

## **SCITUATE PLANNING BOARD      MINUTES      July 23, 2020**

Members Present: Ann Burbine, Chairman; Benjamin Bornstein, Vice Chairman; Patricia Lambert, Clerk; Stephen Pritchard, Rebecca Lewis and the alternate seat was vacant.

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: Selectmen's Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chairman Burbine called the meeting to order at 7:00 P.M. The meeting was conducted in compliance with the Governor's executive order modifying the Open Meeting Law regulations for remote participation during the COVID-19 health pandemic. The meeting was being recorded for airing on local cable television.

### **Documents**

- 7/23/20 Planning Board Agenda

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

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### **Roll Call to call the meeting to order:**

A roll call vote was taken to open the meeting.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Public Hearing – Site Plan Administrative Review and Special Permit for Density and Tandem Parking in the Village Center and Neighborhood District – Greenbush Village Center Subdistrict – Greenbush Gateway District (GDG-GVC) - 18 Ford Place  
Assessor's Map/Block/Lot 53-05-22  
Applicant: Don McGill  
Owner: JB Scituate LLC**

### **Documents**

- Email from Water Department with comments for 18 Ford Place dated
- Email from Sewer Department with comments for 18 Ford Place dated
- Doc 18 Ford Place
- PDF 2020-05-06 Planning Board – Site Plan and Special Permit Application
- PDF 2020-05-28 Revisions
- PDF 2020-06-02 Turning Analysis

- PDF 2020-07-02 Common Drive Concept
- PDF 2020-07-07 O&M
- PDF 2020-07-07 Planning Board – Revisions
- PDF 2020-07-07 Site Plan Stamped
- PDF 2020-07-07 Turning Radius Plan
- PDF Design review no furniture SCHEMATIC 12 18 Ford Place Scituate MA 5-7-20
- PDF Letter regarding retention assemblies and rear footings 18 Ford Place Scituate MA 7-12-20
- PDF Planning Board - Stormwater Application
- Jpeg Rendering 18 Ford Place
- PDF Transmittal 18 Ford SPAR-SP

Attendees: Don McGill, Applicant; Walter Sullivan, Attorney; Paul Seaberg, Engineer, Grady Consulting

Mr. Sullivan gave an overview of the project.

- Property located at 18 Ford Place
- 10,000 sq. ft. lot in the Village Center & Neighborhood District (VCN) in subdistrict Greenbush Driftway Gateway District – Greenbush Village Center (GDG\_GVC)
- Currently site has a single family home and detached garage which will be razed
- Applicant proposing a multi-family property – 5 units
  - 2 Units on the first floor
  - 3 Units on the second floor
    - 2 units directly over the first floor units
    - 3<sup>rd</sup> unit is over the garage area
- Multi-family district “by right”
- Proposing 2 access driveways
  - Driveway off Ford Place
  - Driveway off MacDonald Terrace
  - Exploring a shared/common driveway option with and abutting property
- Connections to Town Water and Sewer – capacity has been given
- Applicant meeting with Design Review Committee
- Project has been reviewed from Town’s Consulting Engineer, Chessia Consulting
  - Applicant has addressed comments
- Criteria Section 580 of the Bylaw
  - Applicant requires a special permit for Density
  - Public Benefit – working with Conservation Commission on making a donation to a project
  - In compliance with 580.1 – multifamily use is allowed
  - 580.2 does not really apply – but there will be landscape buffer from the parking
  - 580.3 Table 1 – building type is in consistent
  - 580.4 Density and Bulk Standards – in compliance
    - Allowed 12 units/acre
    - Proposing 5 units allowable by Special Permit
    - Providing improvements for the area
    - Provide options for people looking for maintenance free life, people of different vocations, commuters with access to the train
    - Bike rack has been added to the plan since first submitted

- Bulk standards – units 1,375 sq. ft., 1,400 sq. ft. and 1,600 sq. ft.
  - All 2 Bedroom apartments
  - 580.4.C – Public Benefit
    - Working with Conservation Agent and Chair
- Section 580.5 – incongruity between tables in the bylaw – 8 or 10 spaces
  - Current plan has 10 spaces
  - Under Section 760.2 – requirement is for 1.5 spaces/2 bedrooms – 8 Spaces
  - Parking areas would be landscaped and buffered
  - Carport
  - 2 Driveways are 120' apart from each other - compliant with bylaw
- Section 580.6 – outdoor amenity space, 2,216 sq. ft.
- Providing housing that is not currently available – downsizing, empty nesters
- Project is compliant and consistent with the mission of the Greenbush area
- Project meets the lot area, frontage, height, open space and setbacks front and back requirements in the district

Ms. Burbine read comments from the Water and Sewer Departments for the record.

Comment from Will Branton – Sewer Department – dated 5.4.20

*The sewer line at that location has sufficient capacity for the proposed project. Please note that system wide capacity at the WWTP remains limited at this time, but there is no moratorium.*

*Also please note that any buildings with a sewer unit that hasn't received a betterment will owe a \$16,000 connection fee per sewer unit, and that if there is a need to install manholes in the parking area for the building connections the frame and cover for the manhole shall be watertight bolted down with a gasket.*

Additional comment from 6.17.20

*Regarding the proposed sewer connection at 18 Ford Place; an additional 6" sewer line should be provided for the number of units being serviced at this location. Additional sewer connection fees will be owed at the rate of \$16,000 per sewer unit, less one unit for existing betterment on the lot.*

Comment from the Water Department – dated 5.21.20

*The Water Department is requiring the owner / contractor to terminate the existing water line to the current property at 18 Ford Place. This includes shutting it off at the water main on Ford Place as well as cutting and capping the old line. The new service installed by the owner off MacDonald Terrace will need to be inspected by the water department. Water and sewer lines require ten feet of separation. If this cannot be achieved the water line must be sleeved ten feet in both directions and sealed on both ends.*

*The Water Department recommends that each unit be individually metered.*

Mr. McGill indicate the water has already been shut off at the gate and addressed moving it on the updated plans to MacDonald Terrace and they are aware of the costs.

Mr. Seaberg from Grady Consulting spoke to the Site Plan – Sheet 3.

- Lot is 10,000 sq. ft.
- Existing single family home in the center of the lot and detached garage in the back right hand corner of lot and driveway to Ford Place
- Proposal to construct multi-family dwelling building
  - Five 2 bedroom units
  - Pervious paver driveway off Ford Place 11' wide – 2 tandem parking spaces
  - Pervious pavers will run to a infiltration system that will run to a subsurface infiltration system to the rear of the property
  - Access off MacDonald Terrace into car port with 8 spaces
  - Dumpster is in the back of building
  - Utilities servicing the building
    - Access to the 6" water main located in MacDonald Terrace
    - Sewer will connect to existing sewer stud that currently services the single family home - an additional 6" line will be connected to the existing sewer main
    - Electric will be underground - from utility pole on corner of MacDonald Terrace and Ford Place
- Stormwater
  - Currently all impervious surfaces on the site flow overland to Ford Place, MacDonald Terrace and properties to the south and west
  - Propose to capture all runoff from building and parking areas and route them to a subsurface infiltration system – Concrete Galley system under the parking lot
  - Runoff from parking lot and rear of the building directed to catch basin on MacDonald Terrace then directed to a bypass drain manhole to an oil and grit separator and then to subsurface infiltration system
  - Runoff from tandem parking area will go from crushed stone layer to 8" drain line to subsurface infiltration system
  - Runoff from the building will be collected through roof leaders and roof drains on both sides of the building and directed to the subsurface infiltration system.

Mr. Chessia provided highlights from his peer review.

- Revised set of plans received on Friday have not yet been reviewed thoroughly
- The Board has to opine on shared access – it is desirable
- Issues with the plan
  - Parking under the building 2 spots at the ends are very tight
    - He opined large vehicles would have trouble getting into the spaces
    - Revised information shows Compact Car/SUV – not everyone has a small car
  - Section 760.10 - applicant says it does not apply – he opined it does, but the Board needs to opine if it does or does not
    - Bylaw refers to off street parking in the district

- Parking spaces in the overhang part of the building – typically have a 5’ wide strip to the front door/backdoor so there is easy access in/out of the building
  - Plans he reviewed show a 2’ strip against the building, which would not be wide enough to access, revised now shows a 3’ strip, but it is still tight.
  - Shared driveway would give plenty of room
  - Tight situation for parking, pedestrians and potentially the fire department
- Board should opine on the outdoor amenity space – building takes up almost the entire lot with a strip around it, the pavement is right up to the property lines – not really an amenity space
- Comments relative to drainage, Mr. Chessia opined the applicant should be able to address
  - Soils look to be good, it is sandy
  - Drainage is very close to the building
    - Recommend that Building Inspector comment if acceptable
    - Footings are proposed to be deeper than the bottom of the infiltration system
- Tight Construction site – will need a robust plan for construction
  - Construction parking, etc., how are they going to manage the site

Ms. Joseph indicated the Board has several decisions they will have to make.

“By Right” the applicant can have two units by Special Permit they are asking for five units. She indicated there is detailed information that is required for the density improvement and nothing has been submitted. She indicated they are talking with the Conservation Commission on some potential projects that relate to sidewalks and pathways or accessible active or passive recreation, which are requirements for the public benefit; the applicant needs to provide a written description, the significance to the town, provisions for maintenance, cost estimates and a sketch plan. The Board can require a bond, a specific timeframe and a list of the permits that are required should be provided for the improvements. She indicated she spoke with the Building Commissioner regarding the parking and the bylaw is in conflict with itself; the Building Commissioner was inclined to say only 1.5spaces/bedroom would be needed because it is in the VCN district; we advertised for the worst-case scenario. The Board will have to look at the turning radii because it is a tight site, how will the project be constructed; the office received late this afternoon the Condominium Documents and Master Deed that need to be reviewed. She indicated the applicant technically has 21% open space, but the Board will need to decide if it meets the definition of the outdoor amenity space in the Bylaw. She said the Board does have to opine on some of these items and give the applicant some guidance on how to proceed.

Mr. Pritchard asked what the proposed public benefit is; Mr. McGill said a pedestrian footbridge somewhere that the Conservation Commission has planned. Ms. Joseph added the public benefit has to be in the Greenbush area; she said there is path beyond the small little rest area that is near Dunkin’ Donuts beyond Totman that leads to trails that go to the North River Access park and there is a culvert area where a crossing is needed that would help with access to the Conservation lands; there are plans that may have been done around 14 years ago. She indicated from this development residents could get to it from the pathway that is in MBTA easement go to the lights at the corner on Driftway, cross the street and then be able to access this pathway network. Mr. Pritchard asked what other public benefits are being considered; this is the only one at this time. The Board will have decided what an increased density of 3 units is worth.

Mr. McGill said that when they were originally going to submit their plans, prior to all the Bylaw changes they were told by Mr. Washburn not to submit their plans, the density would not change and the project can be reviewed under the new bylaws. Mr. McGill said when they submitted the plans the bylaws actually did change the density from a 40,000 sq. ft. buildable lot to a true acre. He opined they actually lost a unit by not submitting the plans, he said by right they would have had three units. He opined the density should only be for two units not for three units in terms of the benefit. Ms. Burbine said we have to deal with what we have now; he said they were ready to submit plans when by right they would have been three units.

Mr. McGill addressed the parking comments and said if they were allowed to do the 1.5 spaces/bedroom he would be happy to remove a space under the portico/garage space to allow for more access and wider spots. He said he would like to have 9 spaces, and he could add a paved outside area for the residents and could look at private trash pickup instead of having the dumpster. He said they are pursuing the shared driveway. He said he has been discussing with the Developer behind him, but he is ready to start construction very soon, it would be an issue with having to do a new site plan review with the new driveway. Mr. McGill is proposing that his engineer show a combined site plan with the plan previously approved for the abutting property overlay the plan for the shared driveway and submit it; instead of making the abutting developer go through a site plan to modify his special permit.

McGill indicated the Architect did supply drawings and a letter confirming it was okay for the footing along the back.

Ms. Burbine opined one of the major issues is the site is very tight between MacDonald and Ford Place and people are parking everywhere, how does the applicant plan to construct this building, where will vehicles be parked. Mr. McGill said that cars would park in the back and if he needed to find a place in the area for parking during construction hours, he would be willing. He said right now cars are parking up and down the street, i.e. the landscaping company. He opined this project would eliminate the parking issue and create more of a neighborhood streetscape because there will be curbing, etc. He said there are always challenges with parking during construction, but it is short lived, 6-7 months.

Mr. Pritchard discussed the Sewer comment, that while the flow exists the capacity at the water treatment plant does not, he asked for some clarity on that comment. Ms. Burbine read the comment from the Sewer department again to help clarify, "the system-wide capacity at the wastewater treatment plant remains limited at this time but there is no moratorium." Mr. Pritchard asked that there be some follow up with "what limited at this time" really means, limited to what. He also asked the applicant what the expected water usage is for the completed project. Mr. McGill said it would be typical for a 2-bedroom apartment, 2 bathrooms and a kitchen, 5 units. Mr. Pritchard asked from the applicant to put numbers together to show the usage; Mr. McGill agreed. There was discussion about the units being individually metered; Mr. McGill said he is paying for the connections the units are condominium units that are for sale individually so they will be individually metered.

There was discussion about the open space amenity; the Board needs to make sure it is evaluated against the requirements of the bylaw. Mr. McGill said there is 2,100 sq. ft.; there was discussion about a bench or a grill. Mr. McGill said he is sure there is room around the property for a bench or two, although he does not know how much they would be used. Ms. Burbine provided some insight from 50 Country Way that because of COVID they added some outdoor benches at the request of

residents because some units do not have outdoor space and people needed to get out of their units. Mr. McGill did say that each unit has an outdoor space, but if he needs to find a spot for some benches, he will. The Board will continue to pursue this next time.

There was discussion about walking trails and bike trails near the project that are available to the residents. The MBTA trail is right next door that goes out to New Driftway and up to 50 Country Way and the train station, the opposite side of the street has a sidewalk; there is nothing from this site that needs to connect to other walkways on MacDonald Terrace or Ford Place.

Mr. Bornstein provided several comments and concerns.

- Public realm benefit
  - More information is needed before he is willing to decide if the density bonus should be granted,
  - He would like to see more thought on the 21% open space and the public amenity aspect of it
    - The landscape plan and site plan do not show a lot of usable space for future residents.
    - More thought is needed so that it is closer to the intent of the bylaw
  - None of the existing large caliber trees are being preserved, not in compliance with Low Impact Development standards
    - Ms. Joseph commented that the trees are not in good shape
      - Norway Maples each having parts of the crown that are dead or missing major limbs. She previously provided the Board pictures.
  - Landscape plan should include more native species
    - Needs more thought, it is a mass planting approach right now
    - More diversity in the plantings and ecological benefit
    - 6 proposed shade trees - Callory Pear trees – not great for street trees
      - Prone to splitting
      - Some horticulture circles now considering them an invasive species
  - Concerned with the infiltration galley in the rear in terms of the O& M
    - If system failure how it can be rectified

Ms. Lambert said that she agrees with Mr. Bornstein about the trees. She has visited the site many times and it is a very crowded area; Northern Oak Landscaping is parked everywhere. She said the rendering is beautiful, but hard for her to picture on the site compared to the house currently there. She discussed a tree bank and if the applicant could give money to that or give the town some trees. She said this is an area of town that is going to through great development good or bad. She expressed concern with the narrowness of MacDonald Terrace and where people are going to park and the access for emergency equipment and the condition of MacDonald Terrace; it does not look sturdy to her.

Ms. Lewis said if there are less parking spaces is the proposed driveway on the side going to be all green. Mr. McGill said he would like keep 9 spaces and take one space out from under the portico, but if he has to go to 8 he will and then there would be more green space on the side, there would only be one space. If the 2 spots remain on the side they would be assigned to the first floor unit right next to it.

The Board asked about snow storage. Mr. McGill indicated if they did not have the dumpster and just did barrel pick up then the snow would be stored in the hammerhead. He said he would prefer to do individual barrels instead of a dumpster; a row of barrels can go up along the hammerhead or along the side of the garage and he would have to take out a parking space.

Ms. Burbine addressed another issue regarding parking when residents have company, where will they park. Mr. McGill said if they have 10 spots, all units have 2 spots and since they are by the commuter rail he does not think all units will have 2 cars; the idea is that residents would be down sizers, be near the commuter rail and have on car. Ms. Burbine said the Board could not depend on that. There was discussion about street parking.

Ms. Joseph indicate that the Deputy Fire Chief will be making a comment.

There was a discussion about opening up MacDonald Terrace down to Duval Dance Studio parking lot; a resident in the area made the suggestion. Mr. McGill does not own the property so the discussion is moot at this time.

Ms. Burbine opined that the space under the portico for parking is tight; people like big cars and she is not sure there is enough room. Mr. McGill said they meet what is needed for a parking spot and if they were to eliminate one there would be even more room. He would be happy to eliminate a spot.

Mr. Bornstein also noted this project will be going to Design Review to review the architecture, etc. He also commented this is project is first wave of redevelopment into a more dense type of housing in the Greenbush area and the applicant will have to live in harmony with a lot of residential abutters that have been there for a long time; there have to be some give and take so that it is a positive project for the community and the people that in neighborhood; working with the abutters is important.

*Public Comment:*

Ms. Taryn Consilvio and Ms. Mary Lou Consilvio residents at 22 Ford Place expressed several concerns. Drainage - they are worried about the transfer of water going to some other properties around this building, they realize there is going to be some kind of system built, but what if it fails; the height of the building looks to be 40' and will over shadow every other building in that area, it is huge building on a small lot and the open space does not seem adequate. Mr. McGill said the building is 31' 10" tall not 40'. Ms. Mary Lou Consilvio mentioned Mr. Burwick's building is planned to be a t 35' tall. She asked about the lighting and commented that parking is also an issue especially with how tight Ford Place and MacDonald Way are especially during the day with the post office and other businesses parking in the street; she opined it may be insurmountable with the amount of cars coming down the street, what about emergency vehicle access, what would their point of view be. She commented on the bylaw and the 1.5 cars/unit or per bedroom; no one has half a car. She is worried about the local traffic because it is already a problem. Mr. McGill responded that they meet the requirements on parking; they are not restricting the street or the turning radius for emergency vehicles.

Ms. Burbine said their concerns have been heard and the Board is doing everything it can to allay their fears; lighting will discussed at the Design Review Committee.



Ms. Burbine said there is a laundry list of things to be done; paramount is the public benefit. This meeting will need to be continued.

There was discussion about the date of continuance and it was decided the applicant would come before the Board on August 13th to discuss the public benefit only and from there it would be continued to September 24<sup>th</sup>.

The applicant needs to submit a full write-up regarding the public benefit one week prior to the meeting. The Applicant should refer to the bylaw for what is needed. The Board is okay with a DRAFT.

*Motion:*

Ms. move to accept the applicant's request to continue the public hearing for the Site Plan Administrative Review and Special Permit for Density and Tandem Parking in the Village Center & Neighborhood District – Greenbush Village Center subdistrict – Greenbush Gateway District (GDG-GVC) for property located at 18 Ford Place until August 13, 2020 at 8:00 pm and continue the time for action until October 30, 2020.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Form A – ANR Plan – 143 & 145 Border Street  
Assessor's Map/Block/Lot 6-2-9 and 9A  
Applicant/Owner: Lion's Head Trust, J. Maxwell Bleakie, Trustee**

**Documents**

- PDF ANR Application
- PDF Doc 430941 Cert 93748\_7\_20\_1998
- PDF Form A Plan Set
- PDF Tax Fiscal Yr 2021
- Doc Transmittal 143 and 145 Border St – ANR
- Doc DRAFT Motion
- Email to Karen Joseph dated 7.20.20 with comments from the Water Department
- PDF Letter of withdrawal 7.21.20

Ms. Joseph indicated the applicant wanted more time and will likely be at the next meeting.

*Motion:*

Ms. Lambert moved accept the Applicants request to withdraw the application for an Approval Not Required a Plan of Land 143 and 145 Border Street Scituate, MA being a division of LC Plan 19784

D & G stamped by Douglas L. Aaberg, P.L.S. of Merrill Engineers and Land Surveyors for applicant/owner Lion's Head Trust, J. Maxwell Bleakie, Trustee and to waive a new application fee as the plan has not been presented to the Board yet.

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

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Form A – ANR Plan – Seaside at Scituate – 15 Longley Ave.  
Assessor's Map/Block/Lot 39-2-7-143  
Applicant/Owner: Toll MA III L.P.**

**Documents**

- PDF Deed BK 50136 pg. 274
- PDF June 24 2020 Plan 15 Longley Road
- PDF Letter Scituate Seaside ANR lots 2020-06-22 signed3
- PDF PB Filing Ltr 15 Longley Road
- PDF Signed ANR Application 15 Longley Road
- PDF Tax Collector Paid Tax Bills 7 Sixth Ave and 15 Longley Rd.
- Doc Transmittal 15 Longley – ANR
- Doc DRAFT Motion Form A 15 Longley Road

Virtual attendees: Jeff De Lisi, Attorney; Dave Buckley, Toll Brothers

Mr. De Lisi explained that both ANR plans for Toll, 15 Longley and Sixth Ave., are intended to remedy encroachments from the neighbors on to the Toll property. Parcels are being carved out around the encroachments and the land is being given to the neighbors.

**15 Longley Avenue**

- Create parcel A – 1,000 sq. ft. – parcel will be deeded over to the abutter
  - Land has a shed on it
- Does not create any infectious invalidity issues, plenty of square footage for the remaining lot
- Stantec letter regarding Stormwater Drainage
  - Engineers confirmed there is no change in the stormwater calculations

Ms. Joseph indicated the Form A is just to correct an encroachment the lot still has plenty of access and frontage and she recommends the Board endorse the plan.

Mr. Pritchard asked to confirm if the Parcel A was not included in the original stormwater calculations. Mr. De Lisi read from the Stantec letter and corrected his previous statement the proposed parcel was not included in the original calculations; the parcel and the shed were included

in the original calculations, but the conveyance of land does not have any impact on the stormwater drainage system.

*Motion:*

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land prepared for Toll MA Land III L.P. in Scituate, MA stamped by Shawn L. Crawford, P.L.S. of ESE Consultants for applicant/owner Toll MA Land III L.P. dated 4-27-20 as the division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw and Parcel A is to be conveyed to 9 Longley Road in order to cure an encroaching structure on Lot 1 – 15 Longley Road Assessor's Reference 39-2-7-143.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Form A – ANR Plan – Seaside at Scituate – 7 Sixth Ave.  
Assessor's Map/Block/Lot 34-6-13-152  
Applicant/Owner: Toll MA III L.P.**

**Documents**

- PDF Deed BK 50136 pg. 274
- PDF June 24 2020 Plan 7 Sixth Avenue
- PDF Letter Scituate Seaside ANR lots 2020-06-22 signed3
- PDF PB Filing Ltr 7 Sixth Ave
- PDF Signed ANR Application 7 Sixth Ave
- PDF Tax Collector Paid Tax Bills 7 Sixth Ave and 15 Longley Rd.
- Doc Transmittal 7 Sixth Ave - ANR
- Doc DRAFT Motion Form A 7 Sixth Ave

Virtual attendees: Jeff De Lisi, Attorney; Dave Buckley, Toll Brothers

Mr. De Lisi indicated the encroachment in this case is a deck; 282 sq. ft. will be deeded over to the existing dwelling at 11 Sixth Ave. He referenced the Stantec letter regarding stormwater; the deck was never included in their original calculations and therefore will have no impact on the stormwater system.

Ms. Joseph indicated it is just an encroachment of the deck, it does not alter the frontage or the property line and recommends endorsement.

*Motion:*

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land prepared for Toll MA Land III L.P. in Scituate MA stamped by Shawn L. Crawford, P.L.S. of ESE Consults for applicant/owner Toll MA Land III L.P. dated 12-17-19 as the division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw and Parcel A is to be conveyed to 11 Sixth Avenue in order to cure an encroaching structure on the Applicant's land of 7 Sixth Avenue Assessor's Map Reference 34-6-13-152.

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

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Form A – ANR Plan – 376 Chief Justice Cushing Highway (CJC)  
Assessor's Map/Block/Lot 48-01-001A  
Applicant/Owner: Jason D. Carle Jr. & Mary Mason**

**Documents**

- PDF 3871 Form A Filing Package
- PDF 3874 –FMA – Stamped
- Doc Draft Motion Form A 376 CJC Hwy
- Doc Transmittal 376 CJC Hwy – ANR

Virtual attendees: Jeff De Lisi, Attorney

Mr. De Lisi explained the property owner at 376 CJC had been sued by the neighbor claiming that they adversely owned this property and the case has been resolved by a voluntary conveyance of this land; the ANR memorializes the settlement agreement and will settle the lawsuit.

Ms. Joseph indicated it is an encroachment of the neighbor on to the property, it has gone to court, both lots have access and frontage she recommends endorsement.

Mr. Pritchard said the Board is not addressing the lawsuit; they are just approving a change in lot line. Mr. De Lisi said there is no position, no jurisdiction no issue with respect to the Planning Board in a lawsuit; it is just for the purpose of conveying the land.

*Motion:*

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land in the Town of Scituate, MA 376 Chief Justice Cushing Highway stamped by Paul Joseph Mirabito, P.L.S. of Ross Engineering Co., Inc. for applicant/owner Jason D. Carle, Jr. and Mary Mason as the division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the it Scituate Zoning Bylaw on the public way of Chief Justice Cushing Highway.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Curtis Estates – Lot Release – Lots 1, 12, 15 – Remainder of lots**

- **Permeable Pavers – in significant change**
- **Design Changes - Lot 11**

**Documents**

- PDF 3739 Ann Burbine Basin 4 repair 07-07-20
- PDF 3739 cvr ltr 7-8-20
- PDF 3739 Porous Paver Design Installation & Maintenance
- PDF 3739-11 PP 7-15-20
- PDF Excerpt of approved plan
- Doc DRAFT Motion Lot Releases
- Doc DRAFT Motion Permeable paving
- Doc Permeable Pavers
- Email dated 7.14.20 to Karen Joseph from Merrill Corp.
- Doc 90 Ann Vinal Road LLC planning letter
- PDF 3739-11 PP 7-15-20

Virtual attendees: Paul Mirabito, Ross Engineering; Paul Sheerin, Property Owner/Manager

Mr. Mirabito indicated per the Board's request the applicant has done some extensive maintenance on basins 1 and 4; the Town's Consulting Engineer, Peter Palmieri, witnessed soil testing to verify the soils that were encountered where the same as what was accounted for in the design and they have been confirmed. Maintenance has been done, loam and seed has been put down and the basins are working in the manner they were designed to work. He opined the basins are functioning and functioning well.

Ms. Joseph indicated that the applicant did replace some of the soils in the basin, they dug beyond some of the sand and removed some improper material and replaced the sand and it is loamed and seeded. She opined the applicant has done what the Board asked; there has not been a lot of rain to see if the basin is functioning, but the applicant did meet the spirit of what the Board asked them to do.

The Town's Consultant was comfortable with the work that was done.

*No Public Comment.*

*Motion: Lot Releases*

Ms. Lambert moved to accept Paul Mirabito's request on behalf of Paul Sheerin and Don Gillespie, as Managers of 90 Ann Vinal LLC, to release Lots 1, 12 and 15 of Curtis Estates Flexible Open Space Development approved by the Board on 2/8/2018 and endorsed on 4/12/2018 from the covenant dated 4/10/2018 and recorded 5/15/2018 in the Plymouth County Registry of Deeds in Book 49800 Page 91 as a bond has been provided in the amount of \$250,000.000. Proof of the recorded lot releases must be furnished to the Town Planner prior to application for any additional building permits.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

*Permeable Paver Discussion:*

Ms. Joseph indicated that some of the lots are very close, 10-20 sq. ft. on reaching their maximum impervious area. She noted there was an issue with some of the pervious walks being constructed with stone dust which is not pervious. The total impervious area for the development and on a lot includes the house, garage, driveways, a/c units, generators, walls, and they were very close to the numbers allowed, the applicant decided to do permeable paving. Drainage calculations and a section were submitted to show that the curve value will be similar to that of grass; the Board requested the same of Toll Brothers.

Ms. Burbine paused the conversation to move to agenda item for Studley Farm – Surety Release.

**Benjamin Studley Farm – Surety Reduction**

**Documents**

- PDF Bond Estimate Studley Farm Fern 3-27-20
- PDF Studley Farm Review ECR 7-17-20
- Email dated 6.11.20 pictures from Merrill Corp
- Email dated 7.20.20 with pictures from Karen Joseph
- Doc DRAFT Motion form Surety
- Email dated 7.9.20 to Karen Joseph Studley Farm Bond Release

Virtual attendees: Joseph Iantosca, Fern Properties LLC

Ms. Joseph indicated the applicant is requesting the amount of surety from the completion of the subdivision at Benjamin Studley Farm, Flexible Open Space Subdivision be reduced from \$76,800.00 to a return of \$75,500.00. She said the subdivision is nearly complete there is some grass along the roadway that needs to grow; the Town's Consulting Engineer, Peter Palmieri agrees that is the only issue that is preventing him from signing off on the subdivision. Mr. Iantosca has submitted all the documents needed to complete the subdivision and move towards road acceptance in the fall of this year at town meeting. Ms. Joseph agrees and recommends releasing the \$75,500 and holding \$1,300.00 in the account.

Mr. Pritchard asked if all the as-built drawings, etc. have been received; Ms. Joseph confirmed yes.

Mr. Bornstein asked if there was any indication that any of the areas that are not stabilized would have compromised any of the stormwater infrastructure. Ms. Joseph said no.

*Motion:*

Ms. Lambert moved to accept Joseph J. Iantosca's request, as Manager of Fern Properties, LLC, to reduce the amount of surety being held for completion of the Benjamin Studley Farm Definitive Flexible Open Space Development Plan approved by the Board on 1/30/2014 from \$76,800 being held by the Town germination Treasurer to \$1,300 ( release of \$75,500) as Merrill Engineers and Land Surveyors agrees with the applicant's estimate that loaming and seeding work remaining is consistent with the estimate as seed has been slow due to the weather.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

*The discussion was brought back to Curtis Estates Permeable Pavers;*

Ms. Burbine asked if this is considered to an insignificant change.

Mr. Pritchard opined the Board should not use the term “insignificant”; it should be considered an approved change, if it is not approved the applicant will exceed the impervious area and it will not comply with the plan approval. Ms. Joseph agreed with Mr. Pritchard saying the lots are very tight and the buildings are going up almost to the max and there is no room for the walkways; hopefully people will not want to put pools in in the future because there will not any impervious surface left for pools. She is suggesting approving the detail that Ross Engineering submitted and will follow it up with a letter requesting more work on the O&M Plan, a revised and resubmitted full copy of the O&M Plan with the ongoing maintenance requirements for the permeable pavement, so the Homeowners Association will have all the information; she is also asking that the applicant not use sand for ice control of the permeable pavers because it will cause the permeable pavers to clog. She opined the applicant has done what Toll Brothers did with their details and soil investigation.

Mr. Bornstein did not have comment on how the Board considers the change, “insignificant” or not; his concern is that the pavers are installed correctly and requests that a qualified installer be used, someone registered under the ICPI (Interlocking Concrete Paver Institution) certification program; it is both a stormwater and permeable paver project. He referenced wording in the O&M plan regarding maintenance with sweeping, leaving blowing, vacuuming and opined that is misleading because in his opinion the most important thing to keep clean is not necessarily the paver blocks, but the joints between the paver blocks and that needs to be addressed in the O&M Plan.

Ms. Joseph indicated all the pavement will need to be inspected prior to any Certificate of Occupancy (CO) and if the joints are not clean no CO will be issued. That is the same procedure

being used with Toll Brothers; pavers are being covered to prevent anything from getting them as work around them continues.

Mr. Pritchard was in agreement with Mr. Bornstein that the O&M practices need to be clearly spelled out and is extremely important.

The Board opined the detail will be applied to all lots.

Ms. Burbine also noted that homeowner's will not be able to put in swimming pools; the impervious area has been maxed out and will they be made aware of this. Mr. Mirabito said he will pass the information to the owners. The Board wants this to be in the preamble intro to the O&M Plan.

Mr. Mirabito said he would send the applicant an email that if they exceed the allowable impermeable area, a homeowner will not be allowed to install a swimming pool.

Mr. Pritchard said that by definition that is the case, the applicant can't comply without permeable walkways so by definition no lot will be able to install a swimming pool.

*No public comments.*

The Board said they should modify the letter to incorporate the concept, that there are no significant impervious modifications that can be made to the property or any lot, i.e. swimming pool.

*No public comments.*

*Motion: Permeable Pavers*

Ms. Lambert moved to accept Gregory J. Tansey's request on behalf of Paul Sheerin and Don Gillespie, as Managers of 90 Ann Vinal LLC, for the allowance of permeable pavement for walks to be used at the Curtis Estates Flexible Open Space Development approved by the Board on 2/8/2018 and endorsed on 4/12/2018. Permeable pavement shall be in accordance with the attached detail and letter from Ross Engineering as amended and per the letter from the Planning Board Chair.

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

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

*Design Changes for Lot 11:*

Ms. Joseph said she flagged this for the Board after the discussion which had taken place on the antique house; she did not feel comfortable signing off on the building permit, in her opinion the house was very different from the house on the subdivision plan. The house has been stretched out across the entire lot and has a turnaround; she thought the Board should comment on it before she signed off.



There was discussion on where the lot is for impervious area; the lot is tight and will need permeable pavers for the walkways.

Mr. Pritchard thought the modification to the house would require changes to the grading, but the Board has not seen any of that information; it is a different house in a different location and the comment the Board received said there were no changes to the grading. Mr. Mirabito said he submitted a plan on July 15<sup>th</sup> that depicted the approved house and the proposed house. He said the front line of the house is on the same line as the front of the house that was approved on the subdivision plans. He said the addition that was on the rear of the house has been moved to the side of the house; there is an increase of 300 sq. ft. in the overall footprint of the house, it is about 2,400 sq. ft. which is in line with the other homes that have been built. He said the grading is not changing it is the same grading on the subdivision plan; the setback from the street is about the same at 143' on both the approved plan and the proposed plan. He said there is no change in grading and it is just under the allowed impervious area shown on the approved plan; there is no change or impact on the stormwater design.

Ms. Joseph asked if Mr. Mirabito was saying the front of the proposed house was the same as what was on the approved plan. Mr. Mirabito said no, he is saying the setback is the same at 143'. He said they are moving the extension from the back of the house to the right side, they do not exceed the allowable impervious area and there is no change to the grading; there is no change to the stormwater system. He indicated they do have a buyer for the house and the buyer chose to move the extension to the side for more green space.

Mr. Pritchard shared his computer screen and discussed the plan. Mr. Mirabito explained the difference on the plan of the overlaid proposed plan to the original plan. Mr. Mirabito said the elevations and contours do not need to change with the change in the house and the plan shows the proposed finished grades.

Ms. Joseph said she sees that the house is moved closer to the front property line along the curve. Mr. Mirabito said it is closer to the curve, but the set back is 15' and they are proposing 18' it is still within the requirement; it is 4' back further than what is required. The house complies with all setbacks and grading is the same and does not impact the stormwater system.

Ms. Joseph indicated the other change is there is now a turnaround that is close to lot 10.

Mr. Mirabito said it was added so that cars could back out of the garage and head straight out onto the street. There was discussion about what it would be made of because the lot is almost at the maximum for impervious area; will it be pervious pavement. Mr. Mirabito indicated it would have to be pervious. Ms. Joseph asked what is going to prevent the homeowner from paving it in the future. Mr. Pritchard asked where the detail is for this construction since it was not approved before. The Board needs to have a specific proposal for the area of permeable material and that needs to be incorporated into this plan. Mr. Mirabito said they have not designed the subbase for that area yet. The Board said the applicant should come back when it has been designed and they can demonstrate that it is permeable; at this point remove the turnaround and just discuss the design of the property.

Ms. Burbine asked how long it would take for the applicant to give the necessary information for the changes being requested on Lot 11 inclusive of the turnaround driveway. Mr. Mirabito said it would take a week.

There was discussion about the Board agreeing to have Ms. Joseph sign off on the building permit so the foundation could be started while they address the pervious area for the turnaround and provide the information to the Board within the next week. Mr. Mirabito said it has to be pervious period. The Board opined the turnaround should be taken off when they are ready to permit it then the applicant should come back with details; so long as it is certain there are no grading changes, no stormwater impacts for the building the Board would be okay with Ms. Joseph signing off on the building permit. The turnaround has be taken off and then the applicant can come back at a later date to discuss the turnaround.

Mr. Mirabito is to submit a plan with the turnaround removed and Ms. Joseph will sign off on the building permit.

The Board said when the applicant is ready they can come back for discussion regarding the turnaround with full calculations for impervious surfaces; areas need to visible on the plan so the Board can see how it was calculated.

*Motion:*

Ms. Burbine moved that the Board allow the Town Planner to sign off on the building permit as long as the turnaround on the driveway is removed from the plan.

Ms. Lambert seconded the motion; there was a roll call vote; the vote was unanimously in favor. Ms. Lewis did not vote on this matter.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes

**Minutes**  
**Documents**

- Meeting minutes 6.25.20
- Meeting minutes 7.9.20

Ms. Lambert moved to approve the meeting minutes for June 25, 2020 and July 9, 2020.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Bond Release – 50 Country Way**

Ms. Joseph indicated she has spent considerable time working with 50 Country Way and the supports for the balconies and shutters have finally been installed and look very good, they make the

building. The site contractor McDougall Brothers pulled the bond for the project and since all the site work is done Ms. Joseph recommends returning the bond. She indicated that she is still working with the leasing agent on a few things, i.e. landscape maintenance, she is sending the O&M Plan, the supplemental traffic study has been done, numbers are in concert with the numbers that were assumed in the original traffic study. She opined the project is generally complete.

*Motion:*

Ms. Lambert moved to release the Bond for 50 Country Way in the amount of \$587,000.00 to McDougall Bros. as all the site work has been completed there are minor items the Town Planner is working on with the Developers representative

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

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Discussion – Master Plan**

Mr. Bornstein provided an update on the status.

- Consultant is working on the DRAFT and working with other Boards and Committees in town that have related endeavors, i.e. Housing Production Plan, Coastal and Harbor Resiliency
- Before COVID, Master Plan was going into the final public workshop
- Consultant is proposing remote participation
  - Successful in other communities
    - Some instances getting better turn out and better data
  - Public Workshop week of September 21<sup>st</sup>
  - Master Plan Advisory Committee meeting prior – end of August
    - Opportunity to do a dry run with the Committee on what the Virtual Public Workshop would be like
    - People need access to see what is being presented
  - Consultant would run the virtual meeting
- Board was in agreement with the plan on how to proceed

**Liaison Reports:**

**CPC – reported by Ms. Burbine:**

- Fund antique fire engine from 1929 – will be housed in Paul Young's on First Parish

**Planning and Development – reported by Ms. Joseph:**

- Board will make comments and review Housing Production Plan
- Coastal in the final phases – will be presented to the Board of Selectmen
  - Kyle to come give an update to the Planning Board
  - Findings should be integrated into Master Plan

- North Scituate Zoning
  - Board wanted to push it off to Spring Town meeting
  - Fall Town meeting possibly in November
- New Special Permit will be heard at late August meeting
- Toll Brothers construction proceeding
- Sewer on Cedar Point – contract has been awarded – construction to start next month
- Follow up needed for Well 18B

**Documents**

- Email to the Board from Shari Young dated 7.17.20 with 7.23.20 agenda and 6.25.20 meeting minutes
- Email to the Board from Karen Joseph dated 7.17.20 with meeting materials for 18 Ford Place, Studley Farm, Curtis Estates, 376 Chief Justice Cushing Highway, 15 Longley Road and 7 Sixth Avenue
- Email to the Board from Karen Joseph dated 7.20.20 with meeting materials for 143 & 145 Border Street and Studley Farm.
- Email to the Board from Shari Young dated 7.20.20 with meeting minutes from 7.9.20
- Email to the Board from Karen Joseph dated 7.20.20 with meeting materials for Curtis Estates
- Email to the Board from Karen Joseph dated 7.20.20 with meeting materials for 143&145 Border Street
- Email to the Board from Shari Young dated 7.21.20 with AMENDED agenda 7.23.20, materials for 143 &145 Border Street and Liaison List 2021
- Email to the Board from Shari Young dated 7.22.20 with AMENDED II agenda 7.23.20

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 9:30p.m. Mr. Bornstein seconded the motion; the vote was unanimously in favor.

Ms. Burbine - yes

Mr. Pritchard – yes

Ms. Lambert – yes

Mr. Bornstein – yes

Ms. Lewis -yes

Respectfully submitted,

Shari Young

Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: August 13, 2020