

SCITUATE PLANNING BOARD MINUTES July 27, 2023

Members Present: Patricia Lambert, Chair; Rebecca Lewis, Vice Chair; Ann Burbine, Clerk and Mr. Stephen Pritchard. Mr. MacLean was absent and the alternate seat is vacant.

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

Members absent: Bob MacLean

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

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

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

Documents

- 7/27/23 Planning Board Agenda

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

Continued - Public Hearing – Site Plan Administrative Review and Special Permit for a Mixed -Use Building and Multi-Family Building Stormwater Permit in the Village Center and Neighborhood District - Greenbush- Gateway-District – Greenbush Village Center Subdistrict and Gateway Business Subdistrict (VCN-GDG-GVC and GWB) – 7 MacDonald

Terrace/33 New Driftway

Assessor's Map/Block/Lot 53-05-19 and 53-5-20A

Applicant/Owner: Saoirse, LLC

Documents

- PDF 15-436-33 New Driftway – Response to comments - 7.17.2023
- PDF 15-436-33 New Driftway – Site Plan – 7.12.2023
- PDF 15-436-33 New Driftway – Stormwater Permit Application – 7.13.23
- DOC DRAFT 1Motion 7 Mac3-33 ND New VCN
- PDF DRAFT 1Motion 7 Mac3-33 ND New VCN
- DOC Draft Motion Form 5th Continuance

Attendees: Bill Ohrenberger, Attorney; Greg Morse, Engineer; John Sullivan, Applicant/Owner

Mr. Ohrenberger indicated they understand Mr. Chessia is still reviewing some late submissions, but they would like to answer any outstanding questions so that next meeting Findings of Fact and Conditions can be reviewed.

Mr. Morse indicated since the last meeting, the project has been unanimously approved by the Conservation Commission; he said he did not anticipate making any changes to the plans until the request from the Fire Department to pave the cul-de-sac on MacDonald Terrace. He said that is

really the biggest change, some small revisions were made to address Mr. Chessia's comments, i.e. the percentage of the lot in the FEMA Flood Plain, double grate catch basin, and they have a new landscape architect.

Ms. Joseph indicated the Fire Chief and Deputy Chief are pretty happy with what is on the plan, they want a paved cul-de-sac, no curbing, and the 55' diameter is satisfactory. She said it will be conditioned that the pavement is built to Town standards, there will have to be radii cut into the pavement of MacDonald Terrace. There will not be any berm or any type of curbing because Fire does not want to drive over anything.

Mr. Pritchard asked where water will go; Ms. Joseph said currently there is no curbing on MacDonald Terrace, but she is waiting for Mr. Chessia's comments. Mr. Morse said right now the water goes off the edge of MacDonald Terrace and to the end of MacDonald Terrace, the soil is extremely gravelly so it infiltrates along the shoulders of the road; any surface runoff that doesn't infiltrate ultimately goes down to the brook; it is inland subject to coastal storm flowage.

Ms. Lambert commented on the phasing and the circulation of the parking lot. She said she would like it all done at one time so they don't run into issues with a seam as happened on another project. Mr. Morse said with the phasing they intend to put the binder down in the site and then the connection will go down when they are ready to have traffic come through the Rivershed site. He said the final top course can all be applied at once. Mr. Morse said he would review if the binder could all go down at the same time.

Ms. Joseph said it can be conditioned that the top coat is all done at one time so there is no seam. She also noted the Fire Department wants circulation through the site during construction so they don't have to back up; it will be conditioned. Mr. Morse said that can be done.

Mr. Morse explained there will be a seam from the new connector to the Rivershed property, they are not repaving that entire site.

Ms. Burbine discussed the phasing; Building A will be built then Building B and while Building B will be constructed the tandem parking will be used for construction parking. She said she cannot support that. She feels strongly that it should all be done at once.

Ms. Lambert said this is not a Toll Brothers and she does not personally understand how Ms. Burbine can expect one crew to build two buildings without hiring another crew.

Ms. Burbine opined it should all be done at the same time. She suggested Mr. Sullivan should rent a space for his business elsewhere so that it can all be constructed at the same time. She said she cannot support it. She also said she cannot support the tandem parking.

Ms. Burbine said the tandem parking is for Building A that is going to be used for construction; it doesn't work, there is not enough parking.

Mr. Ohrenberger said they could ask for a waiver for parking since they abut the MBTA, but they want to keep the extra parking.

Ms. Burbine said some of the units that will be assigned to the tandem spaces are in Building A; there will be no parking for people if it is being used for construction of Building B.

Mr. Morse said all the parking spaces are assigned parking spaces and they would not assign spaces to be used in an active construction zone while Building B is being built. He said they can't expect that Building A is going to be 100% occupied instantaneously. Ms. Joseph said there still needs to be parking available for Building A if they expect occupancy and they don't have it; there are 4 extra spots, but some of the tandem spaces are needed to make up the count for Building A for full occupancy. She asked the applicant to explain how it is going to work.

Mr. Morse said there would not be full occupancy of Building A; the units in Building A using the tandem spaces would not be occupied until the spaces are available. Mr. Morse said the construction will be minimal; it is essentially a small home that is being built, all the infrastructure, parking, utilities, and grading would all be done, it is the framing of a building. Ms. Burbine asked why it couldn't be done at the same time.

Mr. Ohrenberger said a lot of it has to do with construction financing.

Ms. Joseph asked how they will be asking for an Occupancy Permit; if they don't have the parking available for Building A how will they ask for a full occupancy permit or temporary. Mr. Ohrenberger opined he didn't know any building that didn't get a temporary occupancy permit; Ms. Joseph disagreed.

There was continued discussion about the tandem parking and the extra parking spaces. Mr. Ohrenberger mentioned again they could ask for a waiver and they really, are talking about 3 spaces.

Ms. Lambert said what the Board is struggling with is that across the street the project was never finished and that is why the Board is questioning the phasing. She said the Board questioned it with Toll Brothers if they would get all their phasing in and they did. She said the Board is gun shy from things that have happened in the past and they are taking the applicant's word that they are going to finish the project. Mr. Sullivan commented he will not be living on the site, but will be working on the site. Ms. Lambert said the Board is taking a leap of faith that it will be completed. Ms. Joseph said it was previously discussed that a condition would be made that Phase 2 needs to start within six months of Phase 1 completion barring extreme circumstances; it is a fair condition that protects the Board and a modification hearing will be needed if Building B is not built.

Ms. Burbine discussed the traffic flow and said she has issues with it.

Mr. Ohrenberger said the logistics are they agreed not to come down MacDonald Terrace to get to Building B, except for the one-time use. He opined it is a good project.

There was further discussion about the tandem parking, both Building B and A will utilize the tandem spaces; Building B will use the first 5 tandem spaces and Building A will use the last 2 tandem spaces. Building B has 4 2-bedroom units, each bedroom gets 1 space and 2-bedrooms get 2 spaces, there are single spaces in the middle of the lot that are designated for Building B units with 1-bedroom. There are 3 units in Building A that will use the tandem parking. Mixed-use parking is provided in the garage spaces and around the exterior of the lot.

Mr. Pritchard asked if the applicant is okay not having the 2-bedroom units in Building A occupied until the project is finished. Mr. Morse said, yes.

Ms. Lewis suggested that there are spaces that could be used on the site that are not tandem.

Mr. Ohrenberger said they have 4 extra spaces on the site, those could be used for 4 of the 6 spaces needed for Building A, so they are really just missing 2 parking spaces.

Mr. Morse said the bylaw requires 35 parking spaces and they are providing 38 throughout the site; they have excess from what is required under the zoning bylaw.

Mr. Ohrenberger said because they have 3 extra spaces, they are really only 3 spaces missing for Building A until the back is completed. It is a small amount.

Ms. Lewis asked how far it is from one side to the other of the tandem parking area, 63'. It was said that they will need all that space for construction parking and it will likely need to be fenced off.

If parking is not available then tenants will not be able to move in. It will be up to the applicant to police.

Mr. Pritchard asked how the applicant has minimized fill. Mr., Morse said they looked at the topography and the front of this property is located in the flood plain, so they have tried to minimize any fill so they are not offsetting any flood waters. He said Conservation has approved the project because they are not offsetting flood waters and minimized any fill within that area. For the remainder of the site they do test pits to determine the groundwater table, then they design the drainage system which has to be a certain elevation above the groundwater table, that has to be a certain thickness and then buried a certain depth below the pavement to achieve traffic loading, etc. He said that is what they did, they determined the groundwater table and designed the drainage system to be at the minimum setback and then go off the minimum setback to the parking lot. He said the grades on the site mimic the existing grades that are out there now. They are not changing anything significantly; it is pretty balanced. He said it is under a foot cut in the middle of the site and at the corner of the building the existing grade is a 16 contour and they are bringing it up in elevation to 18, it is about 2'. He said it is all extremely close to what is existing. Mr. Pritchard asked for a cut and fill analysis; Mr. Morse to provide an analysis. Mr. Morse said at the most they are filling about 2' around the building.

Ms. Joseph said the Board will condition the light standard shown on the lighting plan, standard, dark sky, no lights shedding on other property.

Ms. Joseph asked the applicant to review the circulation, the Traffic report did not want signage, but how will the directional be handled. Mr. Morse indicated there will be signage and pavement markings. There is one way in and one way out, there is a crosswalk, and one-way signs directing traffic around the parking lot.

Ms. Joseph said she has some concerns about truck turning; the applicant shows a truck turning into 17 New Driftway, but they do not show a truck exiting. There is only a 15' radius; Mr. Morse said a delivery truck should be able to exit. Mr. Morse to provide a truck turning analysis.

Ms. Joseph said the landscape plan is standard.

Mr. Pritchard asked about snow storage. Mr. Morse explained there is a designated area on the plan for snow on the grass island. Ms. Joseph asked how the hydrant will be protected; Mr. Morse does

not imagine the plow driver will run it over, it will need to be shoveled out and it is outside the snow storage area. Ms. Joseph indicated it will be conditioned if there is not room on the site for snow it will be need to taken of site and legally disposed of. She also said it will be conditioned that snow storage is included in the Operation & Maintenance Plan.

No public comment.

Motion:

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for a Mixed-Use Building and Multi-family Building and Stormwater Permit in the Village Center and Neighborhood District – Greenbush Gateway District – Greenbush Village Center Subdistrict and Gateway Business District (VCN-GDG-GVC and GWB) until August 10, 2023 at 7:00 pm and to continue the time for action for filing with the Town Clerk until September 29, 2023.

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

**Form A - ANR Plan – 133 Clapp Road – Re-sign for Land Court Modifications
Assessor's Map/Block/Lot 24-2-28
Applicant/Owner: CDG Clapp Street LLC – c/o Gabe Crocker**

Documents

- Doc DRAFT Motion Form

Ms. Joseph indicated that Land Court has made some requests on the plan, mostly just verbiage, the boundaries remain unchanged from the original endorsement. She recommends the Board endorse the new plan.

Motion:

Ms. Burbine moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, MA Approval Not Required Land Court Worksheet, 133 Clapp Road by Shane M. Brenner, Professional Land Surveyor of Crocker Design Group, dated 5/4/2023 with revisions through 7/23/23 for applicant CDG 133 Clapp Street LLC, c/o Gabe Crocker as the division of land is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the public way of Thomas Clapp Road (a Scenic Road). Land Court requested changes to the original plan, but meets and bounds did not change.

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

Update on MBTA Communities:

Ms. Joseph indicated we have been working with a consultant, there have been 3 meetings.

- Current recommendation from the consultant
 - 18 units/acre in North Scituate Outer Village (NSOV), 17 units/acre in 3 other districts in Greenbush.

- Result is 1,275 units, required to have 1,239
- Result is different from MAPC, at 17 units/acre because parking area was not accounted for in their review.
 - Parking is deducted from land area
- Requested a couple of other scenarios
 - Scenario 1:
 - NRN and GWB – 18 units/acre
 - GVC and NS-OV – 16 units/acre
 - Scenario 2:
 - NS-OV and NRN – 18 units/acre
 - Other districts at either 16 or 17 units/acre

Ms. Joseph explained we are trying to look at the exposure in Greenbush; there are several sites that will have decisions and it is unlikely someone will go back and re-permit them. It is believed there are only 3 sites in Greenbush that are really available for development. In the NRN there is the Rousseau property; the NRN is the district where James Landing, Life Care and the Riverway are located. The property does have some issues, but it is prime for development; there are floodplain issues. The other site is the Mossing Museum site; is it unknown how likely that is to be redeveloped. Ms. Joseph said there are very few sites in the NRN that are likely to face redevelopment.

Ms. Joseph said we know we need to change the density in some places, the Town does not want to change other parameters, i.e. height, or granting a lot of bonuses, etc.

On September 12, 2023, Ms. Joseph and Ms. Lambert will be discussing the status of this with the Select Board.

Currently NS-OV allows 15 units/acre by-right and 24 by special permit; we need to change the density by-right to either 16 or 18. In Greenbush the NRN, GWB and GVC are 12 units/acre by-right and 24 by special permit. The NDTV district, right at the MBTA, cannot be counted because the zoning has a mandatory pedestrian frontage zone and the legislation does not allow for that. Ms. Joseph indicated that there was a meeting in March with our Town Legislators and we are waiting for some action; our Representatives are working to help us. Ms. Joseph said we are not the only community with this problem; you need to create an area that is vital that has services to make it vital. Ms. Joseph said the Rapid Transit Communities have to comply by the end of this year. She opined at this point we need to proceed like there are not going to be any changes.

Mr. Pritchard would not encourage development in the NRN right on the flood zone because it is only going to get worse. He opined we should focus on areas that are not susceptible to future flooding.

There was discussion that this is an exercise in unit capacity, the units may never be built.

Ms. Joseph also indicated the Town has a lot of excluded land, salt marsh, Zone A, etc.

Ms. Joseph said her first impression of going from 15 to 18 in North Scituate was not that bad and keeping 17 units/acre in Greenbush. Ms. Joseph will ask for another scenario to be run taking NRN down to 16 units; request 18 units in NS-OV, 17 units in GVC and GWB.

Mr. Pritchard said in North Scituate if the density increased the issues with infrastructure will still need to be faced for any development.

Ms. Burbine indicated she has heard there will be an article on the Warrant in April to fund engineering, etc. for sewer in North Scituate.

Mr. Pritchard said if they increase density in North Scituate they will need to size appropriately for sewer.

Ms. Joseph said we were looking at the exposure, but Mr. Pritchard did make a good point.

There was discussion about the number of stories allowed. Currently the zoning allows for 4-stories or 40'; but just because it is allowed does not mean the piece of land can accommodate it.

Ms. Joseph also indicated she has asked the consultant to look into the affordability component; currently Scituate has a 20% affordable component and the MBTA legislation only requires 10% affordable. If Scituate stays at the 20% requirement the Town may have to do an economic feasibility analysis.

Ms. Burbine feels the Town is being penalized for doing the right thing; Ms. Joseph said the Town is being penalized because it is not about affordability it is about housing. The mandate is about housing. The Board is trying to make sure the character of Scituate is maintained.

Minutes

Documents

- Meeting Minutes 7.13.23
- Meeting Minutes 7.18.23

Ms. Burbine moved to approve the meeting minutes for July 13, 2023 and July 18, 2023.

Ms. Lewis seconded the motion; a vote was taken, and was unanimously in favor. Mr. Pritchard did not vote for the July 18, 2023 minutes.

Accounting

Documents

PO #2400587 (\$553.90)

Ms. Burbine moved to approve the requisition of \$533.90 to Horsley Witten Group for peer review services for Seaside at Scituate.

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

Liaison Reports:

Planning and Development – reported by Ms. Joseph:

- Update on Alternate Member
 - 2 applications received
 - Posted in the Coastal Mariner
 - Posted on Social Media and will repost
 - Interviews planned for August 24th meeting
- Dan Fennelly to come to the Board to speak about CPC projects
 - Ms. Joseph does not recommend providing a support letter
- Small Cells being withdrawn
- Local Action Units have been recorded for Drew
 - Flyer is out for the lottery
 - Working on as-builts
- 12 Carriage House Way – Swimming Pool
 - Board requests they attend a meeting
- 93 Elm Street – Lots 5 & 6 – submitted modification
 - Change house and more turnaround for a driveway
 - Stormwater is being updated and peer reviewed
 - Board does not need to see so long it meets all same requirements
 - Ms. Joseph to handle internally
- Laurelwood Lot 4 – modification
 - Underground chambers vs. retention basin
 - Being peer reviewed
 - Ms. Joseph to handle internally
- Laurelwood Lot 5
 - Lot has been sold
 - Pre-con scheduled for next week
 - New plan was conditioned prior to building permit with the sequence of construction
 - Asking for a sequence of construction so drainage and the house can be done at the same time.
 - No silty water is allowed to leave the site
- Traffic scope - need comments from the Board
- 334 CJC Hwy
 - Worked with Town Counsel for Stormwater permits for Lots 2 & 3
- Stormwater Public Hearing next meeting
 - Making administrative changes to the Regulations
 - 53G and 53G1/2
 - Town Counsel advising to get done as soon as possible
- Town Counsel opined the Planning Board needs to establish Regulations
 - ZBA and Conservation have regulations
 - Would formalize things like “peer review”
- Current Lead Town Counsel is leaving, will be assigned a new Lead Counsel from Murphy, Hesse, Toomey, Lehane.

Documents

- Email to the Board from Shari Young dated 7.21.23 with meeting agenda 7.27.23.
- Email to the Board from Karen Joseph dated 7.21.23 with meeting materials for 33 New Driftway/7 MacDonald Terrace.

- Email to the Board from Shari Young dated 7.24.23 with DRAFT meeting minutes for 7.13.23 and 7.18.23.
- Email the Board from Karen Joseph dated 7.24.23 with materials for 33 New Driftway/7 MacDonald Terrace.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 7:40 p.m. Ms. Lewis seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Clerk
Date Approved: August 10, 2023