

SCITUATE PLANNING BOARD MINUTES July 9, 2020

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

- 7/9/20 Planning Board Agenda

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

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 Special Permit for Mixed Use Development in the Village Business Overlay District – 14-16 Old Country Way
Assessor's Map/Block/Lot 48-2-56 and 57
Applicant/Owner: 14-16 Old Country Way LLC, Robert Proctor, Manager**

Documents

- PDF 2020.07.02_Site Plan – Old Country Way
- PDF 3711 CVR LTR 7-6-20
- PDF 3711 Mounding Analysis RED
- PDF 3711 resp sewer comments 5-7-20
- PDF 3711 Site Plan 5-26-20
- PDF 3711 Site Plan 6-22-30
- PDF 3711 SWR RPT 3-20-20 RED
- PDF 3711 WS 3-20-20
- PDD resp to WRC Comments 7-7-20
- PDF 3711 SP

- PDF 200413_14-16 Old Country Way_Planning Board rev 2
- PDR 200615_PeerReview_Letter_Scituata_PB_14-16 Old Country Way
- PDF Application
- PDF Clarification Letter 6-5-20
- Email from DPW sewer RE: 14-16 Old Country Way
- Email from Janet Bernardo – Porous Pavement – DEP Stormwater Handbook clarification
- PDF Summary Results of Drainage Calcs
- VBOD Zoning Requirements
- Email from WRC 14-16 Old Country Way
- PDF ZBA Decision 14-16 Old Country Way 6-2019
- Jpeg. Google Earth overview of site - provided at meeting
- Doc Purpose of Zoning Bylaw – provided at meeting

Attendees: Jeff DeLisi, Attorney; Paul Mirabito, Ross Engineering; Robert Proctor, Applicant
Virtual Attendees: Janet Bernardo, Horsley Witten, Town's Consultant

Ms. Burbine read the legal posting for the record.

Ms. Burbine read the comments from town departments concerning the project at 14-16 Old Country Way:

- Water Department
 - Domestic service line to be installed – size TBD
 - Fire main and service lines will require inspections
- Conservation Commission
 - Notice of Intent has been filed with Conservation, NOI is pending approval
 - Resource areas have not been agreed upon at this time
- Water Resource Commission (WRC)
 - Property is located within 150' of a tributary that runs to the Town's drinking water supply – classified as Zone A with a no disturbance buffer zone
 - Activities for earth movement or disturbance, vegetation removal or cutting and construction/placement of any permanent structures are prohibited.
 - Project for 14-16 Old Country Way contains all prohibited activities
 - Town should follow section 520 of zoning bylaws
 - Items that need to be addressed if plan moves forward
 - Subsurface recharge systems need to recharge the first inch of rainfall from roof top run off
 - Proposed businesses are prohibited in the Water Resource District and Zone A, such as commercial printing and paint – Section 520.6
 - Applicant needs to show availability and feasibility of disposal methods for any toxic or hazardous wastes
 - Applicant must send specification for permeable material planned for the driveway
 - Long term Pollutions and Prevention Plans and the Operation & Maintenance plan mention de-icing agents which cannot be stored on site – Section 520.6

- Applicant should specify low water, drought tolerant landscape elements in order to decrease the amount of irrigation and pesticides needed on site
- Fire Department
 - Need to confirm the subsurface system under the access of the driveway will support the weight of fire department apparatus
 - Curb radius of the driveway will need to meet fire department access road requirements
 - Buildings will require full NFPA13 Sprinkler systems and monitored fire alarm systems
 - A fire hydrant needs to be installed near the driveway entrance – on the 12” main running along Old Country Way
 - Dedicated 4” line for fire protection on the plan for the mixed use building, a line is needed for the 4 unit residential building
 - NFPA 241 plan is required for fire safety during construction
 - Fire Department Knox box key boxes for both buildings are required
 - Submittal of Tier1, 2, 3 Documents and review of the fire alarm and sprinkler drawings are to be reviewed with the subcontractor.
 - Fire Department needs to be present for the systems acceptance testing
- Sewer Comments
 - Each buildings line should have an external cleanout
 - All new manhole structures shall be furnished with water tight frames and covers
 - Rubber boots are required for manhole penetrations
 - More information on the warehouse building is required
 - How many pieces of hardware/appliances will be connected to sewer within the building
 - Expected use for the space
 - Lots at 14-16 OCW have only been assessed a single betterment, a sewer connection fee of \$16,000.00/unit is owed for all connected buildings at the site beyond the first unit.
- Water fees are required

Mr. DeLisi confirmed that all members of the Board are present as well as the Town’s Consulting Peer Review Engineer. He provided an overview of the project.

- Property is located in the General Business and Water Resources Protection District
- Currently on the property are 2 single family pre-existing non-conforming dwellings
- Lot approx. 29,249 sq. ft.
- 44% of lot classified as impervious area
- Frontage on two streets – Old Country Way and Jenkins Place – Mr. DeLisi showed an image from Google Earth of the property
- Jurisdiction of Town Boards – Planning Board, Conservation Commission and ZBA
 - ZBA reviewed and provided findings with regards to the Water Resource Protection District (WRPD)
 - Conservation has pending Notice of Intent
- 2017 Plan shown by Mr. DeLisi
 - Concept presented to ZBA
 - 2 buildings on the property with by right uses under Section 420.3S

- Buildings are 7,500 sq. ft. with 22 parking spaces around the perimeter of the lot
- Plan was presented to the ZBA, but abutters did not like the plan
 - Plan revised after working with abutters
- Alternative design being proposed tonight
- Mr. DeLisi showed the current plan dated June 22nd Plan
 - Mr. Mirabito indicated there was a revision to Sheet 3
 - Comments updated to be consistent with the proposed uses
 - Removal of 2 parking spaces in front
 - 2 proposed buildings with 3 shops
 - Total square footage 3,808 sq. ft. – 300 sq. ft. of commercial is located on a 2nd floor
 - Six 2 bedroom dwelling apartments, 800-820 sq. ft. in size – rental apartments
 - All but 8 spaces for parking on the inside of the buildings
 - Landscape plan provides hedge row and screening and a privacy fence on the side yard, easterly side yard
- Mr. DeLisi provided a slide of the purposes of the zoning bylaw in the district
- Parking on the site – 1 space/bedroom – there are 12 bedrooms
 - Bylaws allow for the Board to reduce the parking to 1.5 spaces/dwelling unit
 - Site would require 9 or 12 spaces, Board to determine
 - 7 parking space located inside between the 3 shops
 - Tradesman could drive their trucks into the garage spaces
 - Mr. DeLisi referenced section 760 of the bylaw for parking requirements
 - 19 spaces are being provided – they believe they are required to have 15 or the alternative of 12 spaces
- Village Business Overlay District (VBOD) - bylaw that was in effect in 2019
 - Zoning on this property had been frozen
 - Applicant has chosen to come under the zoning in effect in 2019 - VBOD
 - Reasoning they had done significant work on the designing and planning of the site prior to the zoning changes
 - Mr. DeLisi opined there are no “findings” the Board would have to make with the VBOD zoning. The bylaw contains revisions that the applicant meets - design review and site plan standards and that 20% of the site remain as open space
 - Applicants’ calculations of open space more than 50% is open space
 - Density calculation, 16 units/40,000 sq. ft. which would be 11 units; they are proposing only 6 units.
 - Not seeking any bonus density
- Purpose of the bylaw – Section 560.1
 - Promote opportunities for local and small scale businesses
 - Encourage alternative modes of transportation, public transit, bicycling, walking
 - Provide for higher density mixed use and multi-family housing in the village areas
 - Provide for a variety of residential housing development
 - Increase the production of affordable low to moderated income households
 - Encourage efficient provision of necessary utilities and community services

- Exempt from providing affordable housing units
 - Units are rental units, 800 sq. ft. and will provide an alternative for people

Ms. Burbine asked the applicant if they would be removing the 10' wide pavement strip that is on Jenkins Place. Mr. DeLisi said he sees no reason why not to remove it, but asked Mr. Mirabito to respond. Mr. Mirabito indicated it is poured concrete that has been there for some time, he said that in the event of an emergency, the fire department could use it for access; he said that 10' is more than enough room for an emergency vehicle and had discussed that with the Fire Department. Ms. Joseph indicated that there is no mention of that in the comments that were just read into the record from the Fire Department. After some discussion, the applicant indicated the landscape plan shows the area will become a grass area.

Mr. Mirabito reviewed the plan;

- The front building has four residential units and the larger building in the back has three shops on the lower level and 2 apartments on the upper level.
- 8 outside parking spaces
 - 4 in front of the proposed residential units – spaces marked on the plan 2,4,6,8
 - 4 spaces are in tandem with the garage, one space inside the garage, one space outside the garage
 - 4 spaces on the right side of the rear building – spaces marked on the plan as 9, 10, 11, 12
- Stormwater management system, Sheet 4
 - Rear of the 4 residential units on the left hand side of the property there are infiltrators that will pick up the roof runoff from the rear portion of the roofs
 - Clean runoff that will be recharged back into the ground
 - Under the driveway there are heavy duty drainage and infiltrator units that will collect the water coming off the roofs of the residential units and from the front portion of the rear building
 - Far right side narrow strip is a bio-retention basin
 - Water from the pavement will flow into and be treated and redirected into the recharge units in the driveway and then recharged into the ground
 - Rear of the larger building infiltrators will collect the water from the rear half of the roof of the larger building
 - There are three recharge units
 - Behind the residential units, behind the larger building, units in the driveway
 - Mr. Mirabito indicated the unit in the driveway would handle the weight of the fire truck as mentioned in the Fire Department comments received tonight.
- Buildings will be tied into the existing sanitary sewer in Old Country Way (OCW) and the existing water main
 - New water main in the street is 12" ductile iron vs. 8" cast iron

Mr. Mirabito indicated they have responded to the comments from the Sewer Department, WRC and just received comments from the Fire Department. He indicated the revised plans address some of the comments.

Mr. Pritchard asked who owns the 24" pipe. Mr. Mirabito indicated it is owned by the applicant and had been installed by previous owners over time. It collects water from a seasonal stream that comes from the old landfill that was on Stockbridge Road years ago and it directs water into the pond. Mr. Mirabito indicated they had the pipe camera'd to get the correct location for the survey. The pipe is going to stay in place as it is. Mr. Pritchard wanted to know who is responsible for the maintenance of the pipe; the pipe is on private property. Mr. DeLisi said the applicant is happy to grant the Town and easement to be able to maintain the pipe and will also put in the Condominium Documents that the owners have a responsibility to maintain the pipe. He opined the pipe has specific municipal benefits and the Town should have full rights to be able to enter the property and maintain it in the event that it is not maintained by the association and puts affirmative responsibility on the owner.

Mr. Pritchard asked about the feasibility of the construction and location of subsurface recharge system #1 that is right next to the pipe. Mr. Mirabito said "yes" they can do the construction there. Mr. Pritchard asked if the infiltrators and the pipe are at the same elevation. Mr. Mirabito said the infiltrators can be placed where they show them without having any impact on the pipe; the pipe is a closed system, the pipe is about 2' deep. The location of the pipe will have to be staked out at the time of construction, the applicant will need to think about how aggressively they can mark the pipe to make sure it is not disturbed. Mr. Mirabito indicated that they may need to use a snow fence to mark the area when there is foundation and drainage work being done. The pipe is about 3" thick. Mr. DeLisi described the path of the pipe; it goes underneath OCW and lets out on the opposite side onto private property into a culvert where the water runs to another pipe goes underneath Country Way to the pond.

Ms. Burbine asked why the chambers couldn't be moved to the left so that it would not be anywhere near the pipe. Mr. DeLisi said they could do that if the Board would like, but the WRPD has certain criteria and the applicant would need to look into it further.

Mr. Pritchard said he is concerned about the pipe especially during construction activities. There needs to be enough engineering review to make sure that no problems are created. The Board is flagging this item.

Mr. Mirabito explained sheet #5 which shows the proposed utilities, roof leaders going into the different recharge areas, the outline of the pavement, the 24" pipe on the site, and the connection of the units being tied into the sanitary sewer going into OCW and the rear building has a separate connection going into OCW. He indicated the sewer line is about 15'-17' below ground, but there are 2 existing stubs they will tie into that are about 6' below ground, thus they have two separate connections. The water main will come in from the street, there is a proposed hydrant between the front building and the rear building, and the applicant will discuss the request for another hydrant at the front of the driveway.

He explained the remaining sheets of the plan show cross-sections and different details for the contractors once building begins.

There was discussion about the uses of the shops. Mr. DeLisi read the language of the zoning bylaw and said that the shops will be a shop of a carpenter, electrician and/or maybe a plumber. He referenced the property at Ford Place (Mr. O'Keefe) and said it would be a similar concept to the area. He showed a concept photo of the architectural drawings.

Ms. Joseph indicated there are specific uses that are prohibited in the WRPD, strictly prohibited are painting, woodwork preserving, furniture stripping, photographic processing, printing and some others. She noted that on the Ford Place development there was some signage that indicated certain uses are prohibited. The Board and applicant agreed there would need to some kind of signage. Mr. DeLisi said he needs to think about what the appropriate vehicle would be for making restriction since the form of ownership is single ownership, but there can certainly be signs and notes on plans and conditions of approval if the project is approved. Mr. Pritchard asked if it would be precluded that these units could not be turned into condos and sold independently. Mr. DeLisi was not sure at this time; he would have to discuss with his client about a deed restriction that they can't be sold. There was discussion that a homeowner's association should not be ruled out if the ownership were to change in the future.

Ms. Bernardo, the Town's Consulting engineer, indicated they were asked to review compliance with the zoning bylaw and the stormwater management for this proposed project. She said they provided a letter to the Board dated June 15, 2020 with their findings and recommendations. She referenced the letter and indicated that the applicant has recently submitted revision to the plan and she has started to review them. She reviewed comments from the peer review letter.

- Pg. 4 - Façade Treatment – comment regarding use of awnings or canopies over windows; glazing of the windows.
 - Applicant does not think this project should have awnings
 - Planning Board should decide the importance
 - The Board said this issue should be referred to the Design Review Committee (DRC)
- Pg. 6 – Setbacks required from residential district or residential zoning use
 - Plans have 16.9' setback, but revised plans now have 20' setback
 - Applicant has indicated they will provide a detailed landscape plan
- Pg. 7 – Percent of impervious area and referencing permeable pavement
 - Applicant has indicated they will not be using permeable pavement
 - Applicant will be removing the 10' strip of concrete
- Pg. 9 – Open Space requirement to be confirmed – requirement is 20%
 - Applicant has indicated open space is 50%
- Pg. 10 – Parking - 19 spaces indicated
 - Architectural plan shows a parking space in the back of the larger building, but it does not seem realistic - pg, 10 of 11 of the architectural plans
 - Garage doors in the front and back of the building
 - Applicant believes that is an error and will rectify the architecturals, the site plan drives the design
- Pg. 12 – Request applicant to include information about anticipated number of people on the site, various notes to be added to the zoning requirements for the projects
- Pg. 16 – Water Resource Protection District (WRPD)
 - Applicant will comply with WRPD uses and prohibited uses
 - Pg. 18 – requirement that the infiltration system have a 3' separation to the bottom of the maximum ground water elevation
 - System 1 – showed less than 2'
 - Applicant has revised this system and is now compliant
 - System 2 – showed less than 3'
 - Applicant still needs to revise this system will still be an issue
 - System 3 – showed 4'

- Pg. 21 – adding note that there not be hazardous materials on the site
- Pg. 23 – Stormwater – there are 10 standards that the applicant must meet
 - 2 issues the Board should be aware of
 - System 3 – showing an exfiltration rate of 8.27 versus the other systems showing 2.41, which is slower.
 - Applicant is proposing to remove the native soil (loamy sand) and replace with good quality clean sand that would have a higher infiltration rate.
 - Allowed in many places, but in Zone A this would increase the speed the water would get into the ground and the ground water.
 - According to Mass Stormwater Handbook, infiltrating in a Zone A is prohibited, however, because this is a redevelopment project and they are reducing the impervious area the applicant maybe allowed to infiltrate.
 - Ms. Bernardo has reached out to MassDEP for clarification on the topic, answer is pending
 - Concern is if there was ever any kind of spill, oil, gas, etc., we don't want it to get into the ground water and then into the drinking water supply.
 - Applicant may also want to get clarification from MassDEP on what is allowed
 - Permeable pavement is not allowed in Zone A
 - Containment of a spill is a critical topic – how is the applicant proposing to do this
 - She opined the roof runoff would probably be okay, roofs are generally clean
 - Concern is the parking area – this area is going to a sand filter bioretention area – this does provide a lot of treatment but it still infiltrates into the ground
 - Ms. Bernardo opined there is a better way to contain a spill
 - Lining the sand filter and lining the bioretention, outlet pipes could have caps on them
 - Ms. Bernardo said the biggest concern is keeping any potential spill out of the ground water
 - There were minor technical pieces they are able to manage and minor comments for the Operation & Maintenance (O & M) Plan and Erosion Controls that the applicant is able to address
 - Critical that the O&M plan is followed and is reported on annually – report should be submitted to the Planning Board or Conservation Commission

Mr. DeLisi responded by saying that normal tributaries are not piped through private property; he opined the good news is the protection of the water supply is the pipe itself and in worse case scenario any spill so long as it is contained on the site will not infiltrate into the tributary because the tributary is a pipe.

Ms. Joseph also referenced Ms. Bernardo's review report and noted the applicant does not show any bike rack or pedestrian facilities and asked that the Board should opine on that and reminded them that with the Drew project there will likely be a sidewalk on Old Country Way. Mr. Mirabito said there is a bike rack shown on sheet 3 of 10, by the side of larger building. Ms. Joseph clarified that there is a contribution being made for a sidewalk. There was discussion about the Community Preservation Committee (CPC) sidewalk project from Ronnie Shone's half way to the Driftway and ultimately to be finished around the corner to this property. The sidewalk completion has been put into the Capital Plan. The intention is to complete the sidewalk and make connections in the area of this project on Old Country Way, the Brewery, etc. There has not been discussion as to which side of the street the sidewalk would land on. Ms. Joseph said the applicant needs to make sure accommodations are made for pedestrian activity.

Ms. Joseph also commented on the erosion control plan and opined that 2 construction entrances is not necessary for a site this size; the entrance directly across from the culvert should be eliminated.

Mr. DeLisi commented with regard to an early comment regarding weight of trucks going over the pipe; a public street currently goes over the pipe and it seems to hold up. Mr. Pritchard said the question was about the load in the driveway over the stormwater system not the load going over the 24" pipe.

Mr. Pritchard asked the applicant to point out where the pavement starts and stops, what is the edge of pavement. Mr. Mirabito referenced Sheet 3 and said the 22' is for the driveway going to the garages for the residential units and the main drive coming in from OCW is 20' which goes to the rear building and the back and includes spaces 9, 10, 11, 12. The applicant said they would send in a plan sheet that speaks specifically to the edge of pavement to make it more apparent.

Mr. Pritchard also said the Board needs to make sure they are looking at the bike rack, etc. and asked what the total water usage is, what are the gallons being pulled from the town; will the shops need to use more water than the residential uses. Mr. Mirabito said that they shouldn't be and that residential use is typically the highest use, if it was a septic system it would 110 gallons/bedroom, total of 12 bedrooms would be 1,320 gallons/day, but when on town sewer it is based on 75-85 gallons/bedroom/day so it would be less. Mr. Mirabito indicated the applicant would provide an estimated flow.

Ms. Lewis asked about the road that goes to Jenkins Place; the road will be removed and become grass, plans would be revised to show that change.

Mr. Bornstein discussed the ZBA decision; the impervious surface noted in their finding was a reduction from 44% to 42.5% due to the use of pervious materials, i.e. permeable pavement, we have since abandon the use permeable pavement. Mr. DeLisi said in 2018 when before the ZBA the applicant was proposing permeable pavement, ZBA was fine and after the decision was filed it was found that MassDEP does not accept permeable pavement as permeable because it is difficult to maintain, it gets clogged up. In 2019 when they were before the ZBA they did not propose permeable pavement. He opined that similar language was used from the 2018 decision and put into the 2019 decision. Mr. Bornstein said he needs the calculations for what is impervious/pervious; new calculations are needed to show there is a reduction of impervious surface from the 44% that also include the removal of the concrete strip that goes out to Jenkins Place. The Board would also like to see what is being counted as impervious; the applicant will provide a colored plan to denote what is counted. Ms. Burbine read from the 2019 ZBA decision that required there should not be

more than 40% impervious surface post-development. There needs to be clarification surrounding the ZBA decision.

Mr. De Lisi said the WRPD requires no more than 20% impermeable area so long as there is infiltration; the calculation of impermeable area of the site is approximately 44%, he said that when they were before the ZBA a number was just thrown out, 40% so that the applicant had room to work with the plan. He said the plan before the Board today is the plan that was before the ZBA in 2019 and the same language was used from the 2018 decision perhaps in error. This needs to be clarified.

Mr. Bornstein said Ms. Bernardo mentioned many of his concerns with the stormwater management and the containment of a spill so he will defer to her review. But, he also said he was concerned that the project fit the neighborhood and that the concerns of the abutters are addressed; he mentioned massing of the building as a concern and should be part of the discussion for Design Review Committee. He wants to make sure that through site design and architectural design they mitigate any impacts to the quality of life to the residents. He noted a third floor in the architectural for the residential units is shown, but there is no floor plan and he would like clarification on what is on the third floor; given the water and sewer capacity issues in the town the Board needs to make sure that no more bedrooms can be added to the third floor space or any other space in the units.

Ms. Lambert's spoke about the non-conforming uses in the bylaw coming within 150' of the edge of the tributaries and said the non-conforming uses pre-existed the 2014 adoption of the present requirements so everything is grandfathered in from 2014, philosophically she has a problem with that. She said we adopt these requirements because it is better; it is a learning curve. She knows the peer review says it is okay going within the 150' buffer, but she opined the non-conforming use of the Section 6 Findings have been liberal and the ZBA should be held in check.

Mr. Pritchard asked about the space on the second floor elevation of the building with shops that is not designated to be anything located between the two residential units, what is the space for. Mr. DeLisi said it is part of the commercial unit, but not proposed to be anything except for storage space; they will label it accordingly.

Ms. Bernardo pointed it had been said that only part of the site is in the Zone A, but Oliver MassGIS indicates the entire site is located within the Zone A. Mr. DeLisi said they would address that issue.

Public Comment:

Ms. Becky Malamut resident at 100 Pratt Road and Water Resources Commission said that the Commission would also like updated calculations for impervious area. She commented on the discussion about the ZBA decisions and references to permeable pavement and said that in the April 2020 drainage system calculations reference permeable pavement parking; there needs to be clarification about when the permeable pavement is included, when it was not and what the new impervious cover will be. She said this should be brought back to the ZBA. She asked if the bioretention areas have been adjusted for infiltration as a result of losing the permeable pavement. Ms. Burbine indicated the Board has the same concerns and is on top of the issues.

Mr. Steve Monteiro, resident at 9 Jenkins Place, commented it will be a total of 12 bedrooms with parking underneath for 4 vehicles, but where is the rest of the parking. Ms. Burbine indicated the parking is in tandem, one car in the garage and one car outside. He asked the distance between the

back building/garage and his adjacent property; there is 20' between the properties. Mr. Proctor said the reason for the garage door on the backside of the building is to break up the back of the barn; Ms. Burbine indicated this would all be resolved at Design Review. Mr. Monteiro said that the neighborhood does like how the plans look and the changes that have been done in the last two years; they appreciate the Board helping them and he has been attending meetings for the last two years and they like what is being proposed.

Ms. Elaine Monteiro, resident at 9 Jenkins Place, asked if there will be anything done where the garages are because they will lose any privacy they have in their yard. There was discussion about the number of floors that will be above the garages/shops; there will be one floor above the garage bays. She asked what will be done to provide privacy. Ms. Burbine said there will be a landscape plan and there will be vegetative screening for privacy. Ms. Monteiro wants to make sure they maintain privacy.

Mr. Thomas Keenan, resident at 16 Jenkins Place, opined that when they first started coming to the meetings the applicant was going to change the use, but the use is already residential, he asked for clarification on the discussion about "non-conforming use". He thought garages and things like that were allowed because that is what their land was and the applicant didn't have to build residential houses. He questioned what "are they opening themselves up to". He said he likes these plans much more than previous plans; he felt there was some bad math going on with what was being counted as permeable and non-permeable with existing roofs and new roofs, he is concerned that if the applicant is allowed some non-conforming thing someone could turn them into something else in the future. Mr. DeLisi said the discussion about non-conforming uses has to do with two items in the WRPD. First is the 150' buffer strip. Currently there are uses that occur within the 150' buffer strip that are closer to the pipe than the proposed uses; that is a non-conforming use and the ZBA needed to agree to allow the applicant to have the buildings within the setback. Secondly, there is an issue with non-conforming use with respect to the amount of impermeable area on the site. Currently there is 44% and they are seeking to reduce that, they are going to provide updated calculations. He further said they are not proposing to put any use that is NOT allowed in the zoning district and referred to the table of uses in the zoning bylaw. The applicant is proposing a mixed use of residential dwellings and uses that are allowed so that it's not a non-conformity, the use of the property that contains 2 dwellings on less than 30,000 sq. ft. is presently a use that is not allowed in the zoning bylaw at all. It was discussed that all roofs are impermeable and the strip of concrete to Jenkins Place will be removed and turned into lawn; it will not be a through way.

Mr. Bornstein made one additional comment about the setback for infiltration best management practice (BMP) and the biofiltration system, noting that the bioretention system is only 2.5' from the abutting property line and wanted to ensure that is an allowable standard because it seems very close.

Ms. Bernardo responded typically for the subsurface infiltration systems there should be 10' between the areas and the bioretention area does not infiltrate as much as the other system so it can be closer to the property line. She said she is looking at that, as something that should be lined so that it does not infiltrate at all. She opined the larger systems should definitely be further from the property lines, but the bio area is probably okay.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Mixed Use Special Permit in the Village Business Overlay District for property located at 14-16 Old

Country Way until September 10, 2020 at 7:00 pm and continue the time for action until October 30, 2020.

Ms. Lewis seconded the motion; 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

**Accounting
Documents**

PO #2100175 (\$4,245.00), PO #2000510 (\$2,285.00), PO #2010604 (\$174.40), PO# 2100055 (\$1,200.00), PO #2100216 (\$1,973.10)

Ms. Lambert moved to approve the requisition of \$1,200.00 to Merrill Corporation for peer review of basin and test pit at Curtis Estates, for \$174.40 to Karen Joseph for mileage for site visits, for \$2,285.00 to Harriman Associates for consulting services on the Master Plan, for \$4,245.00 to Horsley Witten Group for peer review of 14-16 Old Country Way, for \$2,253.60 to Chessia Consulting for peer review of 18 Ford Place, for \$125.00 to Chessia Consulting for peer review of 0 Country Way 0 Rear Country Way Residential Compound Development, for \$1,973.10 to Horsley Witten Group for peer review services for Seaside at Scituate.

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

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

Board Re-organization and signatures

Documents

- Liaison List – Charter Review Committee – Rebecca Lewis

Liaison Reports:

CPC – reported by Ms. Burbine:

- Town meeting voted to purchase Mordecai Lincoln Property
- Maxwell Trust property has finally closed

Planning and Development – reported by Ms. Joseph:

- Next meeting another new project before the Board – 18 Ford Place
- A couple of ANR's
- Curtis Estate Lot Releases

- Surety Reduction
- New Project scheduled for late August
- Mann Hill scheduled for early August
- Stormwater Permits and site visits
- Design Review – will meet July 27th
 - 1 hour/project
 - 14-16 Old Country Way
 - 18 Ford Place – multi- family – on Planning Board meeting for 7/23
 - Meeting will be at EOC
 - Late August application will also have to go to Design Review
 - All special permits
- Board is advertising for an Alternate Member
- Board needs to determine when to resume the Master Plan
- North Scituate Zoning
- No response from DPW on the Water Study

The Board discussed Well 18 B, permanent residuals disposal well, that was presented at Town Meeting in the Capital Plan. There is question if that will need to come before the Board; does it need Site Plan Review. Follow up with DPW.

Documents

- Email to the Board from Karen Joseph dated 7.1.20 with meeting materials for 14-16 Old Country Way
- Email to the Board from Shari Young dated 7.6.20 with meeting agenda for 7.9.20
- Email to the Board from Karen Joseph dated 7.6.20 with meeting materials for 14-16 Old Country Way
- Email to the Board from Karen Joseph dated 7.7.20 with meeting materials for 14-16 Old Country Way
- Email to the Board from Shari Young dated 7.8.20 with meeting materials for 14-16 Old Country Way
- Email to the Board from Shari Young dated 7.9.20 with amended agenda for 7.9.20

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 9:05 p.m. Ms. Lambert 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: July 23, 2020