

SCITUATE PLANNING BOARD MINUTES July 22, 2021

Members Present: Ann Burbine, Chair; Patricia Lambert, Vice Chair; Rebecca Lewis, Clerk; Stephen Pritchard, Benjamin Bornstein and Bob MacLean, Alternate.

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

Members absent:

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

Documents

- 7/22/21 Planning Board Agenda

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

Public Hearing – Special Permit Accessory Dwelling – 23 Vinal Ave.

Assessor's Map/Block/Lot 50-9-5

Applicant/Owner: MaryAnn Ryan and Barbara Ratto

Documents

- PDF Applicant Letter
- PDF Architectural Plans
- PDF Assessor's Card
- PDF BOH 4 Bed Deed Restrictions
- PDF Deed
- PDF GIS Map
- PDF Notarized Letter
- PDF Revised Application
- PDF Revised Signed Addition Plan
- DOC Cover-transmittal letter 23 Vinal Ave
- DOC Motion 23 Vinal Ave
- PDF Septic Certificated of Compliance
- PDF TC filed Legal Posting
- Email dated 6.15.21 with comments from Board of Health (BOH)

Attendees: Greg Morse, Morse Engineering; MaryAnn Ryan, property owner; Barbara Ratto, property owner

Ms. Burbine read the legal ad into the record.

Mr. Morse presented the project to the Board.

- Proposed accessory dwelling

- R2 District
- ½ acre lot, no wetlands on the property
- Existing home built in 1955 applicants have lived there since 1964 and would like to continue – meets the purpose of an accessory dwelling
- Accessory dwelling to be constructed within the existing 1st floor
- Addition to the home would be 2nd story
 - Second story would be part of the remaining single-family home
- Accessory on 1st floor, 640 sq. ft.
 - 2 entrances, separate unit in its entirety
 - 2 parking spaces for the home and 2 parking spaces for the accessory dwelling provided
 - Approximately 28% of overall square footage
 - Letters of support from direct abutter and abutter across the street
- ZBA Section 6 Finding – lot is 500 sq. ft. under sized – received unanimous approval
- Board of Health (BOH) approved the septic system as designed to accommodate the four bedrooms proposed
- Letter from Water Department stating no issues

Ms. Burbine read the letters of support from the abutters; Shelia Gurry, resident at 20 Vinal Ave. and Grace Carty resident at 19 Vinal Ave.

Ms. Joseph indicated that the Water Division had no comment at this time, BOH has no objections to the application, deed restriction is already filed, Section 6 Finding from the ZBA was filed with the Town Clerk today; the size is 640 sq. below the 750 sq. ft. required; she recommends approval.

Ms. Ryan explained that she and her sister are co-owners of the property, her sister Barbara would live in the accessory dwelling and she and her husband and 19-year-old daughter would live in the primary part of the house; they would be the only ones living there.

There was discussion about the calculations of the 28%, inclusive of the addition or not. Ms. Joseph said the ZBA has approved the addition, no building permits have been issued, but even without the new addition the accessory dwelling is still less than the 40% and size wise the 640 sq. ft. is less than the allowable 750 sq. ft.

Mr. Morse explained the parking; the site plan shows two cars can be parked in the driveway, there is a parking space in the garage and they are adding a new gravel surface for the fourth parking space.

The access to the accessory dwelling is through the garage and an entrance on the side of the house, there will be new lighting on the exterior; the Board said any lighting should be down lighting, nothing that glares out; the Water department did not have any comments at this time, the exterior will look like one house.

Mr. Bornstein said so as long as the BOH and ZBA issues are done this is right in the wheel house of what the accessory dwelling bylaw is supposed to accomplish.

Mr. McLean and Ms. Burbine agreed with Mr. Bornstein.

No public comment.

Motion:

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

1. On June 9, 2021 Maryanna Ryan and Barbara Ratto applied for a special permit for an attached accessory dwelling on the property at 23 Vinal Ave.
2. According to the Town of Scituate Assessor's records and the deed, the property at 23 Vinal Ave. is owned by Maryanna Ryan and Barbara Ratto.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 640 gross sq. ft. and 565 net sq. ft. The application indicates this is 28% of the total square footage of the primary dwelling which is 2,283 sq. ft. according to the Applicant which does not include the 640 sq. ft. accessory dwelling. The proposed square footage of the house will be 2,923 sq. ft. The Assessor's card indicates the net square footage of the home to be 1,552 sq. ft. The Zoning Board of Appeals recently granted a Section 6 finding on 7/22/21 for the addition to the primary dwelling and accessory dwelling for 2,923 sq. ft. 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.
4. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
5. The property is in the Residential R-2 Zoning District. The proposed attached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
6. The proposed accessory dwelling is proposed to be located on a portion the first floor of an existing dwelling which a second floor is proposed to be added for the primary dwelling living. Access will be via a new door with a landing at grade and through an outdoor deck to the rear of the dwelling. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
7. The Proposed Addition Plan 23 Vinal Avenue, Scituate, MA dated 4/9/21 revised 6/7/21 by Morse Engineering Company, Inc. shows the location of the house with accessory dwelling and garage. The plan shows there will be 1 parking space in the garage, two in the driveway in front of the garage and a new proposed 9 x 18 gravel parking area. This appears adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling, although car shuffling may be required. Ample parking appears to be provided.
8. The owners have submitted a signed, notarized statement that they will both be occupying the dwelling at 23 Vinal Ave.
9. The accessory dwelling will be serviced by Town water and an onsite septic system. DPW requirements for water connections will be met.
10. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

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

Ms. Lewis moved to approve the Special Permit for an accessory dwelling at 23 Vinal Ave. with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to architectural plans by Built Work Incorporated for Improvements to the Ratto/Ryan residence, 23 Vinal Avenue Scituate, MA undated but stamped received 6/9/2021 consisting of a EX 1, EX 2, A 1, A 2, A 3 and A 4 showing existing floor plans and elevations and proposed floor plans and elevations; Proposed Addition Plan 23 Vinal Avenue Scituate, MA dated 4/9/21 revised 6/7/21 prepared by Morse Engineering Co., Inc.
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.
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 one of the owners is living in one of the dwelling units.~~ A yearly certification that one of the owners occupies one of the dwelling units must be provided by March 1 yearly.
5. All requirements of the Board of Health, Building Department, Zoning Board of Appeals, Department of Public Works, Fire Department and other Town agencies 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. ~~The DPW recommends a separate water service 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 state and federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
10. Runoff from the proposed accessory dwelling shall not be increased from the property.
11. 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 as necessary.

Mr. Pritchard seconded the motion; there was discussion about condition #4 and language was amended.

Ms. Burbine moved approve the motion as amended; Mr. Bornstein second the motion; the vote was unanimously in favor.

Surety discussion and construction update – Old Driftway - The Residence at Driftway Place
Applicant/Owner: The Residence at Driftway Place, LLC

Documents

- Email dated 7.6.21 from DWP with comments
- PDF Cost Estimate 6.29.2021
- Email dated 7.8.21 from Theonie Alicandro
- Email dated 7.16.21 from Karen Joseph to the Board

Attendees: Theonie Alicandro, Drew Company; John P. Drew, Drew Company; Chris Grant, Dellbrook/JKS, Senior Superintendent on-site

Mr. Grant gave an update on the current construction.

- Started in April
- Started doing preconstruction over 4 years ago
- Preconstruction meeting with the Town before construction began
- Secured all permits
- Meet with abutters – good line of communication with Hoffmans and Mr. Tedeschi
- Mobilized on May 17th
- Construction fence is up, erosion controls, standard site security
- Demolished all the existing lot
 - Removed infrastructure
 - Power, cut back on drainage, etc.
 - Exported 15,000 cubic yards of material
- Installed 2 drainage field systems
 - AA underground recharge chamber
 - DD underground recharge chamber
- Tied into water lines, 8” water main of Old Driftway
 - Continued work on water installation
- Tied in drainage on the southwest corner; continuing with work on onsite drainage
- Monday starting
 - Rammed aggregate piers
 - Will take approximately 8 days
 - Ground improvement, going through the materials that can’t support the building structure
 - Done through borings, GZA installed
 - Borings 4’-12’ deep
 - Drill 24” hole with steel sleeve, fill with ¾” crushed stone and compact it to meet engineering requirements
 - GZA will be conducting vibration monitoring and supervision of piles
 - Once piles installed will start foundations and then start to go vertical; podium construction and framing

Ms. Joseph said things are going very well; Town’s Consultant is going out and providing reports.

Ms. Burbine commended the Applicant for their reaction to one of the storms where there had been a breakout and it was subsequently dealt with in less than 24 hours. Ms. Joseph said she was out at 4:30 pm and by 6:00pm it was all repaired, pictures and the SWPPP report were in the office the next day before she got to work; they have been very responsive. There has been no silty water offsite since then.

Mr. Bornstein asked what safe guards are being taken to make sure some of the stormwater systems that have been installed are not damaged during construction. Mr. Grant said silt socks, hay waddles; they need to keep them clean because the engineer of record won't sign off. Ms. Joseph added there are several other siltation sumps on site to take the water onsite so nothing is going into the "real stuff" yet. Mr. Grant said they are trying to keep lines of communication open, started a SWPPP photo file folder online, Peter Palmieri and Ms. Joseph have access as well.

Surety discussion offsite:

Ms. Joseph indicated an estimate was provided for work that will be done for the roadway reconstruction of Old Driftway per the conditions of the permit. No work has been started and is not scheduled until next spring. DPW reviewed the estimate and takes no exception to the estimate; she recommends a contingency of 10%, total would be \$248,000. She said the estimate was very thorough; DPW reviewed the 25% plans and that is why they reviewed the estimate.

Motion:

Ms. Lewis moved to require surety for the offsite improvements in Old Driftway for the Residences at Driftway Place be set at \$248,000. This is derived from the \$225,299.75 construction estimate from the applicant plus a 10% contingency. DPW takes no exception to the cost estimate. The form of surety to be acceptable to the Treasurer/Collector and content acceptable to Town Counsel.

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

Minutes
Documents

- Meeting minutes 7.8.21

Ms. Lewis moved to approve the meeting minutes for July 8, 2021.

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

Accounting
Documents

PO #2200374 (\$845.00), PO #2200375 (\$470.00), PO # (\$396.00), PO # 2200705 (\$3,768.33)

Ms. Lewis moved to approve the requisition of \$845.00 to Chessia Consulting for peer review services at 48-52 New Driftway/Gas Backwards, for \$470.00 to Chessia Consulting for peer review services of 18 Ford Place, for \$396.00 to Chessia Consulting for peer review services at Country

Way Residential Compound, for \$3,768.33 to Horsley Witten for peer review services at Seaside at Scituate.

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

Liaison Reports:

Community Preservation Committee (CPC)– reported by Ms. Burbine:

- Application for Little League field for \$200K
 - Discussion where it should go – Central Field or behind Old Gates
 - CPC funds can now be used to rehabilitate fields
 - 90' field vs. 60' field
 - Currently only one 90' field in town
- Application for community garden \$62K
 - West end behind Crosby Farm on Clapp Road
 - Money for a fence and a well
- Application for purchase of land on Border Street
 - Asking for \$1M
 - Work in progress

Planning and Development – reported by Ms. Joseph:

- Next meeting
 - accessory dwelling
 - Discussion with Director of Planning & Development
 - Form A
- Request a field change at 485 Country Way Residential Compound
 - Water Inspector says no longer need a looped water line
 - Need a comment and more information from the Water Division
- New Zoning Bylaws available on website
 - Includes North Scituate and Inclusionary Zoning, not Signs
 - Signs still pending approval from Attorney General
- Meeting with Judi Barrett and Bob Mitchell working on Lot Shape Factor
 - Will not be ready for Fall Town Meeting
 - More research is necessary
 - 2nd meeting in September will have more information
- Fall Town Meeting on October 26, 2021
 - Master Plan will be on Town Warrant for endorsement
- Zoning Map being redone – working on getting it printed and posted online
- Gas Station update
 - Getting ready to start construction
 - Have building permit for the wall, no building permit for the building yet
 - No permit needed for the tank installation
 - Waiting on Surety
 - Surety has been reduced based on what the decision conditioned
 - Original amount of surety was for the entire construction of the project, that does not need to be provided
 - Surety reduced to closer to \$450K – amount was reviewed with Chair and Chessia Consulting
 - Demolition permit in, waiting for BOH to sign off

- Tanks on site

Public Hearing – Stormwater Permit – 16 Mann Hill Road
Assessor's Map/Block/Lot 27-7-9A Portion of
Applicant/Owner: Susan Stone

Documents

- PDF 21-278 PB Review Report, 16 Mann Hill Road 0-13-21
- PDF 4273 SWP CVR LTR
- PDF 4237 SWP Plan 6-4-21
- PDF 4273 SWP red
- PDF 4273 WS Plan 6-9-21
- PDF TC filed posting 16 Mann Hill Road – Stormwater
- Doc Transmittal_DPW_BOH_Con
- Doc DRAFT Motion for 1st Continuance
- PDF MAR1002AF CopyOfRecord-0ada632b-282a-4f01-82df-9fb356675f2d

Attendees: Greg Tansey, Ross Engineering; Peter Palmieri, Merrill Engineers, Town Consultant

Ms. Burbine read the legal notice for the record.

Mr. Tansey presented the plan to the Board.

- House #16 on Mann Hill Road, first lot on the right
- History of the project
 - Originally submitted as 3 lots all together
 - Filed for NPDES permit under the original plan because of total build out
 - NPDES Permit is in hand
- Doing Stormwater permits one lot at a time – same as phasing in terms of build out
- Lot 16
 - Using 3 controls to control the stormwater
 - 1 – permeable pavement; driveway
 - 2 - permeable pavers and freeboard around the pool
 - 3 – natural stormwater lawn basin, will look like part of the lawn, shallow mirror at one end where water will continue to go down the natural path
 - Not altering any drainage patterns or putting more water on Mann Hill
 - Septic system revised - larger system out front will be a lawn area
 - Will have swales to bring water back, treat and mitigate in the shallow detention basin and will release it down to the buffer area
 - Flow path maintained and similar to what is there now

Mr. Palmieri pointed out some differences in the plan from what had been reviewed; he pointed to an area on the plan that originally had rip rap that has been removed. He presented his review;

- Recommend the riprap be removed
- Recommend additional soil testing
 - One area by the pool and permeable pavers
 - One area at the end of the driveway where there is a grading change

- Calculation for driveway assumes entire length of the driveway provides storage for stormwater
 - Slope is at 5% +/-, opined it is not possible - asked for further review
 - Drainage analysis - recommend a different location for the design point
 - Opined more runoff will be coming from the site to the road from the driveway and the septic system
- Proposed sediment and erosion control plan, recommend calculation be provided for the sizing of the temporary sediment basins
 - Need to maintain no increase in flow, etc. of post development and during construction
- Question permeable pavement for the driveway
 - Slope at 5%, maximum slope the stormwater management policy says is practical
 - Maintenance plan is to machine vacuum once per month
 - Could be cost prohibitive for residential use
 - Applicant could provide additional information on costs
 - Slope driveway does not ensure the runoff will get into the system
 - Calculations should be submitted; how water will get into the system and storage

Mr. Pritchard asked about the runoff to the street; post construction grading is all going to the street from the front. He opined there would be greater volumes going there than exists now. Mr. Palmieri explained with the current design point it shows the water going down to the next parcel and there is no water coming off the property existing now; he said post-construction logic would say there is going to be a difference and there should be a point of analysis close to the front of the property.

Mr. Pritchard asked what the transitions are like to the borders; there are areas where the property line is being raised by 3'-4' and they are not touching the other lot. Mr. Palmieri said they are meeting the grade at the property line it is tying into the proposed condition for the adjacent lot, but that information is not known.

Ms. Joseph indicated that the riprap has been removed, but questioned why there should be any disturbance in the back area; three separate stormwater permits will be needed so that there are no issues. She would like to have a separate existing conditions plan. She said the grades tie in on the other lot and that should not be allowed; she also questioned if permeable pavement for the driveway is practical for a single-family home especially with the 5% slope.

Mr. Tansey responded the riprap was taken off the plan because it was left over from a previous submittal, when the adjacent Lot #18 is developed the grades will need to be raised just like #16 because they have the same existing conditions; there will be grading from one lot to another. Lot #18 is owned by Mr. Terrell the original property owner and he understands there will be mutual grading across their property lines; there has to be.

Ms. Burbine asked why they were only coming for a permit with one lot; she opined they are putting the cart before the horse. Mr. Tansey disagreed; they came in to the Board with a plan for development of all three lots and went through many revisions and iterations and comments came back from the Board that it was preferred that each lot have its own stormwater permit and that is what has been done. Ms. Joseph said easements should be provided and shown, she asked how much fill is being

brought in. Mr. Tansey said each lot is being graded across the lot line, there is going to be a uniform grade from one lot to the other because each lot will have a septic system in the front yard, the ground water elevations for each septic system are approximately the same, therefore the ground surface elevations for each lot are approximately the same; lot #18 will be a little lower because the grade drops down approaching as you go down the road on Mann Hill Road, but there is not going to be a sloped grade off from one lot to another. The ground and the lay of the land will be very uniform and pretty much level. He said the owner of the middle lot understands and prefers it to be this way. He said if it were not done like this there would be a valley of grading stopping at one property line and there is no reason why anyone would want to see such an impractical grading scenario lacking any kind of aesthetics and potential erosion issues. He said what they are proposing is going to look very nice, will be practical and it will work when it is done.

Mr. Tansey said he does not understand why everyone is adamantly against permeable pavement. He said permeable pavement has a wide variety of usages, i.e. highways/expressways; water runs right through it, it provides better traction, requires less salting, less sanding, less plowing, he has not heard that it needs to be vacuumed once per month. He has used this BMP practice many times in Cohasset on driveways; it is a good and practical BMP practice that is allowed under DEP, not sure why there is such an unfavorable view from the Town. He said it works, it is low impact BMP that requires no salt and it's easy to maintain. It is very good and very easy and the material has a proven record and is used by MassDEP in areas near reservoirs and has favorable reviews. Ms. Burbine asked Mr. Tansey to provide those reviews.

Mr. Pritchard said that more calculations need to be provided, a design point needs to be identified and the boundary conditions need to be shown for what is being tied into at the existing grades, not what they are going to create. Mr. Tansey will provide.

Mr. Tansey said they are not grading over on to the other lot, both lots will be graded up to the property line to meet an aesthetic. Mr. Pritchard asked to be shown how the grades will tie into the existing grades on the adjacent lot, not the new grades.

Mr. Bornstein indicated that the comments on permeable pavement are from the Mass Stormwater Regulations and from Peer Review, the Board did not come up with them. He questioned the limit of clearing and suggested a bio infiltration system could create a vegetated buffer in the back; need to use design to solve potential concerns from abutters.

Public comment:

Mr. Alan Wasserman, resident at 12 Mann Hill Road, asked how they will keep flow of stormwater off his property with the increase in elevation, will it create a backup that he needs to be concerned about; he is uphill from this property, his property slopes in the direction of 16 Mann Hill. Mr. Tansey said the runoff from 12 Mann Hill Road will travel south along the property line, get picked up by swale and will travel in a northeast through the buffer. He said that is the general flow pattern now. Most of the runoff from lot #12 is currently discharging onto new lot #16. Ms. Joseph asked to make sure the swale has adequate compacity for the runoff; for the 100-year storm.

Motion:

Ms. Lewis move to accept the applicant's request to continue the public hearing for the Stormwater Permit for 16 Mann Hill Road until August 26, 2020 at 6:30 pm and to continue the time for action for filing with the Town Clerk until October 8, 2021.

Mr. Bornstein seconded the motion; a roll call vote was taken and was unanimously in favor.

Discussion - Seaside at Scituate - Construction Issues

Documents

- PDF 200427_Hatherly Road new Catch Basins
- PDF mem 20021-07-19 Hatherly asblt
- PDF 7-6-21 SWPPP Mark Up
- PDF Catchment Plans 2020-04-23
- PDF mem 2020-04-23 revisions by hatherly
- PDF 2020-03-25 3599 Hatherly Drainage Plan

Attendees: Bill Ohrenberger, Attorney; David Buckley, Toll Brothers; Katie Connery, Stantec; Jason Martins, SLT Site Manager; Janet Bernardo, Horsley Witten, Town's Consultant

Ms. Burbine indicated tonight's discussion is regarding several issues that have happened at Seaside at Scituate. Ms. Joseph and Ms. Lambert have walked the property twice and things have improved, but more needs to be done. The Board expects them back in two weeks to discuss further progress.

Ms. Burbine asked if Toll was aware there is a drain on their property in the wetlands that goes out to the ocean. Mr. Buckley said they are aware and there are drains all over.

Ms. Joseph recapped why Toll Brothers is here; there was an ocean plume on 6/22 that resulted in major silty water going offsite. Since then they have been working on site to remedy deficiencies in the erosion control; there have been 3 site meetings and there has been considerable progress working getting the site stabilized; the problem is this should have been done all along. She said much of the perimeter looks to be stabilized. On July 8, Scott Miccile was before the Board and indicated things were better then there was silty water leaving the site on 7/9/21 and 7/12/21. After 7/9/21 no more Certificates of Occupancy (CO's) or building permits were being issued until matters are resolved. She indicated there is a closing tomorrow and the CO will be granted because of the progress they have made, but up for discussion are 4 more CO's for the following week the Board will need to opine on whether enough progress has been made. Toll was asked to do drainage calculations for the just the east side of Hatherly Road and those have been provided and peer reviewed.

Mr. Buckley gave an overview of the measures that have been implemented.

- East side Hatherly Road – Duplex side
 - Enlarged temporary basin, increasing capacity
 - Upgraded and enhanced the pump that is pumping water uphill to temporary sediment basins on the main site
 - Tackified and seeded, 75% germinated
 - Super silt fence – chain link fence with silt fence
 - Additional rows of hay waddles with check dams
 - Section behind duplexes has been seeded and is very well germinated

- Sodded and completed landscape on 4 out 10 duplexes
 - Will be sodding another 2 units this week
 - Target to have bulk of east side of road stabilized by early September
- Tilden Road
 - Super silt fence along drainage swale basin A,
 - Redirecting water into basin A from behind Benjamin Lane
 - Additional super silt fence and check dams to control water and filter it, funnels into a treatment swale that filters out sediment before it gets to the basin
 - Refreshed all tracking pads and silt fence throughout the site
- 3rd phase – shrink foot print
 - Re-sculpted and using sod to get instant stabilization
 - Mobilized SLT with additional manpower
- Drainage calculations have been provided and reviewed

Ms. Connery, Stantec, said she reviewed the latest as-built conditions, the final conditions, not what is currently there. She indicated they did the existing and proposed design; the proposed design showed house footprints, assuming the worst-case scenario, the maximum foot print of design. She said she used the most recent survey and analyzed that against the final conditions of impervious, vegetation, etc., but she did not look at current mid-construction phase. In the memo she presented the existing, the proposed design (what was approved) and the as-built final condition; the foot print of the houses, driveways, finished landscaping in all situations (catchments 9, 10 and 11 all east of Hatherly) the impervious cover is better than existing conditions and is similar or better conditions than the design. She said based on impervious cover what has been built is better than what was approved in the design stage.

Ms. Burbine said the major issue here is what happens in between. Ms. Connery said she has not looked at the mid-construction, but Bohler has reviewed it.

Ms. Burbine said there has to be a method to ensure the start of construction and mid-construction is not all over the place; there needs to be something to keep the dirt where it belongs and not somewhere else.

Mr. Buckley indicated that he wanted the discussion to focus two things so he had Stantec do Hydrocad analysis to focus on the during construction and when the project is finished to make sure what is done complies or is better than the design; they did that and submitted it for review. He further explained that Bohler Engineering did additional calculations on the enlarged temporary basin to show the watershed that is going to that basin, what is unstable and going to the basin and being pumped uphill and the number shows it can handle the 100 years storm without any water going off site. In addition, they have put up super silt fence surrounding the down gradient of the temporary basin; the area has been sprayed with winter rye and there is some germination and they will be spraying again. The goal is to accelerate the exteriors of the homes and be stabilized by early September; the measures taken are really only to stabilize and provide cover for the next 4-6 weeks. Mr. Buckley said Toll is willing to do it, they have to do it and it has already been done, that is their strategy.

Ms. Bernardo, the Town's consultant from Horsley Witten Group, indicated that she has been involved with the project since 2017 with the original design and some of the proposed changes over

the course of time; she is very familiar with Stantec's calculations and was comfortable with them in 2017 and when she looked at them again in 2020. She said she is glad to see the buildings are not any larger than what was modeled; that is a positive for the end result and the design of the stormwater was done well along the way. She said the problem as mentioned is during construction and what is happening; why did the plume happen and why are the abutters talking about water in their backyards, none of that should have happened and was never part of the model. She understood that the Board was asking for why this happened; during construction the ground is bare and there is a lot more run off then there should be. She asked the question was it modeled with bare soils? She said she has seen the pictures and much has been done, i.e. straw waddles, etc. but so much water was flowing along the straw waddles and meandered into Seventh Ave. at the end of them, should there be a turning so it can't get out and stays inside the duplex properties. She said she did look at the calculations and was not seeing a problem, but questioned if basin E is being used for a sediment sump with the pump is working correctly is there a problem there. She said she has not seen any calculation that show downstream flooding and does not know if any flooding is coming from the main site.

Mr. Buckley said on the 6/22 event they had multiple team members on site and he has seen numerous videos from residents on Sixth Ave., the plume came down Norwell Terrace from the back corner of duplex lots; he said the size of the temporary sediment basin was sized to handle what would normally be designed to handle in a temporary sediment basin, it was not designed to handle the 100 year storm; they had BMP's in place and numerous other controls in place, but the intensity exceeded what the sump could handle. He said it was an intense event; that is not an excuse, Toll takes take responsibility for it and get it, which is why they have gone above and beyond what is needed so it does not happen again. He said they have sized every thing significantly greater in this short interim period that if it happens again they will be covered; that is what they aimed for and believe with the calculations from Bohler they have satisfied the requirement based on all the measures they have taken. He said they are at the five-yard line for being fully stabilized on this east side of the street.

Ms. Bernardo indicated she saw the Bohler calculations and had questions about the head and the pump; is the pump sized correctly as part of the calculations. She questions one of the single-family lots that is flowing to Tenth Ave. and she does not know why that would be, that lot is fully stabilized. Mr. Buckley said the team has been out and there is a minor adjustment that needs to be made to the downspout and where the gutter comes out and minor grading tweaks; they are on it. Mr. Buckley pointed out on the map the area being discussed from the single-family home near Tenth Ave. and said they may need to slightly regrade the area or build up the edge so the water pushes the other way.

The downspouts on the east side of the road do not go into drywells; the ground water is very high on this side of the road and because they are holding back so much water on the main side of the project it was determined that the volume or flow was not increasing on the east side. Ms. Bernardo said if all the water is to be held on the main side, where did it all come from; did it all come from these 5-6 lots? She indicated that would be amazing, but the video from today showed an amazing amount of water coming down.

Mr. Buckley pointed out where the super silt fence and berms are located and how the water sheet flows down. He said there will then be a slow percolation through the silt fence and it will be contained. He showed the areas that have all been stabilized and showed what will be stabilized this

week. He discussed further measures they will take to shrink their foot print and direct water out to the marsh.

There was discussion of what area on the map was being captured by the temporary sump and then pumped up hill; the pink area of the map goes to the sump. Ms. Bernardo questioned what happens to the last lot. Mr. Buckley said it is a completed stabilized single-family lot and all the water flows off site, the impervious area is 1,500-2,000 sq. ft. less than what was designed. He said they submit as-builts to the Town for every single unit before it closes as part of their conditions; the as-builts outlines impervious coverage versus design assumptions. He said collectively for every unit that has closed they are averaging around 10% less impervious coverage than what was designed for.

Ms. Joseph indicated the Town does have the as-builts and all the units are checked before they are signed off. She reminded the Board that there are permeable walkways and that is the only way they could do the project to not increase the impervious area.

Ms. Burbine asked where do we go from here? Ms. Bernardo agreed and said they have made significant improvements, but she does not know why there was so much water.

Mr. Pritchard asked if the water was coming across the road. Ms. Bernardo said she is told it did not, but basin E does discharge; the temporary pump system goes up to basin E and then comes down the slide and there is continuous flow, not a lot, but during a storm it flows more and goes into a property that ties into Sixth Ave. She said when she saw the videos of the water she questioned if the pipes going to the catch basin are too small, was it not getting to the catch basins, but the amount of water going down the street didn't seem like it was a pipe or catch basin issue. Ms. Joseph said water went down both Sixth and Seventh. Mr. Buckley explained how the water flowed pre-corrections with an expanded foot print, the temporary basin was overloaded and water flowed out the basin down across Norwell Terrace and some down Seventh Ave. He said with all the things they have done and run the numbers they are confident it will not happen again.

Ms. Lambert reiterated the sentiment from Conservation about the drought and there has been a lot of concentrated rain and there is a false sense security since drought has existed for over a year; what was taken out was tons of concrete versus what is being put in.

Mr. Pritchard disagreed with Ms. Lambert and said the system should be designed to handle the 100 years storm. When the special permit was approved it was said they are not authorized to flood the neighborhoods during construction and at the end make the permanent system work; that is no good and the worst case. Mr. Pritchard opined even though it has been a rainy year we are not seeing extraordinary circumstances; he doesn't think the 100-year storm volume has been hit in any day that there has been rain. That is not an excuse. Mr. Buckley said they are not making excuses.

Ms. Lambert said she agrees with Mr. Pritchard; the Board asked and required Toll to be prepared for the 100-year storm; she said it was perhaps not done to their full capacity. She said they have taken extraordinary measures, it is amazing what can be done when "your feet are to the fire"; we don't want to have to be out there everyday asking why it has not been done.

The Board made them take notice, but where do we go from here. All these measures should have happened at the start.

Ms. Joseph recommended;

- SWPPP Reports be done every 7 calendar days and within 24 hrs. of a storm event – perhaps a visit needs to be done twice per week instead of only once per week
- Issuance of CO's for the upcoming 4 units, but hold off on issuing any new building permits and signing off on CO for the Club House (currently a temporary CO exists). Conservation in agreement.

A lot of work has been done, but it needs to be maintained.

Ms. Burbine suggested that all the measures that have been put in place should be kept up until after hurricane season.

Mr. Buckley said they have no intention of taking erosion controls out and they will work on timing with Ms. Joseph and Ms. Walkey, but at some point, in September everything on the east side of Hatherly Road will be stabilized and with careful coordination with Planning and Conservation they would like to remove the temporary sump, disassemble the pump and bring in clean sand fill and then sod the area. They will not take anything down until everyone is on the same page.

Mr. Pritchard asked if Ms. Bernardo's recommendation is to still follow up on how we got to this point. Ms. Bernardo had reviewed Bohler's calculations and summary and roughly calculated that 1.4-acre feet of water left the site; that is a lot of water. She is curious if that was the issue, there was no stabilization holding back the water; it is an easy calculation to figure out with the assumptions that all these lots were bare, etc. did that cause the volume of water leaving the site.

Mr. Buckley opined that what Ms. Bernardo is asking for is like forensic science; they have done so much work since then that they cannot go back and model what was there. He said the more important question is what are they doing to make sure that it doesn't happen again. He thinks they have done that with the analysis and measures they have taken.

Ms. Burbine discussed a comment from Ms. Bernardo's report about the amount of fill that was brought in and was observed to have a significant amount of fines; she said this has caused a lot of dust and they have been fined for dust. Mr. Buckley said the native soil has enormous amounts of fines and all that has been taken into consideration with all the calculations, etc. He said any imported fill has been predominantly sand brought in from the SLT pit in Carver or another Toll Site at Pine Hills Plymouth. He said the fine content is going to be less than what is there now; the soils there now are not very good; nothing that was imported is in anyway worse than what was already there. He said what was imported was better than the native soil there.

Mr. Martin from SLT said the imported fill that was brought in is predominately under buildings now and the silt that is being seen is Scituate material that has been pushed to the outside in the landscape areas. He said the imported fill is not in areas exposed to the weather.

Mr. Pritchard said it leads to the conclusion that there was a lot of water that was not anticipated and it washed away the existing soil into the ocean. He said that Toll is saying there will not be any silty water going offsite again and once stabilized there will be less water or no more water going off any of the boundaries than there was before. He said he trusts Ms. Joseph's judgement on this, but if it happens again something else will have to happen here; it cannot happen again.

Mr. Bornstein asked about the filtration in basins C and D as referenced in Ms. Bernardo's letter; should those be looked at or have they been looked at. Mr. Buckley pointed out on the site map the way the drainage is working currently. He showed where water is being pumped uphill to basin E; it will be a permanent basin that has not been finished yet and is being used as a sediment basin and will be fixed before it is used as a permanent basin. He said basin E is getting a lot more water than it should during construction. He explained that some of the water percolates down and they have installed a temporary overflow device, which they control, that goes down a plastic lined swale and ends back down behind the clubhouse in the same location where it is being pumped up from. He said the water is going to the same point it would go to post construction. The water is going from point A to B to C instead of A to C during construction so the water is filtered, it runs all day. He said they are not changing the volume, but they are probably reducing the peak. It is only being done temporarily during construction.

Ms. Bernardo questioned if Basin E is taking water it is not supposed to take and then additional water is being pumped into the basin and can basin E handle the capacity; it has reduced capacity because it is full of water and it gets double the water because of the what is being pumped into it and the basin is silted up. She said every time she has seen basin E is it full.

There was continued discussion about basin E and the capacity and it's discharge and how it is being used as a temporary sediment basin. The basin is supposed to not overflow because it contains the 100-year storm and there should be no discharge under construction and final construction. Mr. Buckley said it does not matter because it is going to the same drainage point and the overflow is the net of what is being pumped into it. Ms. Bernardo asked how does he know that; how do we know there is not more going out; it does not have the full capacity because it is acting as a sediment basin and the calculations show the basin holding the 100-year storm for post-construction so it should hold it during construction. Ms. Bernardo said there is a disconnect with how much water is actually coming out of basin E because it doesn't have the capacity it should. She questioned how big basin E is compared to what it was designed to be; Mr. Buckley said it is not bigger dimensionally because it is between two wetland systems; the basin has been over excavated by 1'.

Mr. Martin explained the original design of the basin. He said there is another pump that when the basin becomes fully charged the outlet pipe is shut off and they turn on another pump to push the water up further to the other two basins that are on the top of the hill. He said the two ponds at the top of the hill were left 2' lower to increase capacity for stormwater so those ponds still need an additional 2' of sand put into the bottoms when the project is done. Those ponds are also getting their designed flow. He said that is why they left the basins 2' below finished elevations to increase capacity for stormwater. When those basins overflow the pumps need to be watched, when basin E fills with silted water the outlet needs to be turned off and the 4" pumps need to be turned on to pump the water further uphill giving it gives a lot more acreage to absorb the silted water and let it settle out; and then the process is reversed with water going back down the hill through the filtration system. He said they are buying time.

Mr. Buckley said the number one goal is controlling the sediment on the site through the systems, they have to finish basin E, they have to double check of all the basins and take core samples of the all the basins to make sure they function to everyone's satisfaction. That will be done at the end of the project.

Ms. Burbine asked why was there silty water flowing on to Tilden Road. Mr. Buckley explained on the map that there is a poorly defined swale that needs some more height added to it where the water

was pooling through the grass and out onto the street. Temporary measures have been taken to divert the water into basin A and treat it, there are check dams and super silt fence to contain the water. They need to get into the swale and check to see if it is defined as it should be.

Mr. Ohrenberger wanted to clarify what the Board wanted for the next meeting and discussed the holding of Occupancy Permits.

Ms. Burbine opined this all should have been done in the beginning; we should not be here this evening. She felt comfortable with giving the occupancy permits issued for the units, but there are still issues with the clubhouse.

Mr. Pritchard said this is onerous on the people, to the ocean and the environmental resources to have this happen; they have had 2 years to make sure this didn't happen when the permit was given and the Board was very clear about it. It took to the point of holding occupancy permits to get it done.

Mr. Pritchard expressed frustration that Board did not create the issue of people waiting to get into their homes; Toll had 2 years to get this right and it took until this moment to see it get addressed. He said the people that live downstream have borne the brunt of this and ocean has damage that cannot be fixed; if this is what it takes then so be it.

Ms. Burbine took a poll of the Board regarding the release of the 4 upcoming occupancy certificates; all members agreed to release the CO's.

The action items for the next meetings.

- SWPPP reports
 - LEC Environmental will be on site once/week in addition to other inspectors and reports will be submitted
 - Mr. Buckley committed to having LEC on site for the next 2 months

Public Comment:

Mr. Matt Rollo resident at Tenth Ave. said he is not convinced that they have the situation under control, that it is a simple issue with a down spout, but the grading was not done right and he is not confident that the problem will be fixed. He opined it should have been done right the first time. He said they flooded 5 properties that never been flooded in the 30 years he has lived there; he usually gets flooded from the ocean not from the top of the hill.

Ms. Burbine said they will be back in 2 weeks to report what has been done to fix the issue.

Mr. Buckley said they will have a specific game plan with more detail in that area when they come back. In the short term there is a silt sock and fence.

Discussion/Vote - Recommendation – 61A 0 Border Street
Assessor's Map/Block/Lot 6-1-3
Applicant/Owner: Lion's Head Trust

Documents

- PDF Request for Town to Waiver rights
- Doc DRAFT 0 Border Street 61A Motion
- PDF 7-8-21 Request for town to Waiver rights

Ms. Joseph indicated that a letter was received from Lion's Head Trust to the Select Board regarding property that is in 61A going up for sale. The Town has right of first refusal of 61A land as it has received certain tax advantages over the years. The Planning Board has to make a recommendation to the Select Board to either buy the land or not have the town buy and waiver its rights to buy it. waiver.

The property is the Bleakie property, the field on right going down Border Street to Cohasset.

The Board discussed the property; it is iconic, if not purchased it will be subdivided, potentially 6 homes, it has been perked. The property borders private property and then the Hubell property which is owned by Conservation. The parcel is 17 acres.

Ms. Burbine indicated a group has come into CPC requesting CPC money to purchase the land. There has been a "go fund me" page set up and \$125K has been raised so far, the request from CPC is for \$1M - additional funds will be needed; the selling price is \$2.35M. CPC has taken this request under advisement.

The Board strongly agreed that the Town should try to save the property and buy it.

Mr. Bornstein said it is consistent with the philosophy of the open space plan.

Ms. Joseph noted that it is not a parcel listed in the open space plan that should be protected, but she did mention some other reasons the Board should consider recommending the purchase of the property.

Ms. Burbine said the town has 400 acres in the West End, it is in the process of purchasing the property at MacDonald Farm/Sunset and Mordecai Lincoln properties - what is nice about this property is you can see it, when you drive by it is right there.

There was discussion about the taxes that could be gained if the town did not buy the property.

Public Comment:

Ms. Marla Minier resident at 29 Christopher Lane said there will be a conservation restriction put on the property.

Mr. Dan Fennelly resident at 65 Forest Lane and Chair of CPC said it would be ideal if there were a way to join the property with the Hubell Property to make it a contiguous Conservation property and could be used for passive recreation. He said the con of buying the property is setting a precedent for the price of land that could have impacts in the future. He personally would like to see it preserved.

Motion:

Ms. Burbine moved that the Planning Board recommend to the Select Board that the Town do not waiver its rights under M.G.L C 61A Section 14 to purchase a portion of the real estate known as 0 Border Street, Scituate, MA Assessor Parcel 6-1-3.

The Board feels this land is worth purchasing for the following reasons:

- Goal 5 of the Open Space Plan of 2018 is to “Enhance natural beauty of Town’s landscape by protecting existing open space, while promoting appropriate use.”;
- The property is on the Town designated Scenic Road of Border Street, which has scenic resources and is bordered by stone walls and trees;
- The privately-owned land, which contributes significantly to the Town’s open space, has been protected for years as open space through Ch 61A and the Town should exercise its right of first refusal;
- The 2020 Master Plan has a goal “to maintain Scituate’s legacy of distinct rural beauty, essential recreation land and vital biological diversity, through acquisition, public awareness and improved management of protected and unprotected open land in Scituate”;
- As identified in the 2020 Master Plan, this action would strengthen the Town’s environmental resiliency, the cost is reasonable to its impact, and the Town likely has sufficient resources of money and support from residents to take this action.

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

Documents

- Email to the Board from Shari Young dated 7.16.21 with meeting agenda for 7.22.21
- Email to the Board from Karen Joseph dated 7.16.21 with meeting materials for 23 Vinal Road, The Residence at Driftway Place and Seaside at Scituate
- Email to the Board from Karen Joseph dated 7.19.21 with meeting materials for 0 Border Street, 16 Mann Hill Road and Seaside at Scituate
- Email to the Board from Karen Joseph dated 7.20.21 with meeting materials for Seaside at Scituate.
- Email to the Board from Karen Joseph dated 7.21.21 with meeting materials for 0 Border Street
- Email to the Board from Shari Young dated 7.21.21 with DRAFT meeting minutes from 7.8.21.

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 9:22 p.m. Ms. Burbine seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Rebecca Lewis, Clerk

Date Approved: August 12, 2021