room for four vehicles outside. Ample parking appears to be provided.

8. The owner has submitted a signed, notarized statement that she will be occupying 67 Old Oaken Bucket Road as her primary residence.
9. The accessory dwelling will be serviced by an existing three bedroom septic system. The primary dwelling has two bedrooms and the detached accessory dwelling will have one bedroom. All provisions of the Board of Health and Title V must be met.
10. A new connection to Town water will be provided from Old Oaken Bucket Road water main and it will comply with the Town requirements for a water connection. A Water Hook up fee will be required from the Water Division per their comments of 5/9/19.
11. A French Drain will be installed around three sides of the accessory dwelling. Stormwater runoff from the roof area of the accessory dwelling will be directed to a subsurface roof infiltration system to comply with the Water Resource Protection District requirements while stormwater runoff from the driveway and primary dwelling will flow overland as it presently does.
12. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

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

Ms. Burbine moved to approve the Special Permit for an accessory dwelling at 67 Old Oaken Bucket Road 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 substantially conform to Plan Showing Accessory Dwelling 67 Old Oaken Bucket Road by Morse Engineering, Co., Inc. dated 7/3/19 and Site Plan entitled "Plan B" Donna McMurrer 67 Old Oaken Bucket Road, Scituate, MA, by Residentialplans dated 2/2/19; Architectural Plans by Residentialplans, consisting of 10 sheets including "Plan-B", A-1 First Floor Plan, A-2 Second Floor Plan, A-3 Basement Plan, B-1 Front Elevation, B – 2 Side Elevation, B -4 Side Elevation and B – 5 Side Section, B – 3 Back Elevation, B – 4 Side Elevation and B – 5 Side Section, A-9 Details dated 2/2/19; existing house plan 67 Old Oaken Bucket Road, Scituate, MA.
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 primary house is limited to two.
3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that she is living in one of the dwelling units. A yearly certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
5. All requirements of the Board of Health must be met prior to occupancy of the accessory dwelling.

6. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
7. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling.
8. Any lighting installed shall be down lighting to not shed light on abutting properties.
9. Construction work shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
10. The limit of work is to be staked in the field and verified that disturbance is less than 15,000 sq. ft. If a stormwater permit is needed with verification from the stormwater authority, the owner shall apply for one.
11. Runoff from the proposed accessory dwelling shall not be increased from the property.
12. Runoff from the proposed accessory dwelling roof top must be designed to recharge the first 1 inch of rainfall with the infiltration devices having a three foot minimum separation between the bottom of the structure and maximum groundwater elevation. A plan shall be provided to the Town Planner for approval prior to construction with a test pit included showing the maximum groundwater elevation. A plan shall be provided to the Town Planner for approval prior to construction with a test pit showing the maximum groundwater elevation. The same plan shall show the two parking spaces removed.
13. Erosion and sedimentation control devices shall be installed to prevent any erosion or sedimentation from leaving the site during construction. Silt sock shall be used.
14. No finished slope shall be created that exceeds 25% with the exception of side slopes associated with new road construction.
15. An artificial recharge system for precipitation shall be provided that will not result in the degradation of ground water quality if the lot is rendered to have more than 15% or 2,500 sq. ft., whichever is greater, of impervious surface.

The standard conditions for accessory dwellings approved by the Planning Board on 12/17/15 shall be conditions of this decision and shall be included for recording at the Registry of Deeds.

- A. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department, Conservation Commission and other town agencies.
- B. The property 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 shall not be increased without prior approval of the Planning Board.

- C. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.
- D. The Planning Board may require an on-site inspection for conformance to the approved plans and these conditions prior to the issuance of a Certificate of Occupancy for the accessory dwelling.
- E. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy signed by any new owner shall be provided to the Planning Board within seven days of the closing of the sale of the house. It is recommended that this be signed at the closing.
- F. At any time, at the request of the Planning Board the owner shall provide a notarized affidavit indicating that either the primary or accessory unit is owner occupied.
- G. No on-street parking by occupants of the primary or accessory dwelling shall be permitted at any time.
- H. Construction vehicles/equipment shall not idle, be parked, stored, loaded or unloaded in the street.
- I. 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.
- J. This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.
- K. The Planning Board reserves the right to review compliance with this special permit at any time. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.

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

Minutes
Documents

- Meeting minutes 6.27.19

Ms. Lambert moved to approve the meeting minutes for June 27, 2019.

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

Accounting
Documents

PO #1912517 (\$108.54), PO #2000310(\$125.00), PO #1912374(\$600.00), PO #1912569 (\$19,746.31)

Ms. Lambert moved to approve the requisition of \$600.00 to Merrill Corporation for peer review of stormwater at 203 Old Oaken Bucket Road, for \$125.00 to Chessia Consulting Services, LLC for peer review of 50 Country Way, for \$108.54 signed under the Municipal Modernization Act to Gatehouse Media for legal ad for 67 Old Oaken Bucket Road accessory dwelling, for \$19,746.31 to Horsley Witten for peer review inspections at Seaside at Scituate.

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

Liaison Reports:

CPC – reported by Ms. Burbine:

Ms. Burbine discussed current applications before the CPC.

- Granite mile markers – 3 in Scituate
- Open space
 - Country Way – 20,000 sq. ft. lot abuts the reservoir
 - Lot is all wet, cannot be built on
 - Question on how much it is worth
 - 436 CJC Highway - antique cape past the reservoir
 - Purchase because maybe raising the reservoir
 - 7 different zones
 - Asking \$400,000 sale price
- Potential Aquaculture – Town property in Briggs Harbor
- Friends of North Scituate – finish canopy, picnic benches, trash cans, lighting
 - Jamie's clean-up is enforceable by the Building Inspector
- Vacancy on the Committee

Master Plan – reported by Mr. Bornstein:

- Advisory Steering Committee met - Good meeting
- Public kick off Tuesday August 13th at 6:30pm at Gates Middle school
- 2 weeks prior to the meeting there will be official notices
 - Town website and calendar, notices on social media
 - Spread the word now to friends and acquaintances

Design Review Committee- Mr. Bornstein:

- Senior Center review
 - Walked thru the plan, explained campus feel, addressed elevations and building materials
 - Large public turn out – abutter concerns and public support
 - Building has moved a little
 - Pedestrian access paths have moved a little
 - No changes to the parking or the access
 - 127 spaces for the entire campus
 - DRC will have a memo to the Board prior to the next meeting
 - Building in the best place it could be for a campus
 - Pare Traffic study has been authorized to undergo peer review

Continued Public Hearing – Stormwater Permit – 27 Hood Road

Assessor's Map/Block/Lot 28-23-4-F and 4FA, 28-22-12-F

Applicant/Owner: St. Mary & St. George Coptic Orthodox Church

Documents

- PDF 27 Hood_Withdraw without prejudice to Planning Board

Motion:

Ms. Lambert moved to accept the applicant's request to withdraw the application for a Stormwater Permit for over 40,000 sq. ft. of disturbance without prejudice at 27 Hood Road.

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

Ms. Joseph indicated that the application is before the Conservation Commission because there is more work within the 100' buffer zone than originally presented.

Continued - Public Hearing – Mixed Use Special Permit – Drew Company/MBTA – 247 Driftway

Assessor's Map/Block/Lot: 53-2-8, 53-2-8B, 53-2-9A, 53-2-10, and 53-2-10

Applicant: Drew Company, Inc.

Owner: Massachusetts Bay Transportation Authority

Documents

- PDF 190701_Greenbush Permitting Revised Sheets_18004
- PDF 190703 HW Greenbush Tedeschi Response 18004
- PDF GBS – Typical Floor Plan - Bldg B
- PDF GBS 3rd Floor Plan – Bldg B
- PDF GBS Bldg A – Plans
- PDF GBS Ground Floor B
- PDF Longitudinal Building B
- PDF Greenbush Station – 2019-07-02- Bldgs A & B & C
- PDF Greenbush Station_Zoning Compliance Diagrama_07-11-19

Attendees: John P. Drew, Drew Company; John E. Drew, Drew Company; Jim Sandell, Architect, Robert Galvin, Attorney; Jonathan Ford, Engineer Horsley Witten; David Black, VHB Traffic.

Mr. Galvin provided a status update on the project.

- Response to Morse Engineering, abutter comment letter, submitted on 7/2
- Proposed Draft decision with Finding of Facts submitted on 7/3
- Finalizing changes to the site plan – making changes to ensure zoning compliance
- Final plans to be submitted on July 25th – hope to have a vote on August 8th

Mr. John P. Drew addressed some of the changes made to the plan at this time.

- Exit to New Driftway from Building F has been eliminated
- Addressed setbacks from the street – Building F
 - Eliminated 2 spaces that were in the front yard
- South Way now one-way – one way in, one-way up to Centre Way
- Eliminated vehicle entrance from South Lane into Building C residential
 - Addresses grading concerns and provides more green space
- 2 units taken out of Building B
- Added 2 units to Building A – will not change the look of the building from the exterior

- Shifted some residential parking down closer to building A
- Consolidated crosswalks – included in overall site plan with overall signage
 - One cross walk moved slightly – now on south side of middle driveway vs. the north side
 - Proposed mid-block rapid flashing signal control light

Ms. Joseph indicated that she discussed the changes with the Deputy Fire Chief and he is satisfied with the 2 means of egress and public health, safety and welfare is addressed.

NO Public comments.

Ms. Burbine indicated the Board felt it was important that the applicant review changes now versus the next time the applicant appears before the Board.

Ms. Joseph indicated she has received a draft for some Findings of Fact and is working to integrate them into a DRAFT decision which will then be distributed to the Board, the Applicant and Town Counsel.

There was discussion regarding inspections of the existing underground stormwater system on the MBTA land. Mr. Drew indicated they have reached out to the MBTA and are working to get that completed prior to the July 25th submittal of materials. John Ford from Horsley Witten, explained that with the system they have designed and with improved site conditions there will be improved water quality, but they want to ensure the system on the MBTA property is functioning properly which would further enhance the water quality from the site. The MBTA has not responded yet. Mr. Ford indicated the flows go there now and would continue to go there with no increase. The Drew project is tied to the MBTA system even though the applicant does not own it. The system on the Drew property is reliant on the MBTA system; the applicant does have an easement with the MBTA.

The applicant is now the owner of the property.

Public Comment:

Mr. Charles Tevo, resident at 60 New Driftway, asked how long it would be from groundbreaking to finish. The applicant is hoping to break ground before the end of the year and estimates it will be 16 months to initial Certificate of Occupancy; about a year and a half of construction. The Drew Company will be managing the property; there is no intention for a third party management company on site.

Mr. Bornstein asked about parking during construction. The applicant indicated the MBTA has requested that 50 spaces be maintained during construction - that number was provided by the MBTA based on their daily need; the applicant will block off spaces as they move around the site.

The applicant indicated they are aiming for LEED certification, most likely Silver. Mr. John E. Drew indicated that there are site restraints making it harder to get o Gold LEED; however when it comes to water management, flow, cooling systems, etc. they will be fine.

There was discussion about rental rates; they will be comparable with similar properties in Hingham, Cohasset, and a transit oriented development in Weymouth, on Route 53 and Quincy. The range is

likely to be \$2,250-\$2,500 for 1 bedroom and \$3,000 for 2 bedrooms, but they applicant is still assessing the situation.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Mixed Use Special Permit in the Village Business Overlay District for Drew Company, Inc. at 247 Driftway until August 8, 2019 at 8:30 pm and continue the time for action until September 4, 2019.

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

Planning and Development – reported by Ms. Joseph:

- Seaside at Scituate
 - Walked the line for the temporary fence along Wampanoag School
 - Fence will not be on the property line but will be inside the erosion controls in effort to keep some to the vegetation that exists.
 - Would the Board consider a permanent fence in place of a temporary fence
 - Planned as a temporary fence with privacy shield
 - Fabric for temporary, slats for permanent
 - 6' tall black chain link fence - temporary fence needs to last 2-3 yrs.
 - Board opined fence should remain as temporary
 - Site walk Thursday 7/18 – to see what is done on the list from the last meeting prior going into Phase 2
 - Having water issue – well doesn't have Certificate of Compliance from the BOH
 - Have one well by Tilden road that is very viable
 - Dust control very important
 - Applications for building permits – Lois Ann Court
- White Ash Farm
 - \$10,000.00 to go back to the developer
 - Stormceptor on Country Way was not installed within the time frame of the conditions

Mr. Kevin Cafferty, Director of the DPW discussed the issues with the stormceptor and why it was not completed within the allotted time frame; the size and the depth needed to install the structure was greater than anticipated and DPW does not have the equipment or funds for installation. He indicated the developer was not willing to extend the time period.

The Board was upset the condition was not met. There was discussion that when the project was being permitted there was communication between DPW and the Planning Board when writing the condition. Ms. Joseph said the structure is larger and needs to go deeper than expected. Mr. Cafferty said they did not know that would be the case until it was designed. Mr. Pritchard said we need to look at the trade-offs in what is being asked of the developers to do so that it does not become invaluable. Ms. Joseph indicated that when plans change the Planning Board seeks comments from all other departments.

- 50 Country Way
 - Still have temporary Certificates of Occupancy for all buildings
 - Engineering peer review from as-built just received

- Hydrant needs to be painted
- Asked for architectural plans to receive certification from architect that built correctly
 - Balconies missing supports
 - Shutters on the building not there

Continued - Public Meeting – Site Plan Administrative Review – Municipal Water Treatment Plant Well 17A 90 & 96 Tack Factory Pond Drive
Assessor's Map/Block/Lot 42-4-8
Applicant/Owner: Town of Scituate – Water Division

Document

- PDF 19014 CC Review Report Scituate Well 17A Filter Plant 06-25-19
- PDF Full Set Permitting - Stamped 6.20.19
- PDF Response to 5.23.19 PB Meeting
- PDF Stormwater Report – Final
- PDF Site Plan Review – response to comments
- Doc 7-11-19 Well 17A Decision
- Doc Motion 7-11-19

Attendees: Tighe & Bond Team - Mike Schrader, Client Service Manager; Ryan Pavlica, Construction Phase Services; Kevin Cafferty, Director of Scituate DPW; Sean Anderson, Water Department Superintendent

Mr. Cafferty began by saying that Well 17A is in a critical area for the infrastructure; it also has been a cause of brown water in the past because of high manganese levels in the well. DPW looking to install a filtration building so the water can be used directly out of the system in the future. He opined it would be a huge improvement to the system and would give added modifications to the water quality and water availability.

Mr. Pavlica reviewed the plans.

- Well 17A is high in iron and manganese
- Installing a green sand filtration system to remove levels of iron and manganese
- 3 system units rated for 360 GPM max output
- 4 chemicals in treatment process
 - Sodium hypochlorite, potassium permanganate, sodium fluoride, potassium hydroxide
- Underground back wash tank
 - Back wash water pumped to Old Oaken Bucket pond via an existing transmission line will then go to sewer system
 - Back wash calculation has been coordinated with the Sewer department - hydraulic load not biological load
 - Backwash – once every 2-3 days - the applicant can provide definitive amounts
 - Backup generator will be on site
 - Above ground storage tank – used for finished water and backwash
 - Infiltration pond to capture additional stormwater on site

Mr. Pritchard suggested that backwash happen during off peak time because sewer capacity is an issue. Mr. Anderson explained how the backwash works at some other sites and there is no problem with sewer. He also said they can set times when backwash is run.

Ms. Joseph indicated the Conservation Commission is in the public hearing process for the project because it is in the 100' buffer zone as well as some other resource areas. She indicated that comments from engineering peer review suggest there are a few things to be done; however, most changes have been addressed in the plans reviewing today. There is one test pit to be done, but the applicant gave justification of how they came up with the elevation for the infiltration basin; it does seem that it will meet the requirements of the area. She opined that it is acceptable for the Board to approve it now. Conservation is having the changes peer reviewed by their engineer.

Mr. Pavlica spoke to how they determined the level of the infiltration basin. He said the bottom of the basin is at 49' with the wetland boundary they estimate the high level ground water is at 52' which provides 3' separation. They have also conducted borings near the existing infiltration pond, about 60' and the soils are coming up sandy/gravelly type soils similar to what was coming up at the NRCS soils mapping and the ground water level at that location was 3' below the ground surface which corresponds with the 48' - 49' level that the design has been based on. The Board opined that it is very close, 49' - 52'. Mr. Schrader indicated that it is not a public road so the pollutants and sedimentation that come with traffic should not be there which is a concern when managing stormwater.

Mr. Bornstein made comments on the landscaping plan; no seed mix specified, what is proposed for the infiltration basin. The applicant said they will work with Conservation on what to use, typically it would be a native conservation mix or something along those lines. Mr. Bornstein also commented on the slow release drip irrigation bags being used saying they are difficult to use on smaller, mid-sized evergreen trees and the applicant should be cognizant about how the trees are getting watered. He also opined the size for the excavation of root ball could be made smaller, less digging.

Mr. Limbacher asked about the usage of the road. Mr. Anderson indicated there would be monthly chemical deliveries; less on dry chemicals, but typically liquid chemicals is once a month maybe twice because they come from different sources. There would also be daily use by the Town to check on the well.

Ms. Lambert asked if every well site is visited daily; yes was indicated. She also asked if they applicant anticipates if this will help to mitigate the brown water issue.

Mr. Cafferty addressed the question; Well 17 and 18 have not been used in 2 yrs., Well 17A is used and is pumped over to the reservoir, to the treatment plant and then out into the system. It is treated; however the plant is not designed to take iron and manganese out. By having this Well it is anticipated the treatment plant will be able to run less. When the treatment plant is turned on it causes change in direction in flows and creates sediment. They are still using other methods to treat for sediment. Mr. Anderson added that Well 18 was taken offline about a year and half ago and is at the end of having a new treatment mechanism installed inside the building where the building was large enough. They are awaiting final approval from DEP to put the Well back online; a green sand filter was installed and results were very good.

Ms. Lambert opined the takeaway is that no one wants a Well in their backyard, but it is about the general good and what is good for everyone.

Mr. Anderson added that Well 17A would be the second highest producing well.

Mr. Schrader added Tighe & Bond is monitoring the data collected from the Water Department regarding brown water; he encouraged people to report a problem on the website if they have one.

Mr. Cafferty addressed a drawing that tracked calls from 6/28 – 7/8. They discovered a large issue near the Hilltop and Daedalus area where there was only one-way flow when developed in 1950's; DPW is in the process of helping that neighborhood. Satuit Trail is another area where the hydrants don't go all the way to the end and nothing is looped there is an 800' stretch of pipe where there is nowhere to lead off the lines. It is now a requirement to loop the lines for any new subdivision. Mr. Cafferty indicated that after some of the flushing and pigging there were fewer complaints from areas where they typically hear about more issues, i.e. Front Street, Second Cliff and Third Cliff.

Ms. Burbine indicated the big issue here is the traffic situation, the slope and the size of the trucks using the roadway. She said this cannot be prevented from happening, but can deliveries be set up at some off peak time, i.e. when kids are in school. Mr. Cafferty indicated that is a possibility. He opined the well is something the town needs.

Mr. Pritchard asked how spill containment is managed. Mr. Pavlica indicated where the connection points are outside there are 2 concrete spill stations and there is a manual gate to close the valves if a spill were to go beyond the spill stations. Mr. Anderson indicated it is required by MassDEP that someone from the Water Department is on site when chemicals are delivered; there is a protocol they must follow. There was discussion about other chemicals on site; there will be propane and oil for the generator. Discussion centered on the transformer and if it is a "dry" transformer. The applicant was not able to confirm at this time, but indicated nothing else is stored on site.

Mr. Bornstein asked about the noise level when the facility is operating. Mr. Pavlica indicated that a study conducted at a similar facility found the typical noise generated is approximately 60 decibels within a meter to the building. The closest abutter is about 250'; the only noise would be from the standby generator and this can be programmed. The generator will be tested on a weekday between in the mid-morning hours, 10-11am.

Public Comments:

Mr. Greg Morse resident at 167 Tack Factory Pond Drive said his concern is getting the building as far back as possible from the neighborhood; he thought it could be moved back 50'. He also noted concerns over the driveway access on the curve and thought it could be made more perpendicular. He referred to a plan done by another resident in the area Mr. Steve Delgrosso that showed the driveway in another location with a more perpendicular intersection. He discussed the current condition of Tack Factory Pond Road saying there are ruts and sunken catch basins and asked that as part of the project the road be re-paved. He indicated he had asked for information regarding lighting, guard rails, etc. and has not received any comments back from DPW or the Town Planner. He said he was not aware there was a peer review engineer and would like to see the comments. Ms. Burbine asked the applicant if the building could be moved back 50'. Mr. Cafferty indicated they have met with residents on 3/5 and 4/30 with modifications to the plan. Mr. Schrader said they have addressed all issues in previous submittals in detail; they have looked at driveway alternatives including the one submitted by the residents and have determined the present layout is the least impactful on fill volumes and cutting, it prevents trucks from using both sides of the road for turning and vehicles will be slow moving when they get to the top. The building has been pushed back 40'

to the north from the original design after meeting with abutters; if it is pushed back more it will run further into the wetland buffer zones, etc. and would require an alternatives analysis. He opined this is the best approach to minimize environmental impacts.

Mr. Schrader asked Mr. Bornstein's opinion of the landscape screening. Mr. Bornstein opined it appears to be a robust screening plan; the tree sizes are generous. Mr. Morse asked about the landscaping at the entrance; it is a residential neighborhood and they want it to look that way, not like a run way. Mr. Pavlica reviewed the landscape plan. Ms. Joseph opined the selection was much better than originally presented; there are two levels of screening and they are deer tolerant. The entrance would be mowed grass so there would be no obstruction for sight distance. Mr. Cafferty said if extra plantings are needed he would do them as part of the screening, but would discuss that offline with residents.

Mr. Stephen Delgrosso resident at 77 Tack Factory Pond Drive said Tighe & Bond has done a good job trying to address the issues, the building was moved back but not as far as they would like. He said they do not object to the project they would just like to see the building moved deeper into the woods and see some consideration for the driveway; he also addressed the condition the road and the catch basins with orange cones.

Mr. Cafferty said he will have the Highway Department look at the catch basins. On paving the road he opined it is not on the list to be re-paved at this time, but if money is left over from the project and approved by the Selectmen then he may be able to do the road. The access road will be paved, but re-paving the road was not requested at town meeting, money cannot be deferred from the project to fund the paving of the road.

Mr. Paul Stutzman resident at 110 Tack Factory Pond Road asked about snow removal. Mr. Cafferty indicated they will continue with their snow removal plan.

There was discussion about guard rails; they would be wood not steel.

Mr. Sean Collins resident at 80 Tack Factory asked if the existing road will still be available; the existing road will be left alone.

Ms. Tracy Kiddie resident at 70 Alewife Lane asked if the space for the truck to turn around is adequate. Mr. Schrader indicated they use software that mimics the turning movements and that is how they come up with the design.

The Board discussed what would be gained by moving the building back another 50' and opined they don't think much; it would actually pose more concern if there was a spill as it is closer to the 200' riverfront, etc. They also opined the plantings for screening should be sufficient and that Mr. Cafferty will work with abutters if more is needed. This is a compromise that addresses the issues on both sides; it is a balancing act.

Ms. Terry Stutzman resident at 110 Tack Factory Pond Road said the reason for the mowed lawn at the entrance is because the neighborhood does it; she says it has never been maintained by the Town. Mr. Cafferty said the Water Department will maintain the lawn, tree trimming, etc. The Board agreed to proceed with a decision and would condition that the transformer needs to be a dry transformer and oil would not be stored on site; if it is found that the transform is not dry then the applicant will need to come back to the Planning Board.

Motion:

Ms. Lambert moved to make the following Findings of Fact:

1. The applicant submitted a site plan entitled Scituate Massachusetts Well 17A Water Treatment Plant, Site Plan Review package dated January 2019 with revisions through July 2019 by Tighe & Bond stamped by Jean E. Christy and John N. McClellan Registered Professional Engineers.
2. Town meeting voted for upgrades to Well # 17A on April 14, 2016. The engineering contract was awarded 1/31/2017. On April 8, 2019, Town Meeting authorized the Treasurer, with approval of the Board of Selectmen, to borrow \$8,000,000 for the purposes of engineering and construction of green sand filter and SCADA for Well #17A.
3. The property currently has a gravel access road and well 17A is located on the property. The site is located in the Residence R-1 zoning district, the Water Resource Protection District and its Zone II sub district.
4. According to the elevations and site plan, the height of the water treatment plant will be 20'-3" to the eave. This is lower than 35' and meets the height requirements for a residential building, and also meets the required front, side and rear setbacks for the Residence district.
5. The property off of Tack Factory Pond Drive has single family residences to the south and east is further surrounded by vacant forested land to the north, immediate east and west owned by the Town of Scituate. The proposed water treatment building has been pushed north as far as possible away from neighboring homes to the south minimizing impacts to wetland resource areas. A row of evergreens 10-12 feet in height will be located to the south of the water treatment plant outside the fence and on a portion of the southwest side of the access road. The Board opines that adjoining premises will be protected against any detrimental or offensive uses of the site and the site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 Paragraph A.
6. The number of parking spaces for a municipal well water treatment plant is not specifically regulated by the Table of Minimum Requirements, Section 760.6 of the Scituate Zoning Bylaw, but is included in "All other uses" in this table subject to determination by the Planning Board. The three spaces shown on the plans include one handicap accessible space and two other spaces which include one employee space and one visitor space. The parking spaces will allow for DPW staff to access the building on a daily basis for water quality and equipment monitoring and for occasional visits by service technicians or other authorized visitors on an as-needed basis. Parking appears to be sufficient for the proposed use.

Site traffic will consist of a daily check by DPW staff for monitoring water quality and equipment and occasional visits by service technicians or authorized visitors. Under current contracts, deliveries of two liquid and two powder chemical occur each month.

The 16 foot wide asphalt driveway with berm on the southwest side is designed around a WB-50 design vehicle so that equipment maintenance, replacement and servicing can occur along with equipment and material deliveries. A guardrail will be located along the northeast side of the road to account for the steep grade. The driveway is similar in width to other residential driveways in the area.

The driveway entrance is designed for a vehicle to enter the site in a generally straight alignment minimizing the curb opening.

Pedestrians are not anticipated to be crossing in front of the driveway as the sidewalk is

located on the other side of the road.

Vehicle headlight glare is expected to be minimized as deliveries and DPW staff visits are only anticipated during daylight hours except for emergencies.

The driveway layout provides access for emergency vehicles while minimizing unsafe conditions for oncoming eastbound traffic in the designer's opinion.

The Planning Board opines that the site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 B. and C. for traffic safety, ease of access, pedestrian safety, minimizing glare and access for service and emergency vehicles.

7. There are no sanitary facilities on-site and thus no sewage disposal system as there are no full time employees on-site. Waste from the site consists of treatment of residuals (particulate iron and manganese) and will be pumped into the ~~sewer~~ on off peak flow hours. There is an existing hydrant on-site by the well. The plans have also been reviewed by the DPW Water Division. The Planning Board opines that the site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 D. for adequacy of methods of waste disposal, adequacy of water supply and fire- fighting facilities on the site.
8. The site plan and stormwater report were reviewed by the Conservation Commission's consulting engineer, Deborah W. Keller, P.E. of Merrill Engineers and Land Surveyors. The plans are modified in response to the comments; it is anticipated there will be no increase in rate or volume of runoff for the proposed site and water quality standards and Water Resource Protection District requirements will be met. The site is in the Water Resource Protection District and Zone II to a public well. The stormwater system has been designed to improve water quality by reducing total suspended solids by at least 90%, treating one inch of runoff and having a three foot separation from the bottom of the infiltration basin to the estimated seasonal high ground water as required by the Zoning Bylaw. The majority of the stormwater from the new access drive and water treatment plant area will be directed to the low point in the access drive then directed to the proposed infiltration basin with a sedimentation forebay to remove solids. There will be an isolation valve that can be closed as a spill control measure. The applicant is willing to accept conditions to protect groundwater quality related to the storage of salt, chemical de-icing compounds, and petroleum products, and a prohibition on vehicle washing on the site. The site plan meets the standard of Scituate Zoning Bylaw Section 770.6 E. and F. for adequacy of stormwater management and control of toxic and hazardous materials in the Zone II sub district and Water Resource Protection District.
9. Cut and fill has been minimized by limiting the embankment height along the access road and having the lowest possible finished floor elevation. Clearing has been minimized and erosion control blankets will be used on 3:1 slopes or steeper for stabilization. An erosion and sedimentation control plan will be used, soil will be re-used on the site in the vegetated ~~berm~~ slope. The site plan meets the standards of Scituate Zoning Bylaw Section 770.6 G., H. and I.
10. As the parking area contains less than ten spaces, shade trees are not necessary. Outdoor lighting is no higher than 16 feet above the ground and is directed to shed light to the northern building entrance and will be cast downward minimize glare and light spillover. No pedestrian or bicycle trips are anticipated. Barbed wire chain link fence is used for protection of the water supply elements. The site plan meets the standards of Scituate Zoning Bylaw Section 770.6 I and J.

11. The site plan entitled Scituate Massachusetts Well 17A Water Treatment Plant, Site Plan Review package dated January 2019 with revisions through July 2019 by Tighe & Bond meets the requirements of the Town of Scituate Zoning Bylaw Section 770.6, Site Plan Review Standards of Review to a degree consistent with a reasonable use of the site for the purpose permitted by the regulations of the district in which the land is located.

Ms. Lambert seconded the motion as amended (see red items); the vote was unanimously in favor.

Ms. Burbine moved to approve the site plan for the Well 17A Water Treatment Plant subject to the following conditions:

1. The site plan entitled Scituate Massachusetts Well 17A Water Treatment Plant, Site Plan Review package dated January 2019 with revisions through July 2019 by Tighe & Bond for expansion of the Well 17A Water Treatment Plan is approved except that it may be modified if changes are necessary to meet the conditions below.
2. Six reduced sets of 11 x 17 prints and pdf's shall be provided to the Planning Board prior to the pre-construction conference for distribution to Town departments and for the files.
3. The building shall meet all pertinent requirements of the Massachusetts state building code.
4. Materials and details of construction shall meet all pertinent requirements of the DPW, Board of Health, Fire Department, Conservation Commission, Building Department and Commission on Disabilities. Where this Site Plan Administrative Review requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's approval of this site plan. All necessary permits and approvals must be received prior to construction.
5. The number of parking spaces for a municipal well water treatment plant is not specifically regulated by the Table of Minimum Requirements, Section 760.6 of the Scituate Zoning Bylaw, but is included in "All other uses" in this table subject to determination by the Planning Board. The three spaces shown on the plans include one handicap accessible space and two other spaces including one for an employee and visitor. The parking spaces will allow for DPW staff to access the building on a daily basis for water quality and equipment monitoring and for occasional visits by service technicians or other authorized visitors on an as-needed basis.
6. The grade of the access driveway shall not exceed 8%. Maintenance of the access drive and entry area to maintain sight distance shall be the responsibility of the applicant.

Language was amended to add: maintenance of the access drive and entry area to maintain sight distance shall be the responsibility of the applicant.

7. Gasoline, oil and chemical abrasives shall not be stored on-site. No road salt shall be used or stored on-site. No vehicle washing shall occur onsite.

Language was amended to add: oil and no vehicle washing shall occur on site

8. Delivery of chemicals to the site shall be scheduled mid-day weekdays and such unloading of chemicals shall be done in the accompaniment of a Town employee familiar with procedures on spill containment requirements and emergency response.

Condition #8 was added after discussion.

9. The back-up generator shall be run mid- morning during off peak (weekday) hours.

Condition #9 was added after discussion.

10. A dry transformer shall be used. If a wet transformer is required, the applicant and its consulting engineer shall report back to the Planning Board.

Condition #10 as added after discussion.

11. The applicant will provide additional screening on the slope of the access road (south side). The Town Planner to review and approve the location.

Condition #11 was added after discussion.

12. A test pit within the limits of the infiltration basin to verify there is 3' of separation from the bottom of the basin to maximum groundwater level shall be done prior to construction. Test pits results to be provided to the Town Planner.

Condition #12 was added after discussion.

13. In an emergency, no reasonable access shall be denied to the existing access road.

Condition #13 was added after discussion.

Construction

14. A pre-construction conference will be required prior to the start of construction including a representative of the DPW, the site contractor and the Town Planner and Conservation and Natural Resource Officer.
15. Prior to scheduling the pre-construction conference, a schedule of construction activities shall be given to the Town Planner along with the Storm Water Pollution Prevention Plan (SWPPP) and NPDES Permit. The Construction General Permit and SWPPP shall be provided to the Town Planner for review and approval prior to construction.
16. All work within the Right of Way of Tack Factory Pond Drive shall be coordinated with the DPW. The DPW shall be notified prior to the start of work within the ROW of Tack Factory Pond Drive. Other than as required by this work, there shall be no parking or idling of vehicles on Tack Factory Pond Drive during construction.
17. Stormwater control measures shall be maintained according to the Long Term Pollution Prevention Plan and Stormwater Operation and Maintenance Plan submitted for the project and the Storm Water Pollution Prevention Plan (SWPPP). All clearing and earth moving operations shall only occur while erosion and sedimentation control measures are in place.
18. A crushed stone construction entrance as detailed on the plans shall be required and installed prior to the start of work. Water and sediment cannot be discharged into the infiltration basin until the site is fully stabilized.
19. The Town Planner is to be notified when erosion control measures are in place, when construction begins and when construction is completed. If deemed necessary by the Town Planner in consultation with the DPW Engineering staff, temporary sedimentation basins, check dams, silt socks and or noise and dust control may be required in addition to the erosion control measures shown on the plan. All erosion control measures shall remain until the Town Planner and/or Conservation Agent determines that the danger of erosion or sedimentation no longer exists.
20. Construction shall proceed according to the construction phasing plans.

21. Construction work shall not begin prior to 7 AM weekdays and 8 AM on Saturday and shall cease no later than 7 PM or sunset whichever is earlier. No construction shall take place on Sunday or legal/federal holidays.

After Construction

22. A set of As-Built Plans stamped by a registered surveyor and reviewed by the registered professional engineer who designed the system shall be submitted to the Planning Board within 30 days of completion of the work. This plan shall include the construction conditions of the stormwater management system, utilities, grading, building, site amenities and driveways. The As-Built Plan must be submitted prior to obtaining a Certificate of Occupancy and such plans must be found in compliance with the approved permit. All grading and landscaping must be complete prior to the as-built submittal.

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

Documents

- Email to the Board from Shari Young dated 7.3.19 with agenda and meeting minutes.
- Email to the Board from Shari Young dated 7.3.19 with meeting materials for 67 Old Oaken Bucket Road, 27 Hood Road, Well 17A
- Email to the Board from Shari Young dated 7.3.19 with meeting materials for Well 17A
- Email to the Board from Shari Young dated 7.3.19 with meeting materials for Drew Company
- Email to the Board from Karen Joseph dated 7.3.19 with meeting materials for Drew Company
- Email to the Board from Karen Joseph dated 7.9.19 with meeting materials for 67 Old Oaken Bucket Road
- Email to the Board from Karen Joseph dated 7.11.19 with meeting materials for Well 17A and Drew Company

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 9:10 p.m. Ms. Lambert seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: August 8, 2019

