

SCITUATE PLANNING BOARD MINUTES August 27, 2020

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

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

Members absent:

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

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

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

Documents

- 8/27/20 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 Administrative Review and Special Permit for Gas Backwards Building and on additional Commercial Space in the Village Cner and Neighborhood District, Greenbush-Driftway Gateway District – New Driftway Transit Village Subdistrict – VCN-GDG-NDTV – 48-52 New Driftway
Assessor's Map/Block/Lot 53-3-9 and 53-3-10F
Applicant: Petro Realty Corp
Owner: New Driftway 4852 LLC**

Documents

- PDF 01 VCN Site Plan Review Application September 2019 copy
- PDF 01 VCN Speical Permit Application Copy
- PDF 20-571 Civil Plans (Revised 7-24-2020)
- PDF 48-52 New Driftway Traffice Review 08.12.20
- PDF Attachment A – S750 Design Review Comm MU DEV Form Draft 2.0
- PDF Attachment B – S751 Low Impact Dev STDS Form Draft 2.0
- PDF Attachment C – S751 Outdoor Amenity Space STDS Form Draft 2.0

- PDF Attachment D – S753 Public Realm STDS Form Draft 2.0
- PDF Bldg Comm 6-29-20 Alt Bldg type
- Email to Karen Joseph from Bob Vogel dated 7.8.20
- PDF Draft Plans6.2020
- Doc REV 1
- Email to Karen Joseph from Sewer Department dated 7.30.20
- PDF Transmittal 48-52 New Driftway SPAR-SP
- Email to Karen Joseph from Water Department dated 7.15.20
- Email of support to Karen Joseph from Lois Tibbetts dated 8.20.20
- Email of support to Karen Joseph from Andrea Walker dated 8.21.20
- Email of support to Karen Joseph from Susan McGovern dated 8.22.20
- Email of support to Karen Joseph from Tara Gately dated 8.22.20
- Email of support to Karen Joseph from Terry and Jane Gallivan Lynn dated 8.23.20
- Email of support to Karen Joseph from Phil Braun dated 8.24.20
- Email of support to Karen Joseph from Jason Cameron dated 8.24.20
- PDF Sprillpreventcontainplan2
- Doc ki lett scituate planning board 48-52 new driftway project gas station 8.26.20
- Color images of tables from the Traffic report passed out at the meeting on 8.27.20

Attendees: Aaron Cutler, Petro Realty Corp.; Walter Sullivan, Attorney; Kathleen Keen, Traffic Engineer from VHB; Hal Choubah, Project Engineer via remote participation; Jeff Dirk, Vanasse & Associated, Town's Consulting Traffic Engineer via remote; John Chessia, Town's Consulting Engineer, via remote access

Ms. Burbine read the posted legal ad to open the public hearing.

Ms. Burbine read the department and abutter letters into the record.

- Abutter letters - Board has received 8 letters of support to-date from Scituate residents
 - Lois Tibbetts
 - Andrea Walker, 6 Newton St
 - Susan McGovern
 - Tara Gately, 106 Oceanside Dr.
 - Terry and Jane Lynn
 - Phil Braun, 19 Summit Ave.
 - Jason Cameron, Tilden Road
 - Janet Mullin
- Department Comments
 - Water Department is requiring the following:
 - Existing water service be terminated at the water main and the old pipe cut and capped.
 - Two new water services will need to be installed – one for the gas station/convenience store and one for the proposed restaurant.
 - Existing account will be used for one of the two service lines to feed the two units. A \$14,000.00 connection fee needs to be paid for the additional service. The size of the service lines needs to be appropriate for each type of use and is to be determined by the engineer or owner.
 - If needed, install appropriate backflow device after each water meter.
 - Service lines will need to be inspected by the water department.
 - Sewer Department:

- All manholes are installed with water tight manholes
- Provide a final set of as-built plans that includes final locations of utilities
- Provide a spill plan or SPCC
- Building Department:
 - If codes are met a building permit can be issued
- Comment letter from Mr. Kenneth Ingber, resident at 60 New Driftway, Unit 5 along with 28 other residents, 18 units stand in support of Mr. Ingber's letter.
 - Key Points/concerns discussed in the letter
 - Lighting
 - Light plan table with regards to AVG and MAX variation
 - Canopy lighting and height
 - Measured light
 - Headlights and reflection
 - Interior illumination
 - Public consideration
 - Signage
 - Hours of operation
 - Use
 - Noise
 - Traffic
 - Environmental impacts
 - Future development potential intended for Greenbush

Mr. Sullivan introduced the team and reviewed the proposal.

- Gas Backwards filling station
- Property has approximately 47,000 sq. ft.
- Currently has a cement block building - formerly the Auto Parts Store and Belsan Tackle
- Proposal
 - 4,000 sq. ft. convenience store along with 8 gas fueling stations, 4 islands
 - 1,500 sq. ft. food service component of the building with outdoor seating
 - 28 parking spaces with ADA Accessible spaces
 - Project located in the Village Center Neighborhood district and the New Driftway Transit Village subdistrict
 - Site is in need of an upgrade
 - Applicant has previously met with and received comments from the Building Inspector, Fire Department and Water and Sewer Departments
 - The Board has not yet received comments from the Fire Department
 - The applicant has consulted with the department and believes comments are forthcoming and will be supportive of the plan

Mr. Cutler gave background about himself and the project.

- In fuel business since 1993, family business fuel distributor started in '70's sold in 2001
- Mr. Cutler has ownership interest in 6 commercial properties all in MA, most are gas stations; he leases 2 other properties
- Retail development experience, redeveloped property in 2004 at the Hingham Rotary – gas station/convenience store
- Redeveloped parcel in Weymouth 2 years ago on Route 18 from a gas station and laundry mat to an Urgent Care building

- Resident of Scituate for 12 years raising 3 children here all attend Scituate Public Schools
- Lived on South Shore most of his life
- Bought commercial property in North Scituate - old Hingham Institution Building
- New Driftway project will provide a needed service to the area
 - Building will be attractive and well built
 - Planning to partner with Marty Block – owner of Greenbush Package Store (aka Reynolds)
 - Mr. Block will operate the Convenience Store
 - Store to provide a unique offering with local flavor
 - Partnering with local restaurants to provide additional food service in the store and the 1,500 sq. ft. adjacent space
 - Currently closest gas station to this location are about 3 miles away – Shell Station in the harbor, Gulf station in Norwell, Sunoco on 3A none with a convenient store attached.

Mr. Cutler thanked the Planning Office, other town departments and his team for work that has been done to get to this point. He indicated that Mr. Choubah has designed many gas stations and the architect for the project is PhaseZero out of Hingham and they have a lot of experience with convenient store design. They look forward to working with the Board and all stakeholders to come up with a finished product that everyone will be proud of.

Additional paperwork was passed out and Ms. Keen indicated the information passed out was included in the Traffic study that was previously submitted and distributed to the Board it does not include any new information.

Ms. Keen began by discussing Figure 2 from the traffic study.

- Aerial of the site location and surrounding roadways and intersections
- Traffic study considered an existing condition evaluation of the area
 - New Driftway and intersections adjacent to the site
 - Signal at Old Driftway and New Driftway
 - Scituate rotary and some additional areas
 - Collected traffic data at the intersections
 - Data from 2018, represents condition prior to COVID
 - Reviewed crash data at locations data prior to COVID
 - Developed future traffic volumes with the project in place and without the project in place
 - Applied and annual growth rate to the traffic volumes – general population and traffic growth, and layered on traffic from other developments generated in the area, i.e. Drew Development.
 - Estimated trips associated with this project – gas station/convenience and retail use and layered the trips onto the roadway network based on existing travel patterns.
 - She noted that data shows trips to gas stations are typically referred to as “pass by trips” – trips are already on New Driftway, they do not represent new trips to the roadways, just new trips to the proposed site.
 - Operational analysis of all three conditions
 - Traffic operations in today’s existing conditions
 - Traffic operations in future conditions without the project

- Traffic operations in future conditions with the project
- Project is expected to have minimal impacts
- Traffic associated with the project can be handled with the traffic network
- Proposed transportation improvements – Site Plans
 - Site access – consolidating curb cut into a single driveway access point – western edge
 - Exiting and entering movements will be separated by a median
 - Providing separate right turn and left turn lanes for exiting the driveway
 - Additional transportation mitigation has been proposed and will be covered in the next hearing.
 - Side walk across the site frontage will be connecting to the sidewalks on New Driftway and Old Driftway
 - Bicycle racks on the site

Ms. Keen indicated that there have been some changes made to the traffic study, but they will discuss those at a subsequent meeting once it has been peer reviewed.

Mr. Hal Choubah discussed the site plans.

- Proposal is and allowed use within the district
- Access to the site by a single driveway to the west, separated with a median
- Submitted the turning templates for the fuel truck delivery - approximately 60' long
- Submitted turning radius for fire truck - approximately 40' long
 - Has been reviewed by the fire department and recommendation will be coming
- Parking is at the back of the building – 28 spaces in compliance with the zoning bylaws
- 4 fueling islands, total of 8 fueling positions
- Traffic circulation is counter-clockwise around the pumps – as recommended in preliminary meetings
- No issue with access around the pumps
- Landscape plan – the applicant will be addressing comments from abutters and peer review
- Lighting plan - there will be no spillage of lighting over the property line
- Drainage
 - Currently there are no drainage structures or collection systems on site
 - All water from pervious surfaces sheet flows in a southerly direction to the rear of the lot
 - Drainage improvements will contain all the runoff on site by a closed range system
 - A series of catch basins and BMP's and structures that are equipped with oil/water separators and will discharge to underground filtration systems on site; this will eliminate any drainage on to adjacent properties.
 - 100% in reduction from the project
 - Roof runoff will be connected to the infiltration system
 - Applicant will be addressing comments from peer review
- Sign submitted to the Building Commissioner to make sure it complies with setbacks and size.

Mr. Choubah indicated they will be working to address comments from the Town's Consulting Engineer, Mr. Chessia and from all the abutters for their next submittal to be reviewed.

Mr. Dirk, Traffic Consultant for the town, indicated a review was conducted August 12th and provided to the Board. He highlight the major comments with regard to the site plan as discussed.

- Two primary issues:
 - Access to the property
 - The applicant has been asked to look at alternatives for access
 - Concerns with the proximity of the driveway with the adjacent property to the west.
 - Overlapping conflicts with exiting and entering the site because there is no physical separation
 - The small island does not extend into New Driftway so there is overlap in the turning movements of the driveways
 - Ideally the traffic would come out at the traffic signal
 - Asked the applicant to look at the proximity issue as it relates to safety and the overlapping turning movements.
 - Left turn movements into the site given the proximity to the traffic signal and the left turn lane in the eastbound direction
 - Vehicles turning left into the site may overlap with vehicles in the left turn lane
 - Truck turning analysis needs to be verified if the truck represents the fuel delivery truck
 - Wheelbase inconsistent with that of a fuel delivery truck
 - Applicant to rerun the turn analysis to show that a fuel truck can turn within the site and the driveway
 - Driveway needs to accommodate the fuel delivery vehicle
 - Center island not typically used in the driveway for a site like this
 - A right turning vehicle into the site would likely use up the entire width of the driveway
 - Presuming the truck would be coming from 3A and making a right hand turn into the site and left turn out of the site
 - Need to see what those turning maneuvers look like

Mr. Dirk said the proximity of the driveways and the truck turning analysis, particularly for the fuel delivery truck will define what the driveway design is going to be and what the internal layout of the site is going to look like; the applicant needs to provide those two pieces of information. This information will provide many of the parameters regarding site circulation, the size and location of the building, etc.

He indicated there were some additional comments made about the trip generation calculations from the site, the methodology and how trips were calculated, i.e. using the fueling positions or the square footage of the convenience store. The applicant has been asked to look at it both ways to determine the most appropriate way of estimating the amount of traffic. Parking calculations need to show the number of seats for the restaurant area both inside and out.

Mr. Dirk indicated they did receive new comments from the applicant and will be reviewing them.

Mr. Pritchard asked if there was any analysis for peak traffic flows with regards to the train and what happens at the intersection. Mr. Dirk indicated the applicant was not asked for peak flows with regard to the train. He opined it will have more to do with the timing of the traffic signal and the

queuing in the left hand. The applicant has been asked to provide data and design solutions on opportunities for left turning vehicles to get into left hand turn accommodations so westbound traffic (heading towards the rotary) is not being blocked on New Driftway.

Mr. Chessia, the Town's Consulting Engineer provided comments from his peer review.

- Retail use is proposed as restaurant will need associated parking
- Technically there are two lots, the building is straddling two lot lines and should be combined at some point.
- Sight lines should be drawn on the plans
- Plans do not show what trees exist on the site
 - Plan shows wood line only
 - Survey may have been done some time ago trees are shown that have been cleared
- Review site line from the driveway coming in.
 - Requirement that parking should not be seen from the front
- Plans should list the amount of planting space within the parking area
- Some more opportunities for planting in the back
 - Retaining wall along the Rousseau property
- Front yard treatment
 - Extension of the side walk; part of the sidewalk on the Driftway is a bike path and sidewalk proposed does not seem as wide, may have some opportunity
 - Side walk and then a green strip with trees and then more sidewalk
 - Applicant should list the pervious vs. impervious area; impervious area may be exceeded
 - Board should decide what they want it to look at, i.e. how is the landscape handled, etc.
- Driveway - leaving comments for the traffic experts
 - Driveway may need to wider
 - Requirement for secondary access – does not know where that comes from
- Outdoor amenity space is based on the size of the lot
 - Proposal is very short at only 500 sq. ft.
 - 4,000 sq. ft. would be required
- Drainage
 - Soils are good, sandy so there will be infiltration
 - Various little issues
 - Infiltration system is close to the canopy footings and retaining wall
 - Water eventually runs off to the First Herring Brook, the shell fish area
 - Area would be considered a critical area and needs to meet shellfish growing code

Ms. Joseph indicated that Mr. Chessia hit on most of her comments, but added

- Street trees are required
- Outdoor amenity space is required to be 10% off the lot
 - The seating area is good, but may need to be bigger or combined with some other space
- Signage – Scituate does not allow internally lit signs
- More details on the 1,500 sq. ft. retail/food space is needed
 - Advertised as retail space
- Bylaws standard for Gas Backwards has 2 driveways – Board needs to opine with one shown

- Asked DPW for clarification on where the bike path ends and what the width of the sidewalk in front should be

Board comments:

Mr. Pritchard thanked the applicant for presenting this project as a gas backwards and opined it will look much better coming down the Driftway; he thanked the applicant for trying to make this happen, seems there are many details that still need to be worked through. He opined there needs to be an integration between the bike path and pedestrian way; it seems a little too narrow to accommodate both pedestrian and bikes. He asked if additional information on the traffic would be coming for next time; Ms. Burbine confirmed yes.

Mr. Pritchard asked how the applicant will manage the potential for fuel spills so that they do not go offsite. Mr. Choubah answered that on the drainage system before the last discharge to the infiltration system there is an actuated shutoff valve, they also submitted the maintenance operation and fuel plan with the calculations and drainage report. He said the valve would be turned into a closed position and once it is closed it backups the drainage system along with the grading of the lot, the curbing along the southern side of the lot and the retaining wall if the fuel overtops the curb there is approximately 4,600 gallons of capacity that would be contained on site. He also noted that a fuel delivery truck has several compartments, the largest around 3,500 gallons. He said all the employees on site would be trained to shut off the valve, this is normal practice.

Mr. Pritchard asked if the canopy over the fuel pumps had some kind of fire suppression system. The applicant said absolutely, it is required by state law; there are also grooves around the fueling pad that would contain a small spill if it happened while fueling your car. Anything over that would be contained by the oil well separators and the deep sumps. Mr. Cutler indicated foam comes out of the fire suppression system not water; it is a fire retardant that then is mopped up.

Ms. Lewis asked about the size of the building; the building is 4,000 for the convenience store and then an additional 1,500 sq. ft.

Mr. Bornstein commented about there being two lots on this plan as mentioned by the consultant and asked if the intent is to join them. Mr. Sullivan said that the lots area all on one deed now; but at some point the lots were on a separate plans; since the current owner has had the property they are on one deed and for the purpose of title have already been merged. It is the applicant's intention to have them all as one lot and will do what is needed.

Mr. Bornstein commented that based off of some abutter concerns it makes sense to look into having a more robust landscape plan in the rear area; he echoes the opinions about adding street trees along the Driftway to help improve the aesthetic in the area and give a more semi-rural look. He would like to see a narrative or plan clarification on the amount of impervious space and open space/green space to meet the requirements of the bylaw and clarification on the percentage of space to be considered outdoor amenity space. He reiterated the importance of the Operations and Maintenance (O & M) Plan for the drainage system; in the event of a failure it is almost impossible to access the system; he wants to see in the O&M plan how things are going to be maintained in the event there is a failure; how they system could be inspected or verified in the field if it is under pavement. He also expressed concern with how to make sure that if there was a spill that went undetected how it would be verified the fuel has not gone into the subsurface infiltration system. He discussed the area where the crosswalk is located and pointed out on the side where this development is there is not stripping

for the crosswalk so it is somewhat awkward and there may be potential for improvement for signalization and crosswalk on the corner to create a full box at the intersection; three sides would be striped.

Ms. Lambert said she too is concerned about the left hand turns; it is becoming a very busy place, the rotary is busy all the time and so is Dunkin Donuts. She is interested to see the new traffic information.

Ms. Burbine said in the initial meetings with the applicant, she wanted to see the applicant work with the owners of 56 Driftway so that people can exit from that parking lot to the lights. She requested the applicant have it in writing to the Planning Board that the owners of that property are not willing to accommodate the applicant. Mr. Cutler indicated he has spoken with them and they are not willing to work with him; he will get that in writing. He noted they were very concerned about traffic coming in and out of their lot; he is willing to do it and will speak with them again. Ms. Burbine said it is about public safety; she suggested there could be an informal meeting to discuss the options as it is in everyone's best interest.

Ms. Burbine asked about the snow removal and storage. Mr. Cutler said they would normally pile it to the back and would remove it when it gets too high.

Mr. Pritchard asked about the layout of the sidewalk, curbing, etc. and if any of it is in the town's right of way and is the expectation that the town would build it. Ms. Burbine said no the town is not building it, but it needs to be determined with is in the right of why and what is not. The applicant will confirm next time.

Public Comment:

Mr. Ken Hirschfield ask what the elevation of the parking lot is and how deep the fuel tanks go down and what is the protection for those, i.e. 100 yrs. storm and the water table goes up what happens with the tanks and what are the safe guards.

Mr. Choubah indicated the tanks are 8' in diameter and have 2-3 foot cover on top, they are tied onto a concrete slab or rocks in the ground so they do not float; the tanks are also double wall fiberglass tanks with continuous monitoring systems, they meet all federal, state and local requirements. The tanks are buried 10-12' underground the parking lot is at elevation 10 or 12 pentagon.

Mr. Desmond Sullivan, resident at 261 Chief Justice Cushing Hwy, asked what the mitigation would be for the developers and is concerned the Greenbush community might be missing out on an opportunity to have more sidewalks, i.e. on Stockbridge, a park for the community. Ms. Burbine said the Board will take it under advisement.

Public comment was closed.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Site Plan Administrative Review and Special Permit for a Gas Backwards Building with additional Commercial Space in the Village Center & Neighborhood District – Greenbush Gateway District –

New Driftway Transit Village Subdistrict (VCN-GDG-NDTV) for property located at 48-52 New Driftway until October 8, 2020 at 7:00 pm and continue the time for action until November 30, 2020.

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

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

Minutes **Documents**

- Meeting minutes 8.13.20

Ms. Lambert moved to approve the meeting minutes for August 13, 2020.

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

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

Liaison Reports:

Affordable Housing Trust – reported by Ms. Lewis:

- Reviewed the DRAFT Housing Production Plan
 - Some comments from Ms. Joseph were taken others where not
 - Did not take out comments about sewer
 - Still working – will be doing another DRAFT
 - Will come before the Planning Board
- Ms. Joseph discussed Lawson Green
 - Moving ahead of schedule
 - Anticipate occupancy sometime in January vs. February

Traffic Rules– reported by Ms. Burbine:

- Working to get them to review PB plans, the Board needs comments

CPC– reported by Ms. Burbine:

- Accepting applications for funds for Annual Town meeting 2021

There was discussion about the Water Report; the Board still has not received the report and is very frustrated with not getting any answers.

Planning and Development – reported by Ms. Joseph:

- Drew project scheduled to start by the end of the year or early next year
- Seaside at Scituate moving along quickly

- Intent to pave Hatherly Road this year
- Asked for Surety Reduction
 - Ms. Joseph walked with the Consultants today, report to come
- Town meeting November 16th
 - Sign Bylaw
- Couple of streets looking for acceptance in the fall
 - Planning Board needs to find that everything is done and return all the Surety
 - Streets needs sign off from Board of Health, Conservation and Planning
 - There should be no outstanding conditions
 - Place holders are on the warrant
- Curtis Estates cannot have any more permits
 - Taxes for this year and last year have not been paid
 - There are 5 CO's and 5 under construction
- Next meeting will be scheduling 4 candidates for the Alternate Position

Form A – ANR Plan – 788 First Parish Road
Assessor's Map/Block/Lot 30-01-1C
Applicant/Owner: Mary C. & David M. Barros

Documents

- PDF 4113 – Filing Package
- PDF 4113-FMA
- Doc Transmittal 784 First Parish Road – ANR
- PDF 32163-13 CD Easement
- DOC Draft Motion Form A 788 First Parish Road
- PDF TC filed decn CDSP

Ms. Joseph indicated the proposal is to change and internal lot line to put a garage on the same lot as an existing house; there is one house to be razed. All lots have adequate frontage and there is access from a common driveway that was approved several years ago. The lots have access and frontage and recommends the plan should endorsed.

Motion:

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land in the Town of Scituate, MA 788 First Parish Road stamped by Paul Joseph Mirabito, P.L.S. of Ross Engineering Co., Inc. for applicant/owner Mary C. & David M. Barros dated 8/3/2020 as the division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the it Scituate Zoning Bylaw on the public way of First Parish Road.

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

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

Mr. Bornstein - yes

Ms. Lewis – yes

The Board discussed lights on 3A while waiting for the correct time to begin the next public hearing. There were a couple of very serious accidents within the last couple of days. They discussed the potential for lights at 3A and Henry Turner Bailey, Booth Hill and Mann Lot Road. MassDOT also supposed to be doing some trimming on 3A.

**Public Hearing – Site Plan Administrative Review for Modified Entry to Senior Center
333 First Parish Road
Assessor's Map/Block/Lot 38-12-0
Applicant/Owner: Town of Scituate**

Documents

- PDF Revised Entry Plan
- PDF TC filed legal Posting Hearing 8.27.20
- Doc 3-12-20 Executive Session minutes
- Email to Karen Joseph from Susannah Green dated 8.25.20
- PDF L103
- PDF Revised Entry Plan - GreenMarino

Attendees: James Boudreau, Town Administrator; Cynthia Amara, Town Counsel, via remote access

Ms. Burbine read the posted legal ad for the public hearing.

At 8:30 P.M. on Thursday August 27, 2020 in the Selectmen's Hearing Room, Town Hall, 600 Chief Justice Cushing Highway, Scituate, the Planning Board will conduct a Public Hearing in connection with a modification of the approved site plan for the Town of Scituate approved under Major Site Plan Administrative Review in accordance with MGL Ch. 40A, Sections 11 and Scituate Zoning Bylaw Section 770 Site Plan Review to construct a new Scituate Senior Center with associated parking, utilities and landscaping on Town of Scituate property located at 333 First Parish Road. The proposed change will modify the entrance at First Parish Road to be a right turn only out of the driveway with an island to physically restrict turns. Property as shown on Assessor's Map 38-12-0. Property is owned by Town of Scituate. Plans are available for review in the Planning Board Office, Town Hall, Scituate by appointment only. Participation in the Public Hearing for Abutters and other interested parties will be via remote access ONLY due to COVID-19 procedures. Please call the Planning Board office at 781-545-8730 for additional information.

Ms. Burbine also added that the fencing on the plan is beyond the scope of this public hearing; the plan before the Board tonight is for a right turn only exit and is the result of a settlement agreement between the Greens, Board of Selectmen (BOS) and the Planning Board. The formal action to change the plan of entry is the subject of this public hearing tonight, the Board received via email the right turn only exit sketch and discussion will only be related to that action.

Mr. Boudreau indicated this is the settlement agreement with the neighbors to have a right turn exit from the senior center on to First Parish Road; it is consistent with what has been talked about before and the BOS voted on it last week.

Mr. Pritchard asked if it is tied in at the same point at the end of the radius; it is not any further forward than it was before. Mr. Boudreau said no, not that he is aware of.

Public comments:

Mr. Anthony Itrich, member of the parish committee at the First Parish Road Universalist Church across the road from the senior center, said he is representing the church and the Erdman Pre-school, and expressed concern that the only logical traffic pattern is going up their driveway; people will make a right hand turn and then make the first left hand turn up their driveway past the front door of the church where all the parents pickup/drop for preschool. He asked what the town and the senior center would do to mitigate risk to all the little kids running up and down the driveway. Mr. Boudreau said there are only two things that could be done – put up signage that it is not a public way and enforcement. Ms. Burbine said it does not take very long to have someone enforce that there can be no turning up that driveway and opined that people would be more apt to go down Central Park Drive. Mr. Boudreau said people can also go out the back way on to Cudworth.

Mr. Rob Krauss, attorney for the Greens, said he has spoken with Town Counsel and heard the presentation; the concerns the Greens have is with respect to the change in the fencing; understanding that is beyond the scope of tonight's hearing they are trying to obtain information as to the source of the change. He said it is their understanding that was the premise of the deal and they are trying to understand the change. They have supplied a letter from their engineer, the entrance is right on top of the Greens and it seemed petty to move the fence 5' away from what was already on the plans in order to shield the Greens. He said they are just trying to understand.

Ms. Burbine said that is not part of the prevue of this hearing; he needs to speak with Town Counsel and the Town Administrator, this will not be discussed this evening.

Mr. Pritchard said there is a note on the drawing and suggested if the change is not related to the right hand drive then it should be removed. He said we are not going to discuss the fence because the fence is not changing.

Mr. Krauss said it is important to his clients; he is requesting the reinstatement and/or restore the prior location of the fence. He wanted to go on record that they understood the fence would go back to where it was.

Ms. Amara indicated the fencing and the location of the fencing has never been a topic of discussion in this settlement discussion or otherwise. She opined the only thing before the Board is to make it a right turn only and to institute the island, anything relating to anything else is not noticed for this hearing and cannot be addressed at this hearing; there is nothing before the Board that authorizes any changes other than to make a right-hand road in accordance with the settlement agreement signed by both sides and to also have the island installed. She said if/when there are any questions about the fence it can be taken up at another time. She indicate nothing in this hearing changes any of the drawings that were the basis of the Boards decision, L101. She said the fence changes are not before this Board, not part of any discussion and nothing will be acted on; nothing in this meeting changes any fence location.

Mr. Pritchard said the note about the fence should be stricken if the Board is not going to talk about it. Ms. Amara opined it is not to be taken up now and does not matter if it is stricken because the document is the document and she does not know if it can be; it has been made very clear in this hearing that it is not going to be changed as of this date.

There was further discussion about striking the note. Mr. Boudreau said the public hearing is only relevant to the right-hand turn that is it.

Ms. Jennifer Kuhn, resident at 20 Carrie Litchfield Lane, commented the plan needs to be precisely drawn up by an engineer and it needs to be stamped; it should be documented, stamped and all measurements need to be noted and a registered engineer needs to stamp the drawings. She does not feel the plans are accurate without being reviewed and stamped by a registered engineer. Mr. Boudreau indicated that he does not think the note can be removed, but the Board is only approving the right-hand turn, they are not approving the removal of the fence. He said the plans were done by an engineer and did not know why they were not stamped.

Ms. Lambert said the Board also likes to see an overall of the neighborhood to see where the traffic is coming out to address the Erdman School.

Ms. Amara indicated this is only a sketch to show the turn as one-way and the island; it is not designed to do anything more than that. The sketch was meant to be a clarification and let everyone know the Town is implementing the settlement agreement.

The island is not in First Parish at all.

Motion:

Ms. Lambert moved to approve the Revised Layout of Driveway Scituate Senior Center SKC-7 and SKC-9 by Coastal Engineering Co. dated 7-29-20 as shown on the sketches not including any revisions to the fence.

Ms. Lewis seconded the motion, there was further discussion.

Mr. Pritchard requested that the Board indicate that the note on the drawing should be stricken and does not apply with regards to the fence modification and the Board should request that a set of engineered drawings be filed substantially in conformance with the sketches.

Mr. Boudreau said the Board would get a stamped drawing, but they cannot remove and engineers note.

A roll call vote was taken; the vote was unanimously in favor.

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

Documents

- Email to the Board from Karen Joseph dated 8.17.20 with meeting materials for 48-52 Gas Backwards and 333 First Parish Road Senior Center.
- Email to the Board from Shari Young dated 8.21.20 with meeting Agenda for 8.27.20 and materials for 788 First Parish Road
- Email to the Board from Shari Young dated 8.24.20 with AMENDED agenda for 8.27.20
- Email to the Board from Shari Young dated 8.25.20 with meeting materials for 48-52 New Driftway.
- Email to the Board from Karen Joseph dated 8.25.20 with meeting materials for 788 First Parish Road.
- Email to the Board from Karen Joseph dated 8.26.20 with meeting materials for 333 First Parish Road – Senior Center
- Email to the Board from Shari Young dated 8.26.20 with meeting minutes from 8.13.20
- Email to the Board from Karen Joseph dated 8.27.20 with meeting materials for 333 First Parish Road – Senior Center

These items were distributed to the Board electronically.

Ms. Lambert moved to adjourn the meeting at 8:49 p.m. Mr. Bornstein seconded the motion; the vote was unanimously in favor.

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

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: September 10, 2020

