

SCITUATE PLANNING BOARD MINUTES July 13, 2023

Members Present: Patricia Lambert, Chair; Vice Chair, Rebecca Lewis; Ann Burbine, Clerk; Stephen Pritchard, the Alternate Seat was vacant.

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

Members absent: Bob MacLean

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

Location of meeting: Select Board Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chair Lambert called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television and streaming live on Facebook with in-person and remote access available.

Documents

- 7/13/23 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chair Lambert indicated there was a posted agenda. Ms. Burbine seconded the motion for the posted agenda a vote was taken the vote was unanimously in favor.

**Public Hearing – Site Plan Administrative Review and Special Permit for 4 Multi-family Buildings and Stormwater Permit in the Village Center and Neighborhood District – North Scituate Village District – Outer Village (VCN-NSV-OV) - 817 Country Way
Assessor's Map/Block/Lot 12-2-38-F
Applicant/Owner: Option C Properties, LLC**

Documents

- PDF Building 2-Architectural
- PDF Building 3-Architectural
- Jpeg – Overhead View
- Jpeg – Street View
- Email comment from Alan Bruce dated 5.23.23
- PDF 817 Country Way Stormwater Report
- PDF 817 Country Way-Peer Review #2
- PDF 2023-06-19 Responses to TEC Peer Review Comments – 817 Country Way
- Doc Board of Selectmen 5-30-23
- PDF Comment letter from Resident at 56 Mordechai Lincoln Road 7.10.23
- PDF Country Way Estates – Site Plan – Revised 2023-06-19 SH 1-10
- PDF Country Way Estates – Site Plan – Revised 2023-006-19 SH 11-20
- PDF Country Way Estates – Site Plan – Revised 2023-06-19 SH 21-25
- PDF Comment letter from Dewaall 7.12.23
- Doc DRC-062723-clean
- PDF Letter to Scituate PB and DC
- Doc DRAFT Motion Form 2nd Continuance

Attendees: Bill Ohrenberger, Attorney; Kevin Grady, Grady Engineer; Peter Ellison, TEC, Town's Consulting Engineer; Jamie Kelliher, Architect; Chris Bruce, Option C Properties; Sean Stockbridge, Option C Properties; Kenny Sanchez, Option C Properties;

Mr. Ohrenberger indicated since the last meeting the applicant has met with the Design Review Committee (DRC) twice. He said Mr. Grady has also worked on the landscaping and the infrastructure and is in the process of responding to the Peer Review comments received this week.

Mr. Grady began by saying they have received feedback from abutters, DRC and the Board regarding landscaping and layout of amenity space; in response they have asked the Landscape Architect to add more detail to the plans. He referenced sheet 2 of the plans indicating it shows where the amenity space is laid out; he explained they did not want to get into fine the details because they are still working with DRC, etc. however, they did want to show that they plan to do something more than just green areas. He reviewed a plan that showed some enhanced landscaping; paver patios, benches, potential fire pit, planting beds that have been enhanced with flowers, etc., open flat green space, paver walkways connecting the buildings and walking paths for connections around the property, gazebo feature added, they are looking into play structures and tables across the parking lot in an area with shade trees; each building will have some kind of outdoor area. He said they wanted to point out they will be enhancing the plan, they did not think they were far enough along to provide more detail.

Mr. Grady also indicated since the last meeting they did respond to peer review comments and received another response a couple of days ago, but have not had time to respond. A traffic study was submitted, but a response has not been received yet. He said they have updated the benefit plan; a sidewalk that would connect to the train station and the Cohasset town line, a 5' concrete sidewalk with granite curb and accessible warning strips, etc.

Ms. Joseph said when it is resubmitted there should be a cost estimate attached for the public benefit so the Board knows the entire cost.

Mr. Grady said at this point there are not any substantial changes to the engineering, it is more about DRC and the architecturals.

Ms. Burbine provided a point of clarification that the flat green space area Mr. Grady discussed is the septic system that was put in 10-12 years ago for the front building because the system in the front yard had failed. Mr. Grady responded that a septic system will fail at some point, they have a design life of about 20 years, when it fails you remove the contaminated soils and bring back in soils and pipe and stone, whatever it takes to get it running again. Ms. Burbine said that is why this one was put in the back of the building and elevated. She said they are using the septic system as open space. Mr. Grady said the system is underground, but they are using the space as open space. He said that every backyard he has been has a septic system and everyone plays whiffle ball, soccer, etc. over it and in his opinion, it is an appropriate use of the space.

Mr. Ohrenberger said originally, they proposed that units in the front building would be age restricted to 55 years or older, but they are no longer going to restrict that building.

Ms. Lewis asked for clarification on where the septic systems are located. Mr. Grady pointed them out on the plan; one is the grass area behind the front building that will have septic capacity for the

front building and some of the second building, the other system is located under the parking lot for the remaining buildings.

Mr. Grady also pointed out that a row of Green Giant Arborvitaes was added along the property line; eventually it will be a green wall.

Mr. Kelliher indicated after two meetings with DRC there have been some significant changes to Building 2, the first of the new buildings, along with some design aesthetic changes to Building 3. He reviewed an aerial rendering of the site.

- Complete redesign of Building 2
 - 3-story building
 - Reduced by 4 units and 6 bedrooms
 - Opened up the entry to the building; creates a less obtrusive appearance of the building on the street side when entering the property
- Building 3 added a front porch and changed the aesthetics of the gable features
- Building 4 remains as it was
- Created rendering of the street view per DRC's request
 - Tried to represent the trees, etc. that would be proposed for the site
 - Building 4 is not really seen from the street with the vegetation that is proposed
- Building 2
 - 3 floors
 - 12 units with a total of 18 bedrooms
 - Each floor has 2 singles and 2 doubles
- Overall reduction on the site of 3 units and 6 bedrooms
- Building 3
 - 16 units and 20 bedrooms
 - 4 floors
 - Added a front porch feature
- Building 4
 - Remains 4 stories
 - 16 units and 24 bedrooms

He said DRC seemed happy with the changes made to Building 2 and they are working on some of the suggestions made regarding Building 3.

Mr. Ellison, the Town's Consulting Engineer, indicated that peer review comments for the site plan and stormwater were completed this week. He opined the biggest challenge the plan needs to overcome is the slope of the driveway and parking lot as driving up toward Building 2 is currently graded at 9.23%; based on research of the Architectural Access Board (AAB) Standards the maximum slope where a sidewalk is proposed that runs parallel to the parking spaces are 5%. He opined from a high level a 9% slope for a parking area is not a good idea and could potentially be dangerous. He opined a sidewalk that meets the AAB standards should be provided from Building 4 to the public way. He opined that part of the purpose and goal of the zoning is to create connectivity; the applicant is proposing a sidewalk along Country Way to get tenants from the site to the train station, but he thinks it should be carried all the way through the site back to Building 4 to make sure all the buildings are accessible. Mr. Ellison also indicated that there are a lot of plantings on top of the septic system and questioned if that was acceptable.

Mr. Grady said what they have tried to do is locate the trees around the leaching fields, they are placed between the leaching fields and around them, he does not think there are any large trees placed on top of the system. He pointed out the system and leaching fields on the plan. He also said the landscape plan shows some added connectivity; he opined they will be able to make them accessible, they may need to add some ramping, but they will continue to work on it.

Mr. Ellison also said the Board should provide some clear direction over the amenity space over the septic system fields. He opined it is not really an acceptable condition for a new construction project, but ultimately there is nothing he saw in the code that does not allow it, it is an interpretation, but the Board should discuss that and provide some direction.

Ms. Lambert said she has been to two DRC meetings opined there are still too many units on this site; she will take a straw vote from the Board. She said just because they have a piece of land does not mean they can max it out; the Board is under no obligation to grant a density bonus, by-right they are allowed 34 units. She asked the Board how they felt about the number of units.

Ms. Lewis was undecided if there are too many units on the site.

Mr. Pritchard wanted to hear more about why there are too many units on the site, but he does not like the idea of septic systems under parking lots; there are a lot of issues here, i.e. the 9% grade, the site may not allow it to be build up that much and he wants to hear what the benefits are for the density bonus. He said there is still a lot to do here.

Ms. Lambert said one of the issues discussed at DRC was the mechanicals and it is unknown where those are going to be and that is a big issue, they could be put where the public space is and if they go on the roof they are going to be noisy. She opined they have a plot of land, but she is not sure it is going to be able to support 52 units.

Ms. Burbine said it is too big and the site is too small; she said the 8 units up front need work, they are not handicapped accessible and old. She opined if they halved what they are doing, made things smaller and more comfortable with more green space and more walkability she could maybe get behind it. She said right now "its' too big, you are pouring a gallon onto a quart" and she can't support it.

Ms. Lambert said there are things to work towards, but questions need to be answered; they know nothing about the septic system, the BOH has not been provided any new information, they don't know where the mechanicals are going, the drive is too steep. She said for her if they could come down from 52 somewhere closer to 44, take the fourth floor off of Building 3 and 4, there are just too many units for this site.

Ms. Burbine said she would like to lose a building.

Mr. Ohrenberger said that in the discussion with DRC they talked about the number of units instead of talking about massing; he opined "massing" is important. He also said the that Scituate's Rules and Regulations allow for 9% slope, he said they can address the connectivity and things along those lines, but he does not want to get into where in Town 9% has been approved for other projects. He said DRC tried to discuss public amenities which is not their purview, it is the Planning Board's. But as far as the number of units, the feedback they are getting from DRC is Building 4 is pretty good the way it is because it can't be seen from the street, Building 3 can be seen and they can look at

reducing the number of units, but there needs to be some balancing. He said there has been some dislike for four floors and it is not akin to the neighborhood, but the Town adopted this zoning to try and create a transit-oriented neighborhood. They understand there are some site-specific things and adjustments need to be made which they are willing to do, but they have done a lot of work. He said he is not understanding the number of units, they are not condominiums they are rental units which count towards the Town's affordability.

Ms. Joseph chimed in and corrected Mr. Ohrenberger saying she spoke with the Director of the Local Action Unit program that at 20% affordable and 80% AMI only the Local Action Units are counted, for all the units to count there needs to be 25% affordable units or 20% at 50% AMI.

Mr. Ohrenberger said with regards to the number of units, he can understand a site design and what a site looks like, you can make smaller units, etc. but it's the massing and the size. He can understand the Board wanting to see the number of visible buildings; Buildings 2 and 3 and bring those down to 3-stories.

Ms. Lambert addressed Mr. Kelliher asking if he heard what DRC asked for regarding the gables on Building 3. He said they are looking at that, it would be a substantial revision to Building 3 and they don't know yet what it will look like.

Ms. Lambert addressed the issue of the mechanicals again, especially with Building 3 that is so close to the abutting Town. She said if they go on top it will be very noisy and that needs to be considered. She said it is not they don't want 4-stories, i.e. Greenbush, but this particular piece of land is long and narrow.

Mr. Ohrenberger said there are 8 existing units, so they are really talking about 44 new units, dropping a floor will bring that number down. He said what they are really talking about is the massing; he said the bylaw was adopted for the purpose of transformation. He said at some point they come to the point of saying screw the special permit and doing the by-right units. He said he will go to the ZBA to get a pre-existing use determination so the front 8 units don't count. He said they are getting pretty close to that, the land is what the land is, the slope of the land is what the slope is; the first development in a new zoning district has a lot of stuff that is hashed out so it is not easy. He said it is easy for neigh-sayers to pick apart and at some point, you have to back up and figure out what you are doing. He said they have talked for years about this building they tried to do something that would help remedy Lincoln Park, but there was no traction. He said there is an affordability aspect of this, 60% that they will get to. He commented on the amenity space, that $\frac{3}{4}$ of his backyard is leaching field. He opined it is unfair to say that can't be used, but obviously there has to be additional space. Right now, their parking exceeds what is needed and, in a transit-oriented district the Board can allow waivers to reduce, but they wanted to have parking for visitors. Mr. Ohrenberger said at some point they need to decide which direction to go. He said he would like to get some direction if they reduce Building 3 by the top floor and however many units that is, is that a direction that would be acceptable.

Ms. Lambert said for her that would go a long way.

Mr. Pritchard agreed that it is about massing and whether there are 15 units in a building or 25 units in a building, the apartments get smaller and he does not know if that is economical or not as those are the applicant's decisions, but it is about massing and other issues on the site. All the other design

criteria that are needed for the site have to be addressed. He referred to the comment about the slope and parking lot; the Review Engineer suggests there is an issue and how are they going to address it.

Ms. Joseph indicated the Building Commissioner also commented about the slope and questioned the ADA accessibility of the site.

Mr. Pritchard also said that having the septic system under the parking lot does not make any sense to him and the Board needs to hear what the BOH has to say about it. Mr. Grady said it is extremely common, he said that Title V requires a vent be added if it is under a paved area and there is no real concern.

Ms. Joseph asked when they intent to re-submit plans with the BOH; the Planning Board is not going to approve a site plan unless they know the septic is going to work. Mr. Grady said with their next set of revisions they will re-engage with the BOH; he explained that it was not prudent for him to do fine engineering design and then move the building so they held off until after DRC meetings.

Mr. Pritchard said to him it is a combination of all those elements including the massing of the building and siting from the street, if those can be met then there is the density bonus and public benefit that has to have some weight. He said that is how the zoning is set up and he is prepared to listen to that.

Mr. Ohrenberger said that the Building 3 massing has been discussed, but DRC did not really make any comments on Building 4 and they seem to be okay with that building in terms of visibility, etc. The applicant would like to be able keep that building somewhat as is except for some design criteria they need to address. He said he is hearing that despite what “special permit” provisions are and what the state is trying to advocate is not a primary concern of the Board.

Mr. Pritchard said that is not a fair statement, like everything else with site plan review if you can accomplish those criteria then talk to the Board about that. Mr. Ohrenberger said he understands a project looks to be what a project is and there are all kinds of zoning ordinances they can go to the ZBA for as they make decisions, but he can appreciate with the size of this project that the Board is trying to get the best project.

Mr. Ohrenberger opined what he is hearing is the Board does not want a project of this size. He said one of the other things the DRC was focused on was unit number; Mr. Pritchard said the Board takes a lot of stock in what the DRC says in terms of massing, etc. Mr. Ohrenberger agreed and said there were some good comments and insights and when they go back to DRC with modifications they will be able to answer some of the other questions that were discussed tonight, i.e. septic systems, massing reductions, etc.

Mr. Pritchard did say he does not have a problem with the grass area of the septic system being used, he is more concerned with the functionality of the system; it is easier to dig up grass versus a parking lot that would cause a lot of disruption for residents.

Mr. Ohrenberger said he thinks they have some good direction.

Mr. Ohrenberger also noted that DRC requested the façade of the front existing building be changed to be more compatible with the other buildings.

Ms. Lambert said it isn't that the Board doesn't want a project there, but it is new. She said the next time they anticipate seeing some changes to Building 3.

Ms. Burbine questioned if there is anyway to re-orientate Building 3 so that it is not so long; she opined it is too long and too close to the back. She asked about 3-bedroom units; there currently are no proposed 3-bedrooms. There was discussion about adding a 3-bedroom into each building to include families; the applicant will review the possibility.

Ms. Lewis asked if next time they will have comments from the BOH; Mr. Grady said he did not see anything in the original comments that was problematic. Ms. Joseph said the applicant did receive a list of about 29 comments; Mr. Grady opined there was nothing too serious.

Ms. Joseph indicated a Water Study is required, no one has requested a scope of services from the Planning Office, the next DRC meeting is August 29th, information needs to be submitted at least a week prior. She commented on the landscaping plan the applicant was previously asked to show what is in the existing woods and what are the existing trees that are part of the buffer, mechanicals have already been addressed, ADA accessibility is a critical thing for this development and she highlights that as an issue. Mr. Ohrenberger said if they meet the Building Commissioner and State codes then they would be good; Ms. Joseph said as a baseline the Building Commissioner needs to be satisfied. She said the Board does not want them to get too far into it and find they cannot make it ADA compliant. Mr. Ohrenberger said if the answer is they need to satisfy the Building Commissioner and the Architectural Access Board then they will get there.

Ms. Joseph also indicated there is work needed on the construction sequence because it is written for one building not three buildings, the Board will need to opine on lighting, the drainage report needs to include a summary of rate and volume not just rates. She said at the last meeting it was indicated there would be 3'- 4' of fill and in some place 5' of fill she asked if the Board understands that.

Ms. Burbine asked the elevation of Building 4 in relation to the street; Mr. Grady said that the existing grade at the street is about 21 and the grade near Building 4 is 38 and the slab elevation is 40.3 so it is 3' higher.

Ms. Joseph discussed the fencing and said a 5' fence may not be adequate, it should at minimum be a 6' fence. At the next meeting the density bonus can be further discussed and the public amenity. She indicated the Board has been using \$17,500/unit subtracting out the amount of the public benefit, i.e. the sidewalk amount and that is why it is important to have the cost estimate.

Public Comments:

Ms. Desjourdy resident at 429 South Main Street, Cohasset, indicated she lives directly adjacent to this proposed development. She has sent several letters to the Board regarding this project. She commented on the slope, saying from personal experience it can be treacherous in the winter; she pointed out how far the dumpster is and people walking up the slope. She commented that she had not seen the new comments from TEC yet and felt unprepared to speak about them and this new plan being shown. Ms. Desjourdy pointed out where the watermain is and said she imagines that everything that is there now will be removed, i.e. trees, etc. she is happy the Board is trying to address it, she said she has not seen the addition of arborvitae along the property lines. She again pointed to the leaching fields and watermain and questioned if there really could be any significant trees in those areas. She opined that a 6' fence is not enough, they really need a 20' fence. She also

pointed out a retaining wall; she said the elevation of her property line is almost the same right now and this will become much higher she said it is a real problem for them and her neighbors. She further discussed a walkway and stairs that she questions if they are safe and will be ADA compliant, she asked how people are getting to the proposed leaching field of common open space and how will people with disabilities be able to get there. She said there has to be connectivity, it is not just about ADA compliance, there are other requirements to allow multi-family.

Mr. Ohrenberger responded that a lot of the comments are anecdotal and they will do whatever is required by the law and they will do whatever is required to accommodate the neighbors. He said they will review what they propose to plant to make sure it can grow.

Ms. Lambert said the applicant's Landscape Architect is registered and Ms. Joseph is also a registered Landscape Architect so the barrier will be as best as it can be, nothing will be put there that cannot grow; if plants don't live they will have to be replaced that is with every project.

Ms. Desjourdy referenced a comment from TEC's initial peer review letter regarding the Architectural Access Board regulations that accessibility is to be provided from accessible parking, accessible common areas and public streets or sidewalks; she said the 9% comes back into play and it seems to be a requirement to the public street not just within the site.

Ms. Desjourdy spoke about the density bonus and the proposed sidewalk being within 200' of the river front, questioning if there needs to be a determination by Conservation. Mr. Ohrenberger indicated the project is before Conservation. Ms. Joseph indicated that Conservation has not received revised plans either because of the current state of the project; more needs to be hashed out by the Planning Board first.

Ms. Desjourdy said all this really factors into cost.

Mr. DeWaal resident at 421 South Main Street, Cohasset, indicated that he is an abutter to the project and his comments and letters have said that it is too big a project on too small a lot. He is concerned as an abutter if the canopy coming up their driveway is removed it will have a significant impact on them. His desire is not only to reduce the height of the buildings so they fit in more appropriately with the historic neighborhood. He suggested that the watermain could perhaps go up the driveway in order to preserve the area between the property lines. He said the same is true of the wetlands behind them, they share the wetlands and there are all kinds of animals and there are plants that serve as a buffer to the train. He said he is not opposed to the project, he is opposed to the size of the project and the impact it will have not just on the abutters, but on the general area; there is no other building that has the mass as this does, it is 200 yards from Lincoln Mill and up towards Cohasset there are 3-4 more Lincoln capes, he said there is no other building on this street with this mass.

The applicant said they are not altering the wetlands; Ms. Lambert said that goes to Conservation. Mr. Ohrenberger responded that this is a new zoning district and they are doing everything that is within the purview of the Board; there are not going to be 1½ story cape houses, that is not what the Town voted.

Mr. Pritchard asked the applicant to provide a "broader" look, to show what is in the area and what the buffer will look like. The Board wants to see how it will all look.

Mr. Grady said there are wetlands in the rear with a 50' no disturb zone and there are wetlands across the street, that have become riverfront with the removal of the dam and they are addressing that.

Mr. Buettner, resident at 56 Mordecai Lincoln Road said he is very familiar with the property and the area. He said this is 2.3 acres of land and said this is setting precedence on a new type of zoning for something this large and dense for everyone else to follow and it is poor judgement. He said the tight parking has not been addressed with regards to snow, where is the snow farm, where are the cars going to go, where is the melt going to go, into the river. He said there is a water shortage in Scituate; what is the total head count and flushes that this massive project will present. He said the 2.3 acres with 52 houses and 100+ more people, with cars, Amazon trucks, steep slopes is way too much; they are asking for too much. He said give them what the rules are, 34 and don't set a precedent. He did say he has a letter to the Planning Board addressing his concerns.

Ms. Joseph indicated that site plan approval requires delivery areas, snow storage areas, etc. need to be shown; the bylaw does allow for a density bonus if the Planning Board thinks there is sufficient offering for the density bonus. The Planning Board cannot make that determination at this time, they are not there yet.

Mr. Buettner said he was at the DRC meeting and his take away was the DRC was muted on what they could do, because the applicant is still negotiating with the Planning Board. He interpreted whatever the DRC was going to do was muted because ultimately the Planning Board would be making the decision. He said to suggest the DRC had a good feeling is not true, he believes DRC thought is was too big; to bring it down to 52 units and \$50,000 for a sidewalk is peanuts.

Ms. Broderick resident at 42 Mordecai Lincoln Road commented about the traffic study; Ms. Lambert said it has not yet been discussed. Ms. Broderick said the traffic study was done in February when there are no dogwalkers, no kids walking back from the train, there are no bikers, walkers or runners, February is a bad month to do a study. She also said Mordecai Lincoln was not included in the study; they are a major cut through, her son was hit by car on the street. She said all the neighbors have gotten together about it, they have gotten together with the Town, a neighbor has purchased a speed radar sign and given it to the town. She said that before they renovated the street there was a sidewalk that was taken out and just a white line was done when the new road was completed. She said there is a Bylaw in Town that if any sidewalk gets removed and a road is repaved there must be a granite curb sidewalk; she commented we are already behind the eight-ball with the Bylaw and for the road to not be included in the study is disgraceful. She said Mordecai Lincoln needs be included in the study, there are lots of children and the neighbors will petition to have this road made into a one-way road or have restricted travel hours. She said they need a liaison in this Town to advocate for their historic neighborhood. She also added that on Country Way in front of this project there is constant ice and water, the runoff from ice melting, snow melting, etc. is treacherous it cannot be walked.

Ms. Joseph said the traffic study was submitted, but the peer review as not completed and will be completed of the next meeting.

No comments from the remote audience.

Ms. Joseph said the new submittal needs to be in one month prior to the next meeting so there is adequate time to review and receive comments.

Motion:

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for 4 Multi-Family Buildings and Stormwater Permit in the Village Center and Neighborhood District – North Scituate Village District – Outer Village (VCN-NSV-OV) until October 12, 2023 at 6:30 pm and to continue the time for action for filing with the Town Clerk until October 27, 2023.

Ms. Lewis seconded the motion; a vote was taken and was unanimously in favor.

Minutes
Documents

- Meeting Minutes 6.8.23
- Meeting Minutes 6.22.23

Ms. Burbine moved to approve the meeting minutes for June 8, 2023 and Ms. Burbine moved to approve the meeting minutes for June 22, 2023.

Ms. Lambert seconded the motion; a vote was taken and was unanimously in favor.

Accounting
Documents

PO #2400370 (\$3,225.00), PO #2400369 (\$1,471.45), PO #2400333 (\$140.00), PO #2400334 (\$5,368.35)

Ms. Burbine moved to approve the requisition of \$3,225.00 to Horsley Witten for peer review of 18 Drew Place, for \$1,471.45 to Horsley Witten for peer review services for 14-16 Old Country Way, for \$140.00 to Chessia Consulting for peer review services for 533 Country Way, for \$5,368.35 to Bob Burwick for return of Surety plus interest and unexpended guarantee funds for 35 Dreamwold.

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

Liaison Reports:

CPC – reported by Ms. Burbine:

- Pickle Ball courts
 - Looking at locations
 - Behind Town Hall
 - Parking lot in North Scituate
 - Parking lot is need for North Scituate
 - Applicant needs to go to Select Board to discuss locations
- Tennis courts at high school
 - If High School courts are addressed may relieve some of the congestion at Gates courts
 - Adding 5th court at Hight School
 - Gates currently has painted pickle ball courts
 - They are not regulation size
- Purple Dinosaur expansion application

- Land purchased by CPC down beyond the ballfield
- Land is land locked
- Potential for soccer or lacrosse field
- Conservation returning funds to CPC that were not spent, \$145K
- Mary Sprague retiring from the Administrative position

Select Board – reported by Ms. Burbine:

- Group being put together to look at desalinization of ocean water
 - Uses a lot of energy

Conservation – reported by Ms. Lambert:

- People building the large house at the end of Edward Foster Road looking to put a ramp and float into the Harbor
 - Chapter 91
 - Lots of investigation needed
 - Initial dock was too big and the dock needs be about ½ the size
 - High velocity zone, reason why there is nothing there now

Public Hearing – Major Site Plan Review – 18 Drew Place

Assessor's Map/Block/Lot

Applicant: David Larsen

Owner: Drew Place Realty, LLC

Documents

- PDF 18 Drew Place- Site Plan
- PDF 3897-SWP Plan-recover-WSPLAN
- PDF 230621 – Peer Review-ScituatePB-18 DrewPlace
- PDF Floorplan
- PDF Major Site Plan Review Submission Packet
- Doc DRAFT Motion Form
- PDF Stormwater Report – Stamped
- Email dated 6.13.23 comment from Sewer Department
- Email dated 5.24.23 comment from Water Department

Attendees: David Larsen, Applicant/Owner; Gabriel Padilla, Grady Engineering; Janet Bernardo, Town's Consulting Engineer Horsley Witten

Ms. Burbine read the legal posting into the record.

Mr. Padilla gave an overview of the project.

- Proposing a Plumbers Shop, it is an allowed use
- General commercial building, inclusive of the existing building
- Existing gravel driveway that goes around the property will remain
 - Plenty of room for a vehicle to turn around safely
 - 12' minimum
- Will provide more traffic flows for the peer review process
- Erosion control plan has been separated to a separate plan
 - Silt sock around the entire site
 - Stockpile area shown

- Limit of work defined
- Proposing landscape areas behind the building
- ADA Handicapped space will be provided

Ms. Bernardo indicated a peer review letter was provided to the Planning Board on June 21, 2023 that reviewed the site plan application, zoning and stormwater.

- There was question about the existing building, within the letter they referenced the building as residential and it has been clarified it is an office building.
- Proposed structure is a prefabricated building
 - Looks like a garage not a plumber shop
 - Need to have an understanding as to what the building actually looks like
 - How does it function as a plumber shop?
 - How does the structure meet the requirements in the zoning bylaw?
 - Materials, roof pitch, etc.
 - Exterior utilities
 - Planning Board may want to understand more about what it looks like
 - Section 750
 - Design Review could be waived by the Planning Board if deemed appropriate
 - Comments were made about the minimum length of the street facing wall width
 - Board needs to provide direction if they need to meet items like, shape of gabled roof, materials of the building, etc.
- Property is located in the Water Resource Protection District
 - No recharge is allowed
 - Drywells are prohibited
 - Drywell is proposed in the front corner of the property for the roof runoff
 - Board should consider how they are proposing to recharge the stormwater
 - Board should provide direction
 - Slightly reducing the impervious area
 - Removing some gravel from the existing parking area
 - Pavement proposed around the new building instead of gravel, but is slightly reduced
- Amenities
 - Walkways, paths and benches
 - Does the Board want these items, they are currently not included
- Number of comments regarding stormwater
 - Drywell is 10' off the property line
 - But, regulations read that it is not allowed

Mr. Larsen explained that the existing home on the property is actually an office not a residence; there are only three houses on the street it is a dead-end street. He has been a plumber for 35 years and most has all been in Scituate, he has been renting space and has dreamed of owning property so he would not need to pay rent. He has 3 employees, there are 4 vehicles, he is proposing a shop where they can drive right through it, there would be no interior partitions, there would be some stock, but would be a place to get vehicles out of the rain. The space would be for storage and

working on the trucks, etc. and no longer have to pay rent. He said the property has been cleaned up since he purchased it; there is a junk yard behind it and to the side of it.

Mr. Larsen indicated they dug down 9' where the proposed drainage system is planned and there was no water, Grady Consulting designed the system for runoff. He said the building is a Morton Building that has been used in Scituate, i.e. the Brewery, Humarock Firehouse, Chick Fagan; he said he does not have the specifics of the building, but can provide the general idea.

Ms. Lambert questioned if it was actually more of a commercial garage. Mr. Larsen said it is a general commercial, basically for storage, it is wide open. Ms. Lambert said the Board doesn't permit commercial garages.

Ms. Joseph said the Board has to remember that the VCN has allowed uses and allowed building types, the shop of a plumber is an allowed use in the district; what constitutes the shop of a plumber is what needs to be determined. She said the floor plan shows a very small area in proportion to parking area for trucks. The Board needs to ask if it meets the definition of a general commercial building. Ms. Joseph provided the definition from the bylaw of a general commercial building; the Board has to decide if it meets the criteria and then the Board could grant a Major Site Plan Review. She said more work is needed on the drainage. She opined it is fair to ask why there are four bays needed for a plumber's shop, noise, fumes, is there a retail component, parking, hours, cleaning products. She said if the Board permits this proposal it can be required that the trucks be inside when not in use. The Board needs to decide many things about the project in addition to the drainage and the general VCN requirements; public amenity space is needed as well as some other things to meet the zoning.

Ms. Burbine asked for clarification on a comment made about being able to drive all the way around the building. Mr. Padilla explained that is a change that will be made on the next submittal; Mr. Larsen added that the trucks will be able to pull in and then go around the building, Drew Place is a small street and he does not want them to have to back up. The existing structure will stay as is, an office.

Mr. Pritchard asked what they will be doing inside the building. Mr. Larsen said not much, he wants to be able to put his boat in, as a plumbing shop there will stock and the trucks will be in there. Mr. Pritchard asked if any pre-fab stuff will be happening. Mr. Larsen said no, but there could be something stored waiting for a job to be installed.

There was some confusion about the floor plan provided. The plan provided is to be modified. The Board said that is why it is important that they have what is being talked about in front of them. The Board needs to know what is going on in the building, what the building is going to look like. Mr. Larsen showed the Board a brochure of what the building could look like, he has not picked a specific building. He referenced a building on Common Street and thinks it will be something like that. There was continued discussion about the building and what the potential design could be like.

Ms. Lambert asked how much stock is kept on hand; Mr. Larsen said he keeps a hardware store on hand. He discussed what types of materials are kept on hand, i.e. PVC fittings, he said there is no storage of hazardous, flammable materials, no gasoline, 10 small cans of PVC cleaner, but no other solvents. Old stuff, i.e. water heaters, etc. are kept in one area outside and a scrap truck comes to pick them up. Ms. Burbine said something would need to be done to hide that stuff.

Ms. Lambert said this is going to be like the back of his trucks.

Ms. Burbine said there has to be a storage area for metal, etc. and trash. Mr. Larsen said he could put it inside, but he doesn't like it sitting around so he gets rid of it quickly.

Mr. Larsen said as far as walkways there are only three houses, it is only people walking their dogs to go to the MBTA walkway or guys coming around to Reynolds.

Ms. Lambert said the Board needs more information, a better floor plan, etc. Mr. Larsen said he can get that, they are in the initial stages, but he would like to move forward so he can figure out what size building, siding color, etc. He suggested grey to match the house.

Ms. Joseph asked if the Board wants to send the project to Design Review Committee (DRC). Ms. Lambert said these are metal buildings so what happens if DRC doesn't like the building Mr. Larsen selects. There was discussion that there are different amenities that can be put on the buildings, but Mr. Larsen needs to provide more specifics on the building.

Ms. Joseph asked if the Board is willing to waive the design standards or do they want him to pick out a building that meets some of the design standards in the bylaw. There was some discussion about when the brewery was done and if it went to DRC. It did go to DRC and there some features added to the building to make it look better, i.e. cupola. Mr. Pritchard said there is a set of design criteria and whether the building selected meets all or some it can be discussed. It needs to be articulated what potentially can't be met because it is a pre-fab building and then it can be discussed and the Board can potentially waive those design criteria. The Board cannot decide without a proposal of what can and cannot be met.

The Board requested the building be drawn out in color schematic in order to make any determination on the building.

Ms. Joseph encouraged the applicant to look at the zoning bylaw and the design criteria, i.e. roof pitches, etc. This is a new bylaw and did not exist when Untold Brewing was done. The Board will need to decide if they are willing to waive some of the criteria.

Ms. Burbine opined she would be willing to allow this move forward, but more information is need.

The Board all thought more information was needed, the information needed to be more concrete. The review from Horsley Witten is a roadmap.

Mr. Pritchard said whatever is going in there needs to meet the requirement of the Water Resource Protection District.

The Board was satisfied that this is a general commercial building. Mr. Pritchard said he does not want to see this become a place where they are changing the oil in the trucks, dropping the transmission, etc. then it becomes a worry about where the oil is going, same is true for any storage of any drums, etc.

Mr. Pritchard said that if they permit the project there would be a condition that storage can't be done of any of those kinds of materials.

Ms. Lambert said Mr. Larsen needs to come back and tell the Board what he wants and what he needs a waiver for.

Ms. Joseph asked that the applicant go through the Site Plan Administrative Review and provide information on how the project meets the standards.

Ms. Bernardo reiterated that the drywell that is proposed is prohibited because it is in the Water Resource Protection District and it will need to be addressed; it can be moved to another location on the other side of the building that would be outside of the district.

Motion:

Ms. Burbine moved to accept the applicants request to continue the public hearing for Major Site Plan Administrative Review and Special Permit for a general commercial building in the Village Center and Neighborhood District – Greenbush Driftway Gateway District – Greenbush Village Center Subdistrict (VCN-GDG-GVC) until October 12, 2023 at 7:30 pm and to continue the time for action for filing with the Town Clerk until October 27, 2023.

Ms. Lewis seconded the motion; a vote was taken and was unanimously in favor.

Planning and Development – reported by Ms. Joseph:

- **Stormwater Regulations:**
 - August 10th will have a public hearing
 - Clarifying Regulations to include Chapter 44 Section 53G
 - Change Time for Action from 21 days to 30 days to be the same as the Bylaw
 - Potentially adding language for Chapter 44 Section 53G ½
- Small Cells will be withdrawing their application
 - Could take several months for the site on Jericho Road with National Grid
 - Also looking into further options for the Harbor and alternative to Allen Place
- Ms. Lambert will be the Liaison for Bylaw Review Committee
 - Review of General Bylaws
 - Stormwater included in General Bylaws important to the Planning Board
 - DEP changes still to come out
 - DPW still working on MS4 for stormwater
- MBTA Communities
 - Next meeting on July 25th
 - Told Consultant the Town is not willing to change parameters in the Bylaw
 - Anticipate the Consultant will confirm info from MAPC
 - Need to be a 17 units/acre by-right for 4 subdistricts previously selected
 - Consultant will be going through the entire Bylaw to suggest where else changes are needed
 - State requirement for affordable is maximum is 10%
 - Scituate is 20% with a density bonus or 15%
 - Asked the Consultant if it will be possible to get a waiver
 - If no waiver the Town will have to do an Economic Analysis
 - Density bonus is not deterring applicants in Scituate
 - State concern is about housing not affordability

- Rough time frame for zoning
 - September review with Select Board
 - Zoning workshop in November
 - Public Hearings in December
 - Has to be on Spring Town Meeting 2024
 - Town has to be in compliance by end of 2024
 - Could lose grants if not in compliance

There was discussion about working on zoning for Small Cells; there is not time for a Spring Town Meeting based on the current schedule.

The meeting schedule was discussed for the balance of the year and revised; dates for November will be 11/9 and 11/16, December meetings will be 12/7 and 12/14.

Ms. Joseph said she attended a preliminary meeting regarding the Water Treatment Plant; building seems well thought out, asked a lot of questions, willing to work with the Planning Board, hopefully questions on drainage will be answered. Intend to file August 10th and first meeting will be September 14th.

Discuss/Vote - Surety Release – 6 MacDonald Place

Documents

- Jpeg 6 MAC 7-10-23
- Doc Motion Form Surety
- Email dated 7.5.23 from Bob Burwick

Attendees: Bob Burwick, Applicant/Owner

Ms. Joseph indicated Mr. Burwick is requesting his surety back on MacDonald Terrace; there is concern about the driveway.

Mr. Burwick indicated the seam was heated and made smooth and rubber coated.

Ms. Joseph indicated she provided a picture to the Board of what it looks like now.

Ms. Lambert said she is concerned about the snow and a plow will pick it up.

There was discussion about how much it would take to fix it if it breaks.

Ms. Joseph recommended the Board hold \$5,000 cash in a separate account for a period of 5 years and if the HOA needs it the funds are there. This is the only open issue; the building is occupied and the as-builts have been provided.

Ms. Joseph opined that shared driveways need to be constructed at the same time to get the right intent. She said she does not have issue with releasing the surety, but opines the Board should hold \$5,000 in case the HOA needs it to address the driveway.

The seam is about 100 feet long. Mr. Burwick commented the condominium associations have budgets/reserves for maintenance and repairs

The Board said they would release the Bond when the cash was received. The Board agreed to a 3-year time frame.

Motion:

Ms. Burbine moved that the surety bond for 6 MacDonald Terrace for the Mixed-Use Special Permit in the Village Business Overlay District be released and \$5,000 cash/check be set aside in an account with the Town for a period of 3 years for repair to the seam joining the pavement of 6 MacDonald Terrace to 18 Ford Place. During these 3 years, the Homeowners Association can request funds from this account for repair to the seam should it be compromised or fail. The cash/check shall be received prior to the surety bond release.

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

Planning and Development – reported by Ms. Joseph:

- Seaside at Scituate
 - Adjusting curbing
 - Planning topcoat in fall
 - Nature trail
 - Having problems getting it stabilized
 - Don't want to construct the trail around the basin near the clubhouse
 - Ms. Joseph supports this
 - Trail was supposed to be on top of the berm and go down towards the pool
 - Ms. Joseph said it cannot be constructed
 - HOA is asking for Toll to do landscaping for the cost of the trail and Toll does the work and the Planning Board deems what is appropriate
 - Or, Toll provides funds to the HOA with the Boards approval and the HOA does the additional landscaping
 - The Board said the money should be given to the HOA,
 - Whatever is planted cannot compromise the stormwater
 - The Board approves the money, but HOA does the work
 - Written agreement needs to be done that the funds are to be provided to he HOA, but in no way changes the criteria for site plan approval
 - All basins have been redone
 - As-built for the entire site has not been done yet
 - Toll will be working out there through the rest of the year
 - Planning Board still holding bond
 - Toll will have to come to the Board for any kind of release

Documents

- Email to the Board from Shari Young dated 7.7.23 with PB Agenda 7.13.23 and DRAFT Minutes for 6.8.23 and 6.22.23.

- Email to the Board from Karen Joseph dated 7.7.23 with meeting materials for 817 Country Way, 18 Drew Place and 6 MacDonald Terrace.
- Email to the Board from Karen Joseph dated 7.11.23 with meeting materials for 817 Country Way and 6 MacDonald Terrace.
- Email to the Board from Shari Young dated 7.12.23 with meeting materials for 817 Country Way.

These items were distributed to the Board electronically. Ms. Burbine moved to adjourn the meeting at 9:00 pm, Ms. Lewis seconded the motion; a vote was taken and was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Clerk
Date Approved: July 27, 2023