

## **SCITUATE PLANNING BOARD    MINUTES    March 9, 2017**

Members Present: Stephen Pritchard, Chairman; William Limbacher, Vice Chairman; Ann Burbine, Clerk and Alternate member, Gerard Wynne.

Others Present: Ms. Laura Harbottle, Town Planner.

Others Absent: Richard Taylor.

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 Pritchard called the meeting to order at 7:30 P.M. The meeting was being recorded for airing on local cable television.

### **Documents**

- 3/9/17 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Pritchard moved to accept the agenda. Ms. Burbine seconded the motion and the vote was unanimous in favor.

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### **Public Hearing – Accessory Dwelling Special Permit - 3 Garden Road**

#### **Assessor's Map/Block/Lot 34-22-3**

#### **Applicant/Owner: Patrick and Emily Farr**

### **Documents**

- Application for accessory dwelling special permit dated 2-14-17 with deeds and other information
- Building Plan Permit Set by Fitzgerald Design for Patrick and Emily Farr dated 6/1/16 rev 2 Sheets 1-9
- Site Plan for Proposed Accessory Building by Morse Engineering dated July 22, 2016
- Transmittal to departments dated 2/14/17
- Email from Health Agent Jenn Keefe dated 2/22/17
- Comment from Cheryl Cipolla received 3/3/17
- Email from Laura Harbottle to the Board dated 3/3/17 with above materials for 3 Garden Road
- Email from Laura Harbottle to the Board dated 3/6/17 with three additional photos of 3 Garden Road and the building permit

Patrick and Emily Farr were present for the applicant. Mr. Farr indicated they are looking for an accessory dwelling special permit. He said the detached garage there was old and dilapidated so they applied for a Demolition Permit. He said a new two car garage in the same dimensions as the old one has been erected with a building permit and it fully adheres to the easement requirements on the property. He indicated that he was instructed by the building department when he received the building permit to change the living space above the two car garage to an exercise room and to change the kitchen island to a desk so that he would not have to go through the \$500.00 dollar special permit process. He indicated his designer said the same thing. He said the rough plumbing inspection did not occur as the plumbing inspector said there was no accessory dwelling special permit for the kitchen and bath. Mr. Farr said they began the accessory unit permitting after that.

Mrs. Farr said no improvements are made inside the unit yet. She said her parents will live there in the summer.

Ms. Harbottle indicated that at 672 sq. ft. it meets the dimensional requirements as it is below 750 sq. ft. and meets the side setbacks. She said when a special permit is filed, abutters are notified and one abutter feels the unit is in her backyard. She said an accessory dwelling unit affects the neighborhood and when the permitting does not happen there is an impact on the Board's position and what it could require as well as neighbors being impacted. She said there are comments from DPW that indicate a sewer connection fee will be required and there may be one for water. Ms. Harbottle indicated the driveway to the garage is on Hatherly Road so it visually appears that there are two buildings on one lot.

Mr. Limbacher clarified that there are two driveways – one for the house and one for the garage each having its own curb cut. This was verified. Ms. Burbine offered that the Farr's have been put in an untenable position having been misadvised by the Building Department. She said as Ms. Harbottle indicated that if they had taken the special permit route, the Board could have had the building moved so it was not so close to the lot line. She said it looks like two buildings on one lot and surmised the culpability was not with the Farr's as they were given misinformation by the Town Hall. Mr. Limbacher inquired how long the Farr's had owned the home and was there always an intent to have a living unit over the garage. Mr. Farr said they have lived there three years and when they realized that the garage was in such poor condition that it had no value they determined they wanted to have a modern garage with a unit above so that Mrs. Farr's parents could be with them in the summer. He said there was always going to be an in-law unit. Mr. Limbacher asked if the shed would stay and if all the dimensions are okay. Mr. Farr said the shed will stay and Ms. Harbottle said the dimensions are okay. Mr. Limbacher commented it was nice to take care of the boat with the carport and deck above. Mr. Wynne said it was a good looking building and meets the criteria.

Chairman Pritchard said the building permit was issued with the expectation that the upstairs would not be an accessory dwelling unit. Mr. Farr concurred that the building permit was issued for a two car garage with office above. Chairman Pritchard said he agreed with Ms. Burbine and asking for forgiveness cuts the Board and abutters out of the process leaving a building and a request to convert it to the living unit. He said this is the wrong way to approach the issue. He asked if the two means of egress were the stairs and the deck and if there was a single bedroom. Mr. Farr confirmed the above. There were no public comments.

Mr. Limbacher said he felt he was "between a rock and a hard place." Ms. Burbine said she was frustrated, sad and outraged as this did not need to happen this way. She said the treadmill looks like a bed and it tells her that it was really an apartment. She asked the Board if the Farr's should suffer for something not their fault as they were forthcoming with the truth as they have stated. Chairman Pritchard said that the Board can make noise, but until a hard line is drawn it will happen again. He said there was no input into the accessory dwelling unit regardless of what the building permit says. He said this was not keeping with the bylaws and needs to be rectified in the future. Ms. Burbine said the Board has tried at Town Meeting to change the bylaw with no success and feels the issue needs to be taken up with the Town Administrator. Mrs. Farr said they are small business owners and apologize for the Board being in a tough spot and thought they were doing the right thing. Chairman Pritchard said he appreciates it, but will have to work around the situation. Mr. Limbacher asked if the lower portion of the back stairs could be shielded. Ms. Harbottle passed around pictures of the back of the garage. Mr. Limbacher suggested some type of lattice work. Mrs. Farr said they are open to doing something. Ms. Burbine said the sooner the better and said a buffer

is needed at the landing and she liked the idea of lattice work as the lots are so close together. Chairman Pritchard said the screening is definitely needed in the winter and he sees the upper level as a problem. Mrs. Farr concurred that from the upper level one can see into the 2 Hawley Road house. Mr. Limbacher said the screening has to be integral to the house. Mr. Farr suggested lattice work on two sides of the landing. Mrs. Farr said they will go back and check with the architect. Mr. Limbacher asked for Ms. Harbottle to be the representative on the issue.

Ms. Burbine read the following Findings of Fact:

1. According to Town of Scituate Assessor's records, the property at 3 Garden Road is owned Emily M & Patrick Farr. The property is located in the Residential R-3 District. The lot area is 15,000 sq. ft.
2. On February 14, 2017, Emily & Patrick Farr applied for a special permit for an accessory dwelling within a detached garage at 3 Garden Road.
3. A building permit was issued for a two car garage with office space above on 8/15/2016.
4. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 672 sq. ft. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as it is less than 750 sq. ft.
5. The primary dwelling was built in 1925 and contains 1,100 sq. ft. according to Assessor's records. The proposed accessory dwelling unit is 61% of the floor area of the primary dwelling. It is greater than the 40% as allowed in the bylaw, but under the size of 750 sq. ft. as noted in Finding 4.
6. The plan shows the accessory dwelling to have a two car garage which will provide two on-site parking spaces for the accessory dwelling. A one car carport is also attached to the garage. There is a driveway off of Hatherly Road for parking for several cars for the accessory dwelling and a driveway off of Garden Road with parking for two cars for the primary dwelling. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.
7. The owners have submitted a signed, notarized statement that they will live on the property.
8. The property has been on Town sewer since 1973. The applicant indicates that they can install a connection to the sewer line on the property
9. There exterior stairs to the accessory dwelling are on the sides of the house.
10. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Mr. Limbacher moved to approve the Findings of Fact. Mr. Wynne seconded the motion. Motion was unanimously approved.

Ms. Burbine moved to approve the Special Permit for an accessory dwelling at 3 Garden Road with the following conditions and standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Permit Set Patrick & Emily Farr by Fitzgerald Design Sheets 1 of 9 through 9 of 9 and Site Plan for Proposed Accessory Building 3 Garden Road Assessor's Map 34-22-1, 2, & 3 by Morse Engineering Company, Inc. dated 7/22/16.
2. The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application.
3. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
4. The standard conditions for accessory dwellings approved by the Planning Board shall be conditions of this decision and shall be included for recording at the Registry of Deeds.

During discussion of the conditions, the Board added that "There shall be permanent screening at the landing to be installed after consultation with the Town Planner." Ms. Burbine asked about a house number and Chairman Pritchard said the Board of Health had a comment as well. Mr. Limbacher seconded the amended motion. Motion was unanimously approved.

### **Discussion – Proposed Position of Director of Planning and Development**

#### **Documents**

- Proposed job description of position of Director of Planning and Development
- List of Town with a position similar to Director of Planning and Development
- Email from Patricia Vinchesi to Stephen Pritchard dated 1/9/17 on budget
- Email from Laura Harbottle to Board dated 3/3/17 with above materials
- Job description and towns with similar position provided by Patricia Vinchesi

Town Administrator Vinchesi and Selectmen Danehey were present for the discussion. Ms. Vinchesi indicated that she reached out to the land development boards to share a recommendation for the FY 18 budget for a new position for a Director of Planning and Development. She said Ms. Harbottle was previously given some information. Ms. Vinchesi provided the Board with the job description and towns where the position exists. She indicated the development offices do a good job, but the workload has increased. She indicated the Town has coastal issues, economic development issues and work is progressing on the Open Space Plan. She said a lot of work is done in a silo and communication is thwarted or broken down. She said there needs to be a person to foster communication and someone that the public can go to for issues. She said the proposed position would do this and work on economic development as well. She indicated this is the only new position being sought in the revenue neutral FY 18 budget and it will be funded from funds from the elimination of a part time clerk in the building department, by reducing the Economic Development Commission funding and by having a part time second building commissioner. She said the position would start in September as 9/12ths funding is available. She said there will be a separate article on the Town Meeting Warrant as the charter indicates the department heads report to the Town Administrator and this would change with the new Director position. She said 23 departments report to her and that is not sustainable.

Ms. Vinchesi reported that Frank Snow of the Conservation Commission and Ann Burbine and Colin McNiece of the Economic Development Commission (EDC) strongly support the new

position. Selectmen John Danehey indicated that in the eight years that Ms. Vinchesi has been here they have been pushing for this position. He said large scale items need coordination. He said the Town hired a Coastal Resource Officer to address the issues of the coast. He said trails and sidewalks are being developed in conjunction with roads and there needs to be a coordination person for those efforts. He said items from the Master Plan have not been addressed due to the heavy workload. He indicated the EDC has done some visioning for Greenbush and there may be ways to streamline some of the permitting. He said the new position would be a long lasting position as Scituate needs to look to the future with redevelopment happening. He said he fully supports the revenue neutral position and looks forward to the expertise it will provide going forward. He said the Dept. of Revenue indicated a position of this nature would be good.

Chairman Pritchard indicated that 23 people directly reporting to the Town Administrator was an unmanageable number and it is worthwhile to investigate this position. He said he hopes through coordination the Town can be proactive versus reactive. He said from the planning perspective, the Board will still address the Master Plan and those are part of the goals for this year and next. He asked if the position was also evaluated to recreate an existing position with a lower level person instead of a higher level. He said the Planning Board sees the need for additional support. Ms. Vinchesi said she wrestled with the position level as she does see the need for more support staff. She said the EDC asked for staff, the Town Planner asked for an assistant and Ombudsman and both the Town Planner and Conservation Officer asked for an enforcement person. She said she thought this was the way to go as managing 23 people has also been difficult for her and policy wise it makes sense. She said the new position solution was more palatable with the Building Commissioner's retirement and additional retirements will be coming along in the future so she would like to have the position in place before retirements occur.

Ms. Burbine said the EDC has been an advocate, but the concern is that the person in charge of the different bailiwicks needs to know what they are doing so there are no situations similar to tonight's first hearing. She said actual talking communication is needed for implementation not just emails. She said enforcement of permits issued needs to occur. She said she knows it is not easy in Town Hall, that communication is needed and there needs to be additional support staff. She said maybe this position will help and she will support it at Town Meeting. She said when department heads are replaced, they need to be replaced with credentialed people. Ms. Vinchesi said the residents and developers need a form of redress and mediation and conflict resolution skills are needed. She said the job description sets high standards. Ms. Burbine said the taxpayers pay the bill. She said Board members are volunteers and support staff are needed who are not afraid to make decisions.

Mr. Limbacher said the position was needed two years ago. He said he still gets comments about what is the big new building on Route 3A. He asked if this was creating a new assistant Town Administrator. Ms. Vinchesi said no. The position is for land development and there is a Human Resource director to take care of other issues. Mr. Limbacher asked if the money would be better spent augmenting the affected departments. Selectman Danehey said he didn't think so. He said all the departments work hard, but there are big issues concerning the Town such as FEMA issues, sewer issues and the development of Greenbush. He said the position person can pull these issues together. He said additional workers may be needed in the future and indicated they are trying to bring the town into the 21<sup>st</sup> century.

Chairman Pritchard asked if a percentage of the job was special project work like FEMA. Ms. Vinchesi said it was not. She said the 1972 floodplain maps and the FEMA maps need to be meshed. She said she does not want to see economic development become lost and there may be too

much in the job description. She said she made the choice for a professional versus a clerk and indicated in it that the support staff in Conservation, Building and Planning have related backgrounds which helps the Town by relieving the burden on the department heads. Selectman Danehey said the person will also need to look at the schools and population projections to determine if any buildings will be superfluous. He said the person will need to make connections for mitigation on projects. He said the Town owns half of Cohasset harbor but there are access issues. Chairman Pritchard said the position will address longer horizon issues as well. Selectman Danehey said taxes are not being raised and this is a great opportunity. Mr. Limbacher said it is a tough job description with a lot of skills required for one person and asked how success of the position will be demonstrated. Ms. Vinchesi said the position description was based on multiple tiers with feedback from residents and developers considered. She said it takes a long time to obtain permits in this Town due to volume and turnaround time and cutting the review time would indicate a success. She said a Coastal Resource position was created for \$57,000 and it has brought in 8 million in grants. She said shortening review times and raising concerns with someone other than department heads would be a success. Mr. Limbacher asked where the person would go. Ms. Vinchesi said there is a plan to expand the building department into the break room so the person can go there. Mr. Limbacher said he will support the position. Mr. Wynne said he is new to the Board and Scituate and asked if the Selectmen and Ms. Harbottle were in support of the position. Selectmen Danehey said the Board of Selectmen supports the position. Ms. Vinchesi said the Advisory Committee has not voted yet, but seem supportive. Chairman Pritchard said the Board offers its unanimous support. He said if it is done well, the position would be a great benefit. He said part of the reason that permits don't get issued timely is the need for support staff.

Colin McNiece of the EDC said they don't have support staff so they use the Town Planner. He said they are a volunteer group and need staff. He said economic development touches upon utilities and all land use departments so they support the position so they can see things happen. Ms. Burbine said the EDC is implementing things; however, they can accomplish more. She said the Board of Health needs to be more approachable and people need to talk to each other.

Steve Bjorklund said that he has been developing in town for 30 years and developers are having problems getting permits. He said he thinks more support staff is needed first prior to this position. Sara Case of 81 First Parish Road asked if other positions were considered with the funds allocated. Ms. Vinchesi said no as the money would have stayed with the EDC. Patricia Lambert said she disagreed with Mr. Bjorklund and said another managerial position makes sense first so that they can support the present support staff. Chairman Pritchard said the Planning Board name can be used going forward in support of the position.

### **Discussion – 30 Whittier Drive/ 7 & 9 Blanchard Farm Lane Stormwater**

#### **Documents**

- Email from Laura Harbottle to the Board with picture of the flooded basement at 30 Whittier, ponding at Lot 8 Blanchard Farm Estates, email on Stormwater ponding at 7 Blanchard Farm Lane on 2/23 from Amory Engineers, email from Jacqui Quinn dated 2/3, email from Greg Morse dated 1/27, Blanchard Farm Estates Lot 7 approved plan, Grading Lot 7 Septic System, Grading Lot 7 with accessory dwelling, grading lot 7 & 8 Subdivision Plan, 12/14/16 Amory letter on Lot 7 Blanchard Farm Estates
- LiDAR data prepared by Hodge Water Resources of Blanchard Farm Estates Figures 1, 2 and Aerial photos dated March 8, 2017 (consultant for Quinn's – 30 Whittier Drive)
- Report and pictures from Amory Engineers dated March 9, 2017

Jeff Hassett of Morse Engineering was present representing Lot 8, John Barry and John Tedeschi were present as developers of the subdivision and John Rehm of K & E Construction was present for Lot 7. Mr. Barry said as developer, he was responsible for the roadway construction including drainage basins; however, he sells individual lots to individual builders who then complete the houses and site development. Ms. Harbottle said the builders were invited to attend as well. Chairman Pritchard said that the stormwater has to be managed throughout the whole process. Mr. Hassett said that a puddle formed at the rear of Lot 8 15 – 20 feet off the property line. He said the puddle did not overtop the stone wall onto 30 Whittier but remained on the Blanchard Farm Lane side. He said he visited the site with Amory Engineers and Ms. Harbottle and the water did not overtop the wall to 30 Whittier Drive. He said 30 Whittier has a rubber barrier around their septic system which blocks surface and ground water from entering the system. He said the test pits for 30 Whittier show that groundwater is high at 22-31” deep and he went to the catchbasin in the road and found a PVC pipe which indicates there is a foundation or perimeter drain from 30 Whittier to it. Mr. Hassett said the puddle was gone in 48 hours. Chairman Pritchard said stormwater was to flow to the retention basin. Mr. Hassett said it was along the stonewall, but the slope from Lot 7 was carried out to far blocking the water flow. He said soil will need to be removed this spring and indicated John Rehm will correct the situation in the spring. Chairman Pritchard asked why water doesn’t move under the mounded septic system at 30 Whittier. Mr. Hassett said due to the rubber barrier. Chairman Pritchard said 30 Whittier has a mounded septic system because of the shallow groundwater and asked if there could be groundwater changes due to the Blanchard Farm project. He said the flooding in the basement coincided with a stormwater event. Mr. Hassett said that only the backyards of the Blanchard Farm development go toward Whittier Drive which is a significant reduction from the existing watershed. The rest of the water goes to the new road and then to the detention basin. Chairman Pritchard asked if the groundwater flow could be increased due to the ponding. Mr. Hassett said he does not think so and offered a solution to lower the elevation on Lot 7 so that the water can flow to the basin as it did in the existing conditions. He said the work will be done this spring with the driveway. John Rehm said the work was weather dependent as loaming and seeding can’t be done in the winter. He said grading is part of his contract, but landscaping is not. However, he said he has spoken to the homeowner’s landscaper. Mr. Hassett said he and Ms. Harbottle spoke to the homeowner yesterday.

Chairman Pritchard said he wanted to hear from the 30 Whittier Drive folks. Jacqui and Tom Quinn of 30 Whittier Drive were present. Mr. Quinn said that on January 24, 2017 it rained 1.39” according to his rain gauge. He said water began puddling at Blanchard Farms and then draining and flowing onto his property and flooded his basement which he did photograph. Mrs. Quinn said she called Ms. Harbottle who came out and viewed the puddle and the water in the basement. Chairman Pritchard asked if it was surface runoff. Matt Hodge and Kelly Smith, engineers for the Quinn’s, asked to say something. They indicated they are licensed professional engineers in Massachusetts with a specialty in water resource engineering. Ms. Smith said that Mr. Quinn approached them after the 1/24/17 storm with the pictures of ponding, channelized flow to the Quinn property and asked them if the flooding in the basement was being exacerbated by Blanchard Farm Estates. Ms. Smith distributed handouts and indicated the photograph does show channelized flow to the Quinn property. She said they looked at the pre and post catchment plans and the subdivision development analysis was thorough and with industry standards. She said in the post development 1B watershed analysis abutting the Quinn property, the water is designed to go to a design point in the northwest corner. She said they find fault with that assumption as LiDAR data (elevations flown from a plane in 2013 – 2014 and processed to remove trees) shows that the slope encourages ponding. She said the colors represent elevations and the contours end at the Quinn property from Blanchard Farms.

The existing drainage ditch that was supposed to convey stormwater to the design point is not conducive to conveying stormwater flows. She said the flow is migrating to the Quinn property as there is no elevation containing it.

Chairman Pritchard inquired if a design can be done to grade the ditch to contain water. Ms. Smith said it needs to be dug down to slope. Mr. Hodge said a 2% slope is needed to have positive drainage. Ms. Smith said the existing steepened slope leaves less space for water to collect and infiltrate. Mr. Hodge said the rain from 1/24/17 was a small storm. Ms. Smith said they pulled data from the nearest professional rain gauge at Marshfield Airport where 2.3" of rain fell in a 24 hour period which is less than a 1 year storm event. Mr. Hodge said there will be more water and more erosion over the years. Ms. Smith said the most recent aerials show encroachment on the existing drainage ditch by at least 40%. Chairman Pritchard surmised it got skinnier. Ms. Burbine noted that the south shore rain amounts vary widely in this area. Ms. Smith said less rainfall clarifies their case. Chairman Pritchard asked if the design figures are used, will the situation worsen in the future. Ms. Smith said the base assumption of the subdivision drainage design is not occurring. Chairman Pritchard asked if the ditch is regraded to the proper slopes will the assumption work. Ms. Smith said it probably involves grading on more than just Lot 7. Chairman Pritchard asked if part of the construction was to do a ditch. Ms. Smith and Mr. Hodge indicated no it was not on the plans. Ms. Burbine inquired as to what is the fix. Chairman Pritchard said it seems like holistic grading is needed not just one lot. Mr. Hassett said he is hearing this information for the first time and both he and Pat Brennan of Amory Associates both agreed that it make sense to regrade Lot 7 and go from there. Mrs. Quinn said her property is a major abutter to Lot 8. Mr. Hodge said there is an undue burden on the Quinns. Mr. Hassett said the puddle forms on Lot 8 and the Quinn's have a mounded septic system. He said the grade is too high on Lot 7 causing the water to puddle and not flow along down the wall.

Chairman Pritchard said he understands that there is a dam and the natural swale is not sufficient to handle a 1 year storm, so in the event the dam is removed will the problem be repeated. The Board needs to understand that issue to solve the problem. Mr. Hassett said he want to bring the swale to its natural condition. Mr. Hodge said the natural condition is changed and water is concentrating faster in a smaller area. Chairman Pritchard said the idea was water would flow in a channel to the outlet. Mr. Hassett said the area of the natural berms was not altered and he is looking to restore that to its natural condition. Chairman Pritchard said the natural condition is changed and resulted in a different velocity flow regime that requires a graded contour. Ms. Smith said the water was never channelized going by the Quinn property, but needs more grading. Mr. Hodge said the stone wall is not impervious and water still goes through as the leaves and debris show. Mrs. Quinn said right at the slope is where the main water flow is and where the breakout is leaching down the slope. Ms. Harbottle said she did not observe water flowing through the wall. Mr. Quinn said the pictures show how the water was flowing. Mr. Hassett maintained that there is less surface area going to Whittier Drive and that is taken into account with the time of concentration calculation. He said Amory Engineers agrees with his approach for correcting the problem.

John Barry said he was here to seek a remedy. He said the road was constructed through the middle of the site which cut the watershed in half. He said the site was formerly a corn field where water flowed across it. He said an abutter came in during the public hearing and said white caps came across the field. He said they have taken the watershed and infiltrated some, installed a retention basin downgradient so the water was pushed away from Whittier Drive and a minor grading solution can fix the site. Chairman Pritchard said the Board is trying to get to the bottom of the problem to determine if the solution involves regrading the entire back. He said the engineering documents



have water going in two directions and he wants the symptom corrected. John Tedeschi said that if the grade is cut 8" then there won't be standing water. He said the Town's engineer is standing behind that solution so make the cut and the problem will go away. Chairman Pritchard said the Quinn's consultants are saying that regrading on one lot will not do the trick. Mr. Tedeschi said the amount of water has been reduced. Mr. Barry said there has not been a full growing season and they want to work the suggested fix. He said there are three different property owners to coordinate with. Ms. Smith said she is not saying the 8" cut won't be enough, but the fix needs to go back to the septic system on 30 Whittier. She asked where Design point 2 goes. Mr. Hassett said it overflows to the southern end of Whittier Drive with a level spreader. Ms. Smith said a house is located there. Mr. Hassett said it goes between the property lines. Mr. Quinn said that not all the downspouts are being recharged as some in the front are just letting out. He said he believed all the downspouts were to be in drywells. Mr. Hassett said he did an as-built and it was signed off on. Mr. Quinn said that the house Mr. Barry built did have drywells in front, but the house that Welby built did not. He said it was stated at the preconstruction meeting that drywells would happen.

Terri Quinn of 20 Whittier Drive said that every other house except the Gillespie house (Welby Builders) has the infiltrators in. She said she was told the downspouts would be in the ground and complimented Mr. Barry on the looks of his house. She said vegetation was supposed to be left in the rear of the Blanchard Farms homes, but Mr. Gillespie took it out and went beyond the limit of work. She indicated Mr. Gillespie came to her door and promised her he would plant ten hemlocks, but he only planted four. She said he has not kept to his word. Chairman Pritchard asked Mr. Barry to follow up with this issue offline. Mr. Barry said there are some issues along the back and he will see what he can do with the owners and with the downspouts. Mrs. Terri Quinn said she feels no one is listening to her or her son. Chairman Pritchard suggested that Lot 7 needs to be regraded and subcatchment B will be reviewed and made sure it will drain for the 100 year storm. Ms. Burbine said the dam should be removed sooner rather than later. John Rehm said he did not hear that. Ms. Burbine said the grading is one thing and the drywells should be put in by the end of the month if needed. She said the grading should be redone except for the loam and seed. Mr. Wynne agreed. Mr. Limbacher agreed. He said he hoped there wouldn't be a blockage two weeks from now or further down the line. Chairman Pritchard said it is needed to make sure that any size storm can be dealt with and asked if that was feasible. John Rehm said he will get back to the homeowner and his business partner. Chairman Pritchard said since this is a long term issue perhaps the developers need to get involved. Mr. Hassett said he will shoot elevations once the fill is removed. Chairman Pritchard asked that coordination occur with Ms. Harbottle. Mr. Tedeschi said that it should only be a few hours worth of work and it will be done as soon as possible. Ms. Harbottle said the downspouts in back go to an infiltration basin and the front ones drain to grade. She said she appreciated getting the downspouts installed.

#### **Form A – 0 Mann Hill Road**

#### **Assessor's Map/Block/Lot 27-7-9A**

**Applicant/Owner: Robert Terrell, Administrator of the Estate of Patsy Jo Terrell**

#### **Documents**

- Application, deed, letter of administration and Plan of Land in the Town of Scituate, MA Mann Hill Road dated 1/6/2017 by Ross Engineering
- Transmittal to Departments dated 3/1/17
- Map of Property and nearby wetlands
- ZBA decision for 0 Mann Hill filed with the Town Clerk on 3/6/17

Paul Mirabito was present for the applicant. He said there are three house lots and Lots 1 and 2 were approved by the ZBA as 50 foot frontage lots. He said there are no wetlands on site and asked for the plan to be endorsed.

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land in the Town of Scituate, MA Mann Hill Road by Ross Engineering Co., Inc. for applicant/owner Robert Terrell, Administrator of the Estate of Patsy Jo Terrell, dated 1-6-17 as the division of land is not a subdivision because Lots 1 – 3 as shown on the plan have access and frontage on Mann Hill Road, a public way. Lots 1 and 2 have received a special permit filed with the Town Clerk on March 6, 2017 to create two lots with a minimum of fifty feet of frontage designated as Lot 1 and Lot 2. Mr. Limbacher seconded the motion. Motion was unanimously approved.

### **New language for Temporary Moratorium, Recreational Marijuana Establishments**

#### **Documents**

- Email from Laura Harbottle to the Board dated 3/7/17 with Town Administrator preferred wording for temporary moratorium
- Zoning Amendment – Moratorium on Recreational Marijuana March 8, 2017 – Corrections per Brandon Moss

Ms. Harbottle handed out some corrections on the wording of the moratorium based on comments per Brandon Moss, Town Counsel. Ms. Harbottle said that some of the language is changing as in clarifying the Cannabis Control Commission. She said she is attending a workshop on recreational marijuana tomorrow and will provide Town Council with a copy as he will be there. Chairman Pritchard noted that some towns are banning it all together.

Ms. Burbine moved that the Planning Board approve the minor changes to the zoning amendment for a Temporary Moratorium recommended by Brandon Moss, Town Counsel, and post these in the offices of the Planning Board and Town Clerk. Mr. Limbacher seconded the motion. Motion was unanimously approved.

### **Accounting**

#### **Documents**

- PO # 1708795 (\$56.25), PO # 1708710 (\$520.00), PO # 1708709 (\$1,560.00), PO # 1708708 (\$1,560.00), PO # 1708707 (\$1,560.00), PO # 1708716 (\$204.78), PO # 1708858 (\$209.04), PO # 1709984 (\$371.25)

Ms. Burbine moved to approve the requisitions to Tracey Sales of \$56.25 for toner for the OCE large copier, for \$ 203.70 to Merrill Corporation for review of as-builts for 33 Dreamwold Road, for \$1,560.00 to Merrill Corporation for review of Stormwater for 43 Otis Place Lot 2, for \$1,560.00 to Merrill Corporation for review of Stormwater for 43 Otis Place Lot 1, for \$1,560.00 to Merrill Corporation for review of Stormwater Permit for 24 Lynda Lane, for \$204.78 to Amory Engineers for review of the Stormwater Permit for 24 Lynda Lane, \$209.04 to Gatehouse Media NE for legal ads in the Scituate Mariner for 97 Edward Foster Rd and Summer Street Scenic Road Hearing and for \$371.25 to Amory Engineers for Stormwater Review at 180 First Parish Road. Mr. Limbacher seconded the motion. Motion was unanimously approved.

### **Minutes**

Ms. Burbine moved to approve the meeting minutes of 2/23/17. Mr. Limbacher seconded the motion. Motion was unanimously approved.

### **Liaison Reports**

Ms. Burbine said that the EDC will be spending money to do the 2017 Scituate In Your Pocket Guide as it benefits businesses. She said there will be a public meeting in early May for visioning for Greenbush and the EDC endorsed the new position of the Director of Planning and Development. Ms. Burbine also indicated that the Dog Park is among the projects that the CPC supported. Ms. Harbottle said she has a new letter from the Town committing the Town to 10% of the cost of the Dog Park. She indicated that she will be adjusting the cost for submission to the Stanton Foundation as it is beyond what they will cover.

### **Town Planner Report**

Ms. Harbottle said she has been working on the Open Space Plan. She said she attended a seminar on the Public Records Law as well as meeting with CZM about a public access guide. She said the Open Space Plan will recommend that there be a special page on the Town website on beaches, to attract visitors and highlight the Town's assets.

### **Old Business and New Business**

#### **Documents**

- Email to Board dated 3/3/17 from Karen Joseph with agenda for 3/9/17 meeting
- Email from Karen Joseph dated 3/6/17 with amended agenda for 3/9/17 and ZBA decision for 0 Mann Hill Rd
- Email from Karen Joseph dated 3/9/17 with 2/23/17 meeting minutes

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 10:02 p.m. Ms. Burbine seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Ann Burbine, Clerk  
3-23-2017  
Date Approved