

SCITUATE PLANNING BOARD MINUTES August 25, 2022

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

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

Members absent: Bob MacLean, Alternate

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. Ms. Lewis joined the meeting at 6:35 pm.

Documents

- 8/25/22 Planning Board Amended Agenda

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

Discussion – Senior Center Parking – 333 First Paris Road

Documents

- PDF TC filed Decision 9.18.19 – includes Scenic Road (AMENDED) and Closing of Public Hearing
- PDF Scituate Parking Assessment Final
- PDF Senior Center - Parking Data Collection Logs 080221 to 013122
- Email dated 5.27.22 from Steven Kirby

Attendees: Linda Kelly (Hayes), Director of the Senior Center

Ms. Lambert indicated there was an offline meeting held with representatives from the Food Pantry, Recreation Department, Ms. Lambert, Ms. Joseph and Mr. Boudreau to discuss the current parking situation. Ms. Lambert opined not a lot was accomplished at the meeting; she walked away from the meeting understanding the Food Pantry was going to look at their hours, Recreation was going to have their parking on the side of the building near the road and did not recall the Senior Center offering anything, but it was asked that the Senior Center hours be reviewed. Ms. Lambert referred to condition #16 in the Planning Board Decision which discussed the coordination of programming with the Recreation Department to minimize conflicts with parking and traffic. She further said that when the Senior Center came before the Board the idea of a kitchen and lunch being served everyday was never discussed, which she opined causes a huge amount of activity. She stated that Mr. Boudreau requested that staff park across the street at Central Field which Ms. Lambert said she has not seen any cars parking there.

Ms. Kelly said it has been a little slower lately and unpredictable so there hasn't been a need, but she said she would park there and they have been when it has been necessary.

Ms. Lambert said the Board needs to make an evaluation and assessment if there is a need for additional parking. Ms. Lambert said she has an issue with it because it is a campus environment and nothing has been presented; it is a Town building and everyone needs to cooperate. She said until she sees a full plan for the full Gates complex she does not see a need for additional parking.

Ms. Kelly said they have been doing their best to mitigate what they have been seeing and summer has been a little slower; they are mindful of schedules going on in the building, i.e. food pantry that was not there when the building opened. She said it is only two days a week and primarily one morning, Tuesdays when they have run into issues. She said Recreation has not been in conflict, but they must be mindful of when the third lot can be used for overflow parking.

Ms. Lambert referred to another meeting where Ms. Kelly presented the parking and said the back lot that was shown looks like a fire hazard and does not look like there can be two-way traffic. Ms. Kelly said it would be questionable on a good day, but the Food Pantry uses it for their drive-thru and cones are put up. She said that has been one issue. She described a recent incident that caused concern, but said it is not typical, but it is difficult to police the parking.

Ms. Kelly said they have been offering valet parking, the vans are usually out all at the same time and the staff is normally parking behind the building and they can move their cars to Central Field when necessary, but in the winter months that will not be ideal. Ms. Lambert spoke about her own experience of having to park and walk to her office. Ms. Kelly said she can't take a left hand turn out the driveway and has to go 5 minutes out of her way just to take left to come to Town Hall; she said it is not ideal, but they have been doing it.

Ms. Joseph indicated she has not had the chance to email Mr. Hunt from the Food Pantry to see if changes were going to be made after the offline meeting; he did agree that the food pantry is supposed be parking at the church across the street and said he would reiterate that to all the volunteers. Ms. Kelly said in their defense many volunteers may be coming to the Senior Center for lunch before they go work at the pantry or have some other connection and feel compelled to park onsite; she said they have not argued that. Ms. Joseph said that fire access has to be maintained so that everyone's health safety and welfare is protected.

Ms. Joseph said the parking is everybody's parking it is not specific; the Planning Board is going to have to decide if the traffic study numbers warrant additional parking or does not warrant additional parking at this time. That is the basic decision the Board has to make.

Mr. Pritchard said the original conversation about the Senior Center was about "what is the plan for building a campus". He opined that a plan has not been presented and until that time he does not believe the Board should change any parking because there is no idea about what the future is going to look like. He opined it was made very clear when the Senior Center was approved and he feels someone needs to look at the big picture and how this fits into the big picture. He said he understands it is frustrating, but there doesn't appear to be any planning; there are a series of initiatives to take over the pieces and spaces and hope it all works out.

Ms. Lambert read from the Senior Center Decision which stated it was a compromise in the absence of a comprehensive plan.

Ms. Burbine agreed with what Ms. Lambert and Mr. Pritchard already said.

Mr. Bornstein asked Ms. Kelly if she anecdotally thinks there is not enough parking. Ms. Kelly said she might not go that far because there are days that are adequate, but it impacts their growth and planning for future use of the building. They will really have to look at how they handle events and programs. Mr. Bornstein said it has already been said that to-date there have been no conflicts with Recreation.

Mr. Bornstein said he feels the same about the idea of a campus; in this day and age we don't really want to create more impervious surface with parking; there might be a higher and better use for the land. He asked since COVID is for the most part over has there been any attempt to promote carpooling or alternative transportation during the peak time periods. Ms. Kelly said no, but the van used for picking people up has been busier. She said there has not been a concerted effort to encourage people to come together and perhaps there should be; they have tried to mitigate it and have put up signs to encourage those with more mobility to park further away. Mr. Bornstein said he would encourage more of a soft solution, i.e. vans, promoting drop-offs, buddy system, etc.

Mr. Bornstein also commented the area between the track, the tennis courts and the Gates school has no formal stripping and questioned if it is being counted for parking. Ms. Joseph confirmed the area is being counted as available parking spots. Mr. Bornstein opined it could be improved and there are also circulation issues. Ms. Joseph said those issues may have been discussed, but it was not part of the Senior Center project.

Ms. Burbine said lunch has a big impact and the Board did not know that a chef was going to be hired. She asked if there is any way to flex the schedule between 11-12pm. Ms. Kelly said not always and sometimes it is just the overlap; they may be able to move lunch. She said Monday, Wednesday and Thursday are really the busy days. She said she is sorry that the idea of the chef and having lunches was not conveyed when the Senior Center was being permitted; it was always the plan just was not always in the budget. Ms. Burbine said that is unfortunate because programming could have been established around lunchtime. Ms. Kelly said she recalls the Architect drawing up numbers and those numbers were based on having lunch, but may have anticipated 30 people not 50 people, but lunch was included. Ms. Burbine opined no additional parking is needed at this time.

Ms. Lambert said at this point without a comprehensive plan for the Gates Campus she does not anticipate any additional parking to what is called the Senior Center lot, but in reality, is town parking. Ms. Burbine seconded the motion.

Mr. Bornstein said the only caveat is if there is serious health and safety issue it would have to be re-evaluated.

Ms. Burbine said a memo should be send to DPW to request stripping of the lot. Ms. Lambert said that would be taken under advisement.

Ms. Lambert said the parking will remain the same until there is further development. Ms. Burbine seconded; the vote was unanimously in favor.

Minutes

Documents

- Meeting Minutes 8.11.22

Ms. Burbine moved to approve the meeting minutes for August 11, 2022.

Mr. Bornstein seconded the motion; the vote was unanimously in favor.

Accounting
Documents

PO #2311522 (\$150.80), PO #2311522 (\$66.30), PO #2311522 (\$68.90)

Ms. Burbine moved to approve the requisition of \$150.80 to Gatehouse Media for legal ad for 14-16 Old Country Way, for \$66.30 to Gatehouse Media for legal ad for 20 Mann Hill Road, for \$68.90 to Gatehouse Media for legal ad for 109 Elm Street, Lots 1 & 2 (aka 115 & 111 Elm Street), for \$158.60 to GateHouse media for 803 First Parish Road and Laurelwood Lot 3.

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

Liaison Reports:

ZBA – reported by Ms. Lambert:

- Meeting for the 40B was immediately continued until October 4th
 - Peer Review had too many unanswered question
 - Not in anyone's best interest to review at this time
 - More work needed

Select Board – reported by Ms. Burbine:

- Presentation on water
 - Proposal has a 6-bay garage to store 6 water trucks
 - No real comments taken
- \$400K from Toll Brothers
 - One Select Board member proposing to use a portion of the money for bathrooms at Egypt Beach.
 - Discussion about who will maintain it, keep track of it, who will be responsible
 - Ms. Burbine said the money should go to the field proposed at Central Park
 - Mr. Vegnani felt CPC has the money to do it and does not need anymore
 - Another Select Board member said it was always nice to be able to use other funds that are available and not have to take it out of CPC
 - No decision was made

There was discussion about he Town Charter that is going to Town Meeting. Ms. Lewis said genders are addressed and somethings are brought up-to-date that are in other towns' charters; not much was changed in terms of any bodies powers, no functions we eliminated.

**Continued - Public Hearing – Site Plan Administrative Review and Special Permit for A Multi-family Building in the Village Center and Neighborhood District Greenbush Gateway District - Greenbush Gateway Business Subdistrict (VCN-GDG- GWB) and Stormwater Permit – 7 New Driftway
Assessor's Map/Block/Lot 53-05-37F**

Owner: Joan Auciello, Tr of Shepard Way Realty Trust
Applicant: Drift-way LLC

Documents

- PDF 22-150 Landscape Plan – Conservation 2022-08-02 R1
- PDF 218-153 Drainage Compiled
- PDF 218-153 Site Plan R3
- PDF 2022-07-21 Progress 18-37 Pitched Roof
- Floodplain Volumes by Triangulation (Prisms)
- PDF Response to PB Review 3
- Doc REV 4
- Doc Summary of Issues 8-17-2022
- Doc DRAFT Motion form for 7th Continuance
- PDF 7 New Driftway 2nd Traffic Review 8.22.22

Attendees: Frank Polak, Developer; Eric Schoumaker, Engineer; Philippe Thibault; Architect; John Chessia, Town's Consulting Engineer; Jeff Dirk, Town's Traffic Consultant

Ms. Joseph indicated new information was submitted beyond the deadline and will not be a focus of discussion tonight; there are materials the Board has not seen.

Ms. Lambert reiterated the timeline of when materials need to be submitted; she said this is the seventh continuance and it is time to "fish or cut bait, we really need to move along".

Mr. Schoumaker described the revisions made since the last meeting.

- Permeable paver pathway to the patio added
- Added detail to the landscaping plan
- Modification to the roof drain outlets
- Modifications to the construction plan
- Cut and fill analysis submitted to the Board

Ms. Joseph indicated Mr. Chessia should review some issues he thought were still outstanding. She also said there are issues the Board is going to have to opine on in order to move the project forward.

Mr. Chessia indicate he provided the Board with a summary of the review.

- Property is in the Salt Marsh and Tide Land Conservation District - requires a special permit
- Property is in the Floodplain and Watershed Protection District - requires a special permit
- Stormwater
 - Site sits on the bank of the First Herring Brook, fairly steep bank, water from roof gutters going to the brook
 - Recommends a level spreader be added to minimize the potential for erosion
 - Recommends soil testing at the patio area and permeable pavers
 - Ensure that calculation for final architectural plans roof gutters, etc. are provided and can be conditioned prior to a building permit

- Not clear who is going to be responsible for inspection of the erosion sediment controls
 - Board may want input to make sure it is a qualified person
 - Recommend in the Operation & Maintenance Plan if the rain garden is flooded during a coastal storm that it immediately be replaced
 - Plants in a rain garden are typically freshwater plants not saltwater plants
- Issues the Board needs to make determinations on
 - Water Resource Protection District (WRPD)
 - Site is in the Zone A, Zone II and close to the water supply
 - Board needs to determine if recharge should be allowed
 - Board needs to determine if site is re-development or new construction
 - Impacts if recharge is required or not
 - Currently there is nothing on the plan for recharge
 - Regulations in the WRPD require recharge
 - There is less impervious surface, to some extent they are promoting recharge even though there is no physical recharge device
- Section 750.8 Development Site Standards
 - Handicapped spot is in the front setback – Board needs to opine if acceptable
 - Board should review screening and/or buffers
 - Parking areas inside the garage look tight, Mr. Dirk will comment on further
- Section 751 Low Impact Design Standards
 - Board needs to opine if this is a new development or redevelopment under the zoning bylaws
 - Does the Board want the plan to show which trees are to be removed and which are to remain in the area that is currently wooded which he pointed out on the plan
 - Nothing is shown specifically on the plan
 - The Board can ask for trees over a certain size
 - Relief requested under 751.3.E
 - Impervious area in the front yard exceeds what is allowed, probably because of the access and parking layout
- Recommendation to review the amenities space
- Section 580.7
 - Last meeting street trees were asked to be moved off the rotary on to the private site
 - Counted 13 new 1 existing that would probably meet the requirements
 - Looks like the required number of trees could be met including some of the existing trees, the applicant may be able to take credit for some existing trees
 - Board needs to determine what trees are acceptable
- Small comments were made on the rates of gutter calculations
- Reducing the impervious surface, but roof runoff is not really being treated

- Under a redevelopment that would be okay
 - It could be treated easily, but the Board either has to accept it or ask for it to be treated
- Stormwater Handbook says a rain garden should not be put in a shellfish growing area
 - Mr. Chessia does not know the reason behind it
 - Mr. Chessia opined a rain garden is better than having pavement
 - The Board is going to have to agree or disagree

Ms. Lewis asked how often the area where the rain garden is floods. Mr. Chessia opined in a coastal storm it can flood; he pointed out the FEMA flood line on the plan in relation to where the rain garden is located. He said it would be a 100-yr storm.

Mr. Schoumaker pointed out the elevations on the plans and said it is being modified and they are tying into a retaining wall; they are providing a betterment.

Ms. Joseph opined the Board needs to decide on a few things; the level spreader and recharge. She indicated a comment was received and forwarded to the Board from the North and South River Watershed Association; the Board has to decide if this is a new project or a redevelopment project. Under Conservation standards it is a redevelopment, but the Board needs to decide if the level spreader should be increased and there should be recharge. She believes the NSRWA is advocating for both.

Mr. Schoumaker addressed the comments on recharge; he pointed out the limit of the Zone A on the plan and said infiltration and Best Management Practices are not allowed in the area so that handicaps them for any kind of recharge. He said when soil testing was done the area was deemed not suitable for infiltration due to the underlying marsh soil found. He said they are dealing with that and as a redevelopment project under Standard 7 they are allowed to meet the recharge standard to the “extent practical” they believe they are doing that with the reduction in impervious surface. He said the site has gone from 57% impervious surface to 27%, the pavement has been halved and that is their explanation for the recharge and design of the site.

Mr. Pritchard asked if the roof leaders recharge or are they surface runoff; they are surface runoff. Mr. Chessia said the level spreader has a little recharge, but would spread the flow over the bank so it does not concentrate and hopefully would not cause an erosion spot on the bank.

Ms. Joseph said the North and South River is asking for some of that water to be recharged, but technically this is a redevelopment project and technically the standards have been met, but it is up to the Board.

Ms. Lambert asked the Board if they think it is a redevelopment or a new build.

Ms. Burbine opined it is a new build.

Mr. Bornstein opined it is redevelopment, there is a large parking lot and a structure and the parking lot is being reduced and the new structure is comparable in size; it is a major redevelopment.

Mr. Pritchard said “redevelopment “needs to be defined.

Ms. Lewis opined it is a redevelopment because there was something already there.

There was discussion that the building it not being redeveloped, but it is coming down and will be all new. The terms of redevelopment are defined in the Wetland Protection Act and the Board does not specifically have to deal with.

Ms. Joseph said there is not supposed be recharge in the Zone A; she opined there can be some compromise; a longer level spreader would help with some recharge and would help with protection against erosion on the bank. She opined she would want to see the redesign of the level spreader now as would Conservation prior to any type of approval.

Mr. Chessia explained what the level spreader would look like and how it would work; when it fills up it would overflow and spread out.

Mr. Pritchard said the Board wants to do whatever they can to protect the brook.

Ms. Lambert opined one of the challenges is that wetlands is a Conservation issue and both Conservation and Planning are granting permits; Conservation is requesting that the Board view this as a redevelopment under their wetlands definition. She opined she would view this a redevelopment.

Ms. Lambert, Mr. Bornstein and Ms. Lewis opined it is a redevelopment; Ms. Burbine opined it is a new development and Mr. Pritchard opined it depends on what the definition of “redevelopment” is and if Conservation is looking at it like that, then he is fine with it.

Ms. Joseph asked the Board if they want a bigger level spreader and want to try and have more recharge. Ms. Lewis asked how else do you get more recharge. Ms. Joseph said the only way would be to have some of the roof water recharge into the level spreader. The applicant will have to come up with a solution.

Mr. Schoumaker said they can’t infiltrate in the Zone A so they will have look at how to do it with roof leaders, he is not sure it is possible. He also said there is recharge with the rain garden; the can not take credit for the rain garden, but some rain water will seep through the mulch and the top soil provided in the rain garden and will leach into the soils beneath; they are not allowed to claim any infiltration under the Stormwater standards.

There was discussion about the rain garden with respect to the earlier comment that it should not be near a shellfish growing area. Mr. Chessia said under DEP Regulations and the Town Stormwater Regulations if the impervious area is decreased a site can be considered a redevelopment; under redevelopment it says you need to the maximum amount of recharge feasible, but there are very limited options on this site. He opined the rain garden is a feasible solution in a “maximum feasible compliance” type of solution that it can fit within the definition. It provides treatment and really provides treatment for runoff of the parking lot. He said there are limited things that could be used; he does not know why it says it cannot be used near shellfish, the only obvious thing is bacteria, but he doesn’t think any bacteria would breed there, but he does not know for sure.

There was discussion about how the current building was ever built; it was built before the Wetlands Protection Act back in the 60’s. Zoning was much different.

Ms. Joseph recapped what the Board had agreed to. The Board is okay with the rain garden in terms of the shellfish, the increased size of the level spreader and recharge.

Mr. Pritchard addressed a comment from the NSRWA about an increased vegetated buffer and the feasibility of it with a level spreader. Mr. Chessia said you typically want grass; planting bushes and trees can make it concentrated and the goal is to have it flow out at a very small amount. He is not sure exactly what NSRWA is looking for, but guesses they would want as much vegetation of trees and shrubs from the bank as far back as possible.

Mr. Dirk, Traffic Engineer said the Board should have 2 letters, one from November of last year from their initial review; the applicant submitted and a response to the comments. Mr. Dirk reviewed some site plans dated August 1 and architectural drawings specially focusing on the garage level dated July 31st. He indicated a letter dated August 22nd was submitted as a follow up to the November review.

- Transportation perspective
 - 19 units – not a significant generator of traffic
 - Will produce less than 10 vehicle trips at peak hours
 - 1 additional vehicle every 6 minutes
 - A capacity analysis was not submitted
 - Project does not rise to the level that type of analysis is needed
 - Analysis focused on site lines and safety related to access of the site
 - Site lines meet or exceed what is required for the speed of traffic along New Driftway
 - Queues may back up beyond the driveway
 - But, a left turn going into the property will not create backups in traffic as heading to the harbor area
 - Project is a low impact project
- Site Plan
 - Internal circulation
 - Parking lot parallel to New Driftway with two-way circulation
 - Parking garage below the building
 - Parking garage
 - Deficiencies in the dimensionality of the garage
 - Space within the drive aisle is not wide enough to accommodate parking maneuvers
 - Minimum of 23' behind an 18' or 19' parking space is required for vehicles to get in and out of the space
 - Current dimension does not meet the criteria
 - Creates operation issues
 - End parking spaces, there is no space to cut the wheel
 - Can only go back and then need to do multiple point turning maneuver
 - Spaces are not functional
 - There should be bump out in the garage where there are dead end parking spaces
 - Garage door needs to be 20' wide for two-way circulation
 - Currently only 13' wide

- Parking spaces right by the garage door no way to really get in them with a 13' opening
 - Creates safety issues
- Surface parking lot meets dimensional requirements
 - Questioned how/where loading and delivery activities would take place
 - Questioned how/where trash pickup will take place
 - Asked for a narrative on how those activities will be managed
 - Narrative not provided
 - Asked for a vehicle turning analysis for a Scituate Fire Vehicle and a trash and refuse truck and a moving van
 - Narrative would provide guidance as to how vehicles are moving
 - Turning analysis was provided for a single unit truck, i.e. U-Haul moving van, small trash/recycling vehicle
 - Analysis showed that a truck is not able to get into the site or maneuver into the site without completing multiple back up maneuvers
 - Truck backs up onto the curb or over hangs the curb both the front and back
 - Typically, would not be allowed
 - Overhang is about 2' over the curb
 - If acceptable to the Board would need to condition that all snow would need to be cleared from the parking lot, but also 2' from the curb
 - Fire Department vehicle turning analysis was not provided
 - That is the baseline analysis; needs to be provided
 - Need to show health, safety and welfare that the truck can maneuver around the site
- Site needs to be revisited and redesigned so vehicles that are required for life safety and those that need to service the building have access.

Mr. Dirk opined the access, circulation, and life safety access are threshold items that need to be addressed before they can determine if there is sufficient parking because parking spaces are directly related to their functionality. He said once the threshold issues are addressed then the review could continue.

Ms. Joseph asked if the items submitted yesterday address all the issues that Mr. Dirk discussed; she said that Mr. Dirk has not been provided the new information.

Mr. Schoumaker said he believes the issues have been addressed in the latest submittal.

- Removed a landscape island and replaced with additional hatching
- 18'x 18' loading space is now 22' x 18'
 - Made turning for the box truck easier
 - Creates a 3-point turn

- Provided template of the box truck driving into the parking area and backing into the loading space
- Email from the Deputy Chief Mark Donovan from May saying there were no concerns with Fire Department access to the site
 - No further action was taken
 - The Applicant thought all was buttoned up with comment from Fire Department
 - Ms. Joseph will forward the new information to the Fire Department to ensure comments are still valid.

Ms. Joseph asked if there is a write-up of how trash and moving trucks will be handled. Mr. Schoumaker said that an SU30 moving vehicle can be accommodated; he said they showed the vehicle navigating around the property successfully. He said he included quick narratives for both and explained how they would maneuver and that both the garbage trucks and moving trucks can adequately move around the site.

Ms. Joseph asked how residents will be told they are limited to a certain size moving truck. Mr. Schoumaker said they would not be told, he opined the parking was designed within the constraints of the bylaw.

Mr. Pritchard asked if issues with the parking garage had been addressed. Mr. Thibault indicated the parking has been redesigned to accommodate a 24' driving aisle and the turnouts at the end of the driving aisle and the door is now 20'. He said 16 parking spaces have been maintained and changes did not affect the perimeter.

Ms. Joseph suggested there be a \$10,000.00 contribution for traffic mitigation to be put towards a fund for traffic and pedestrian studies in the greater Greenbush area. The Planning Board will control the fund to be spend with the Planning Board, Town Planner and Town Administrator approval.

Ms. Joseph indicated the office received an agreement with Mr. Polak and CIL for the affordable units that will have to be sent to Town Counsel.

Ms. Joseph discussed the density bonus, she asked what Mr. Polak is prepared to offer. Mr. Polak deferred to the Board. Nothing further was discussed.

Ms. Joseph indicated she received some information about waivers, but had not circulated it to the Board.

- Parking in the front yard – handicapped space
 - Board will allow
- Increase in impervious area in the front yard; supposed to have no more than 25%
 - Mr. Schoumaker said there is about 35%, but it is a reduction from what is currently there
 - Went over the 25% threshold to provide a handicapped accessible ramp
 - Board said it is reasonable
- Waiver for the height of the building in terms of setback/stepback
 - Building is 39.5'

- Mr. Schoumaker indicated the building is generally 34.98' at a distance of 25' from the right-of-way the building can be 35'
 - He does not believe a waiver is required

There was discussion about the height of the building; Mr. Thibault said the building is complying except for the front gables, the midpoint is at 39.5'. He said this was discussed at the Design Review meeting and they opined it was insignificant because as an architectural feature the gabled ends were preferred. He said it is the mean of the slope as it comes to the gables. Ms. Joseph asked if it was all dimensioned on the architectural. Mr. Pritchard asked how much are they exceeding the maximum height at the gabled ends; roughly 4'6". Mr. Thibault discussed how the building is measured and they are exceeding it just on the face of the building.

Public Comment:

Ms. Woods, Executive for NSRWA, said she wanted to follow up with the letter that was submitted to both Planning and Conservation. She opined one of the options suggested to avoid having the roof runoff going so close to the river or into the river is to change the geometry of the building to increase the setbacks from the brook; it could be moved further away. In addition, NSRWA also suggested a level spreader. She did acknowledge there are improvements being made over what is there today. She encourages the rain garden and thinks the garden can remove bacteria from the runoff. She said the wildflower area is very nice and asked if it could be extended to the area between the brook, building and parking lot; anything that could be kept as native would be a benefit. She questioned the use of a grass that requires mowing and will encourage dog walking and pooping; NSRWA is trying to protect the area as much as possible, to clean the water and cool it down. She asked if there is anyway to consider not making the parking lot asphalt and making it permeable pavers or concrete. She asked about irrigation wells and said the river is already getting depleted. Ms. Lambert said the Board can condition wells and the Board is not encouraging and new wells.

Ms. Woods asked if the property is subject to Chapter 91 as a field tideland based off the discussion of the soils that were found on the site, i.e. marsh type soils. Mr. Chessia said that is research the Board could request, it is in the district of the Saltmarsh and Tideland for the Town. Ms. Joseph asked the applicant to provide information if its field tideland prior to the next meeting.

Mr. Schoumaker explained it was about 10' deep where they started to see the peat and any sort of marsh soils; he opined it would make sense when developing a parking lot in the area or any kind of development, where you have to dig deep enough to establish a subgrade. He said there were a couple of pockets in the parking lot, but opined the soil dug up was reused in other locations as a means of cutting corners. He said it was very irregular and was generally 10' deep where there was any evidence of soils that would have been consistent in a marsh.

Ms. Woods said she is not sure what the process is for determining a field tideland, the applicant would have to check with DEP.

Ms. Joseph discussed the timeline for when the applicant thinks they will be ready with new material to be submitted with the deadlines in mind. The information needs to be submitted 4 weeks before the deadline.

Mr. Schoumaker said on his end he needs to add a level spreader and that should not take long; the information for the garage has already been updated, the applicant should provide the information for tideland prior to the next meeting too.

Ms. Lambert said if the information is not submitted on time she will consider a denial.

Motion:

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for a Multi-family Building in the Village Center and Neighborhood District – Greenbush Gateway District -Greenbush Gateway Business Subdistrict (VCN-GDG-GWB) until October 13,2022 at 6:30 pm and to continue the time for action for filing with the Town Clerk until November 30, 2022.

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

Discussion/Vote – Surety Reduction – 48-52 New Driftway/Gas Backwards

Documents

- Doc Memo 8-18-22
- Doc DRAFT Motion Form Surety Reduction
- PDF Surety Reduction Request

Attendees: Aaron Cutler, Owner; John Chessia, Towns' Consultant

Mr. Cutler said he hopes to open as soon as they get power; they are tentatively planned to get the transformer installed on Tuesday and then maybe another month after that.

Ms. Joseph indicated there was a request to reduce the surety; she and Mr. Chessia visited the site she outlined what they think are difference and recommends that the Board reduce the surety to \$77,500 in either bond or cash and the other bond is to remain in affect until the new bond is received.

Motion:

Ms. Burbine moved to accept Hal Choubah's request on behalf of Petro Realty Corporation for the Site Plan Administrative Review/Special Permit/Stormwater Permit issued by the Planning Board dated 2/16/2021 for 48-52 New Driftway for a surety reduction from the existing bond # EACX141000242 in the amount of \$541,940 to \$77,500 based on the Board's consulting engineer's review of the surety estimate provided and the current site conditions including a 15% contingency. The existing bond shall remain in effect until a new bond or cash surety is provided.

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

**Continued - Public Hearing – Stormwater Permit - 20 Mann Hill Road
Assessor's Map/Block/Lot 27-7-9C
Applicant/Owner: Jason Schumacher**

Documents

- Doc DRAFT Motion Form for 2nd Continuance

Ms. Joseph indicated this is an immediate continuance because the materials were not submitted in a timely manner.

Motion:

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Stormwater Permit for 20 Mann Hill Road until September 22, 2022 at 7:00 pm and to continue the time for action for filing with the Town Clerk until October 28, 2022.

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

Planning and Development – reported by Ms. Joseph:

- Board received copy of proposed Common Driveway Bylaw, please provide comments individually
- Board received Findings of Fact and Conditions for 14-16 Old Country Way, please provide comments individually
- Approximate schedule received from Curtis Estates
 - Sidewalk in October
 - Paving in October
 - Additional Peer Review money received
 - Catch basins not collecting all the water they are supposed because they are not flush with the binder; they will be raised when the top course goes on
 - Told all the silt sacks were cleaned
 - Curb inlets; a small child could not fall through them
- Meeting set for September 8th to walk Mr. Banks lot to review patio, etc. as Curtis Estates
- No comments have been sent out regarding the other patio issue at Curtis Estates
 - Patio is definitely impervious
 - Town's Consulting Engineer has opined that nitro-gator joint sand is definitely not permeable, but concrete sand is permeable
- Board received Stormwater Permit for 5 Cold Brook, please provide comments individually
- DRT report sent to the Board
 - Lots of projects going on
 - Board concerned that some stuff goes back years and has not been wrapped up
 - Ms. Joseph will be discussing The Riverway with Town Counsel
 - Affordable units were never built, need to discuss Town's recourse
 - Property is owned by The Riverway Condominium Association
- MBTA legislation became final
 - Do not need to comply until December 31, 2024
 - Need come up with an action plan
 - Seminars to be held for the legislation, Ms. Joseph will be attending
 - May need to tweak numbers in some districts
- Next meeting or meeting after discuss zoning for Spring Town Meeting

- Some housekeeping issues
- Public Zoning workshop for Spring Town meeting will be in November

Ms. Burbine let the Board know that work on the train canopies in North Scituate is going to start this week.

**Continued - Public Hearing and Public Meeting – Stormwater Permit and Site Plan
Administrative Review – 109 Elm Street Lots 1 & 2 (aka 115 & 111 Elm Street)
Assessor's Map/Block/Lot 44-2-18
Applicant/Owner: Mark Richardson**

Documents

- PDF 20-289-115 & 111 Elm Street – Common Driveway – 8.10.22
- PDF 20-289-115 & 111 Elm Street - O & M -8.10.22
- PDF 20-289-115 & 111 Elm Street – Response to Peer Review Comments
- PDF 20-289-115- & 111 Elm Street – Stormwater Site Plan - 8.10.22
- PDF 20-289-115 & 111 Elm Street – SWP-8.10.22
- PDF 220817-2nd Per Review -109 ElmStreet
- Doc DRAFT Motion Form 2nd Continuance

Attendees: Greg Morse, Engineer; Mark Richardson, Owner; Janet Bernardo; Town's Consulting Engineer

Mr. Morse reviewed the plan for the Common Driveway and Stormwater.

- Common Driveway
 - Section 720.7
 - A – minimize vegetation disturbance on the site
 - Proposed common driveway is in area that is currently all cleared, it is lawn area, no trees are coming down
 - B – pavement width minimum of 16'
 - Proposed 16' width for the duration of the Common Drive
 - C – Common Driveway is not off a cul-de-sac or dead-end street
 - Not applicable
 - D – driveway has to be located within an easement
 - Easement has been included around the entire driveway including the emergency turnaround
 - E – 12" gravel base and paved top course required
 - Proposed cross-section is as required
 - F - limits the Common Driveway length to 1,000'
 - Proposed Common Driveway is only 150'
 - G – show runoff predevelopment versus post development is not increased
 - Provided stormwater report showing compliance
 - H - no septic system is allowed under the driveway
 - Neither lot has a septic system under the driveway
 - I - minimize visual impacts to abutting properties

- Abutting property at the top of the plan is over 100' from the common driveway
- Property at the bottom of the plan is Mr. Richardson's property
- Screening is proposed between the Richardson property and Lot 2
- J – emergency turn around needs to be provided
 - 20' x 30' turnaround
 - Correspondence from the Fire Department with approval
 - Separate turnaround adjacent to Lot 1
- K – site distance needs to be in accordance with AASHTO
 - At this location 155' of distance is required
 - Required distance is provided in both directions
- L – lot width needs to be 125'
 - Lot 1 is 145'
 - Lot 2 is 136'

Mr. Morse opined the peer review indicated the Common Driveway met all requirements of Section 720.7.

- Stormwater
 - Site disturbs approximately 39,500 sq. ft.
 - Portion where proposing the work is largely existing lawn area
 - Proposes 9,407 sq. ft. of impervious surface
 - Includes 2 new single-family homes and driveway surfaces
 - Each house has a roof drywell system
 - Gutters are directed to subsurface leaching chambers
 - Driveway is directed to a grass swale which discharges to a sediment forebay and ultimately to a rain garden
 - Plant list for the rain garden has been provided
 - Site is in WRPD
 - Complies with the 3' separation to ground water
 - Complies with 90 TSS removal
 - Complies with predevelopment versus post development rates
 - Included a construction phase and post-construction phase
 - O & M Plan has been included
 - Peer review comments have been responded to
 - New material was submitted and is still under review, comments at this time are all minor

Ms. Bernardo indicated a peer review letter was submitted on August 3rd and August 17th and they are in the process of reviewing information received from the applicant on August 22nd. She indicated remaining issues are relatively minor. She addressed two issues

- Grading along the east property boundary
 - Stonewall and small swale
 - Want to make sure when they are installed water does not go onto the abutting property.
 - Area is very tight
 - Make sure grades are accurately shown

- Need to make sure the contractor builds it the way it designed
 - The concept works, it just needs to be built correctly
- Project is not disturbing and acre, but is connected to another project and it is more than an acre so a SWPPP and NPDES permit will should be filed.

She said they will be providing the Board with a third review letter, but there is nothing significant that would need to be brought up.

Ms. Joseph said the applicant should review if a NPDES permit is needed, because it is a larger plan of development; it is part of 6 Form A lots that both owners signed-off.

Mr. Morse said it absolutely needs a NPDES permit and it will be filed with EPA.

Ms. Burbine asked if the emergency turnaround could be moved down a little so as not to look like it is part of the first house's driveway. Mr. Morse said he did not want to move it because there is swale for the drainage system right next to it. He said there is vegetation between the driveway and the turnaround. Ms. Burbine asked if the turnaround could be moved up to the second house. Mr. Morse said he understood there should be a separate turnaround, not one that would only be used by the second house.

Mr. Pritchard said there cannot be any spillover parking into the emergency turnaround.

Ms. Lambert opined there is interpretation for every project based on the site plan.

Ms. Joseph said she assumes the Board will want the area signed that there is no parking allowed; those that buy into the common driveway will need to understand that the area is a turnaround for emergency access to help the Fire Department and the residents.

Mr. Morse said this is a separate piece from the driveway; the Board has required previously approved projects and required signage.

Motion:

Ms. Burbine moved to accept the applicant's request to immediately continue the public hearing for the Stormwater Permit and Site Plan Review for the Common Driveway for 111 & 115 Elm Street (aka 109 Elm Street Lots 1 & 2) until September 8, 2022 at 7:45 pm and to continue the time for action for filing with the Town Clerk until October 14, 2022.

Mr. Bornstein seconded the motion; the vote was unanimously in favor.

The Board took 5-minute break.

Ms. Burbine moved to resume the meeting. Mr. Pritchard seconded the motion; the vote was unanimously in favor.

Discussion/Vote – 61 New Driftway – Applicant's request to discuss potential Conflict of Interest with Consulting Engineer

Documents

- Email dated 8.15.22 from Attorney Richard Henderson

Attendees: John Tedeschi, Applicant; Richard Henderson, Attorney; John Chessia, Town's Consulting Engineer

Ms. Joseph began the discussion by saying with all big projects she works with the Chair to determine which Peer Review Consultant is best suited for the project; for the project coming in for 61 New Driftway Mr. Chessia was selected and he would hire a traffic consultant. Mr. Tedeschi feels there is a conflict of interest. Town Counsel has advised that Mr. Tedeschi present his issue to the Board and the Board can decide; Town Counsel advised both parties should be allowed to speak.

Mr. Henderson said it is an issue of recusing oneself because of issues in the past where they have not gotten along. He said Mr. Tedeschi feels there is not a working relationship or that Mr. Chessia can be objective toward his project.

Mr. Tedeschi spoke of a story from 1997 where Mr. Tedeschi and Mr. Chessia had an argument about a project that Mr. Tedeschi was doing which abutted Mr. Chessia's property. He said he also did a subdivision project in Norwell where Mr. Chessia was the Peer Review Engineer and he feels he was abused because of the previous conflict. He spoke of another conflict where they had a discussion and Mr. Tedeschi felt the Mr. Chessia could not look him in the eye.

Ms. Lambert reiterated that the incident was in 1997.

Mr. Henderson said it goes to the issue of objectivity because of past experiences.

Mr. Chessia said it was along time, his recollection is not that clear. He said he feels he does an objective job, he deals with the engineers, not the owner's typically, he does these reviews all the time, a lot of people do not like what he does because he does a thorough job, he has already done reviews for the type of project Mr. Tedeschi is proposing, he uses the template that is already set up, there is nothing personal, he follows what the regulations say, he is professional. He thinks the Board knows him and sees him as a professional. He does not feel there is any issue.

Ms. Lambert asked if Mr. Tedeschi is saying that he will not get a fair review; Mr. Tedeschi said yes. Ms. Lambert said the Board follows the State statute and the Board picks the peer review engineer and picked Mr. Chessia because he understands the complicated zoning of the VCN District. He has done a wonderful job with everything he has done.

Mr. Tedeschi asked how many projects Mr. Chessia has done in the zone. Ms. Joseph said several, i.e. the gas station, 7 New Driftway and 18 Ford Place. She reminded the Board that Chapter 44 53G says it is a conflict of interest or the engineer is incapable/not qualified. The Board has to decide if there is a conflict of interest; she opined she does not see one.

Ms. Joseph indicated that Town Counsel did not see a conflict of interest.

Mr. Pritchard agreed.

Ms. Lambert agreed.

Ms. Burbine agreed, she said 25 years ago is a long time. She said Mr. Chessia does a wonderful job.

Mr. Tedeschi asked what the issue is with giving him another peer review engineer.

Ms. Lambert said it is up to the Board to pick the peer review engineer; right now, Mr. Chessia is the most qualified on this project in this zone.

Mr. Tedeschi spoke about the cost of a line item on the proposal for a traffic study at \$3,500.00 that he said he only paid \$2,000.00 for a traffic study. Ms. Joseph said the proposal allows for multiple reviews; the proposal includes three rounds of review to get all the comments addressed.

Mr. Pritchard said that is not part of the discussion if the fees are fair are not fair. He does not see a conflict of interest and the Board makes the decision who the peer reviewer will be; the decision is made on who is best for the particular project.

Mr. Bornstein asked if there is a professional code of conduct for a licensed professional engineer; Mr. Pritchard said yes, as he is also a professional engineer.

Mr. Bornstein said this discussion is asking him to make a judgement call about Mr. Chessia's ability to work as a professional engineer and he is not comfortable making that decision. He assumes Mr. Chessia is going to do his job to the standards of his profession.

Ms. Lambert said if he couldn't do his job he would not be hired. The Board appreciates his thoroughness, it provides a better project for the Town and gives assurances it has been vetted. There is one engineer that works for the applicant and one that works for the Board, it goes back and forth, it is distilled and put into a decision; that is how the process works.

The Board did not support that there was a conflict of interest; it was a unanimous vote.

Documents

- Email to the Board from Shari Young dated 8.19.22 with the agenda for 8.25.22
- Email to the Board from Karen Joseph dated 8.19.22 with meeting materials for 7 New Driftway, 20 Mann Hill Road, Senior Center, 109 Elm Street (aka 111 & 115 Elm Street), 48-52 New Driftway/Gas Backwards, 61 New Driftway
- Email to the Board from Shari Young dated 8.22.22 with AMENDED agenda for 8.25.22 and DRAFT Minutes for 8.11.22
- Email to the Board from Karen Joseph dated 8.22.22 with meeting materials for 7 New Driftway
- Email to the Board from Shari Young dated 8.24.22 with materials for 7 New Driftway.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 9:08 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Benjamin Bornstein, Vice Chair
Date Approved: September 8, 2022