

## **SCITUATE PLANNING BOARD MINUTES September 21, 2017**

Members Present: Stephen Pritchard, Chairman; Ann Burbine, Vice Chairman; Benjamin Bornstein, Clerk; Richard Taylor, William Limbacher and Patricia Lambert, Alternate Member.

Others Present: Brad Washburn, Director of Planning and Development, Karen Joseph, Town Planner

Others Absent: None

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

Location of meeting: Scituate Town Library, 85 Branch Street, Community Room in the Lower Level, Scituate.

Chairman Pritchard called the meeting to order at 7:03 P.M. The meeting was being recorded for airing on local cable television.

### **Documents**

- 9/21/17 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chairman Pritchard indicated there was a posted agenda. Mr. Pritchard moved to approve the agenda. Ms. Burbine seconded the motion. Motion was unanimously approved.

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### **Continued Public Hearing – Flexible Open Space Definitive Subdivision Plan – 90 Ann Vinal Assessor's Map/Block/Lot 27-06-01**

**Applicant: Welby Builders, LLC**

**Owner: Steven D. and William G. Curtis, Jr. TRS, Curtis Realty Trust**

### **Documents**

- PDF of CDSP-3 dated 9.18.17
- PDF of CDSP-3 DRN dated 9.18.17
- PDF of FOSD dated 9.14.17
- PDF of Ross Engineering letter dated 9.14.17
- PDF of Water Shed Pre/Post Plans dated 9.14.17
- PDF of letter to Mr. Washburn from Attorney James Toomey dated 9.6.17

Attendees: Mr. Bill Ohrenberger, Mr. Jeff DeLisi, Mr. Paul Mirabito, Mr. Don Gillespie, Mr. Greg Tansey, Mr. Paul Sheerin

Mr. Pritchard began the meeting asking the applicant to address the submittal of the Conventional Density Plan.

Mr. Ohrenberger began with a response to the opinion issued by Attorney Jim Toomey on 50 foot Frontage lots requiring special permits. He said that would be true if the applicants were building a Conventional Subdivision, but they are not. However, Mr. Mirabito submitted a substitute Conventional Density Plan to the show sixteen conforming lots without any special permits.

Mr. Mirabito addressed the Board referencing the plan noting changes from the first submittal as follows:

- The two 50' lots on either side of the existing building have been moved back.
- There are now four Form A homes off Ann Vinal
- Houses would be within the setback lines

Ms. Burbine opined it was confusing and that regardless of a subdivision or any division she does not agree with houses behind houses and lengthy driveways. For example, she said lot 8 is behind lot 9. She asked if it would behoove the applicant to have one or two fewer houses so they are not on top of each other. She also asked if under the conventional plan the existing house would be eliminated.

Mr. Ohrenberger indicated the existing house will remain. He indicated that is why the Applicant is proposing a Flexible Open Space Plan (FOSD), but the Conventional Density Plan is what is allowed as of right. He stated that Mr. Mirabito has shown that there was excessive frontage and this plan is just to show there are other ways to show the preservation of open space, from an environmental stand point, i.e. to have a common leaching system. Ms. Burbine indicated she does not like seeing a house behind a house. Mr. Ohrenberger stated that the applicant is in agreement and prefers to do a FOSD. He said the conventional shows what can be done by right and permitted under the bylaw. Ms. Burbine asked if in the FOSD plan the applicant is still planning on a house behind a house. Mr. Ohrenberger said they are still at the initial design stage.

Mr. Mirabito reviewed how the applicant would treat the stormwater design for the conventional plan:

- Pervious pavement for the road and driveways
- Rain gardens for stormwater infiltration
- Infiltrators for the roof areas
- Based on size of lots there is more than enough room to meet the stormwater bylaw

Mr. Mirabito indicated a house could be built at the setback line and the house would be 60' from existing homes on Townsend. He said with the FOSD, the homes will be much further away from one another and they will be located toward the rear of the lot providing greater separation between them. He added there is greater flexibility with where the house can be placed on the lot, there will be shrubbery and trees between the lots to provide screening as the shared septic system allows more trees to stay on the individual lots.

Mr. Limbacher asked where the two 50' lots went. Mr. Mirabito pointed out there are two lots with 60' of frontage around the upper cul-de-sac, there are two 100' frontage lots, one 50' frontage lot was lost and there are now more lots off Ann Vinal. Mr. Mirabito said that with this layout there are no more 50' frontage lots.

Mr. Limbacher asked the applicant why they didn't do this originally. Mr. Taylor opined that he assumed the applicant was trying to keep the access of the lots off Ann Vinal Road. Mr. Mirabito said that was not necessarily the intent. Mr. Ohrenberger indicated that they hope not to build a Conventional Subdivision, but that months ago that was the preliminary plan shown to the Board and which the applicant got a letter from the Zoning Officer on, and they thought there would there be consensus of "yes" from the board that the FOSD was the preferred approach. He stated that Mr. Mirabito didn't think they should come back with alternative options, which is what they now have, without a Conventional Density plan that wasn't shown to the Board months ago.

Mr. Taylor responded that when the applicant appeared before the Board informally, no vote was taken. He said the members all had reservations about the number of houses, but did think that FOSD was better. He opined that there is a question to the number of homes and that is what the board needs determine. Mr. Pritchard said that is dependent on the Conventional Density Plan (CDP) and the Board did not have it then but has it now. Mr. Ohrenberger said that the CDP is step one and that determines the maximum number of lots. He said that by accepting the CDP the Board is not accepting 16 lots and that is very clear in the bylaw. Mr. Taylor said that if the Board approves 16 lots, the applicant will want 16 lots. Mr. Ohrenberger indicated that when they went before the Historic Commission the reason they agreed to maintain the existing Curtis house was based on 16 lots because they are going to lose money on the house, but doing are preserving it as a community act.

There were no additional comments made on this subject from the Board.

Ms. Joseph remarked that she spoke with Peter Palmieri from Merrill Engineering and Kevin Cafferty from DPW and they indicated that permeable pavement would not be acceptable under the subdivision regulations for a subdivision road due to maintenance and as it is shown on the CDP, the road would have to be a private road held in perpetuity. She also said that Mr. Palmieri also had concerns on the rain gardens on every lot and if there was any drainage for the road in them, there would need to be an easement so they would have to be maintained and they would have to be deed restricted so that they could not be filled in by homeowners. Mr. Mirabito said this is just a concept, and another option could be that off the roadway there can be a basin less than 2500 square feet in an easement or another concept would be to have leaching trenches. Mr. Pritchard asked if the rain gardens are sized for just the lots and how did they all end up with different sizes. Mr. Mirabito said they have not been sized and this is only to show the concept, but there will be analysis completed to support the concept.

Mr. Tansey indicated that the rain gardens are sized based on his experience, etc. He said what he did here was to strategically place the rain gardens in run off areas and estimated the size on what he thought would be adequate, but in a full blown analysis he would do the calculations.

Mr. DeLisi asked Ms. Joseph to confirm that permeable pavement would be acceptable if it was private in perpetuity and she confirmed that is correct, but it is not technically allowed in the subdivision regulations.

*Public Comments:*

Mr. Mike Bonomi, of 31 Long Meadow Road said he wrote a letter to the Board addressing concerns as an abutter to the proposed site. He opined that 16 homes are too much, in too little space especially with the elementary school being so close. He has concerns over the displacement of the wildlife in the area. He also mentioned drainage concerns and the potential for increased surface water that will attract mosquitos. Mr. Pritchard clarified that the applicant has filed for a FOSD and in order to proceed with that plan review, they first have to file a Conventional Density sketch plan. The sketch plan shows the number of lots that could be obtained under a conventional subdivision and the Board reviews that to decide if it meets the criteria of the subdivision which will in turn decide the number of lots that could be permitted under the FOSD. Mr. Pritchard said that the Board is a long way from rain garden discussions and that at this point it wants to know if the sketch could be done as a Conventional plan. Mr. Bonomi wanted to establish what his concerns are and continued with his concern over the septic system that was approved by the Board of Health being a

raised system and close to the side walk. He is also concerned that a traffic study is not done and that traffic is a nightmare with school drop off/pick up. He suggested that the width of the road is not sufficient for this kind of traffic and that by his calculations the mirrors from school buses would hangout into the sidewalks if two were to be traveling on the road in opposite directions at the same time. He expressed his concern for the safety of the school children that are riding bikes and walking on the sidewalks. Mr. Bonomi said there should be a road, sidewalk and traffic study done.

Resident from 101 Ann Vinal addressed the Board and said she has the same concerns as Mr. Bonomi. She said she grew up on the road and there are a lot of kids walking to school and there are too many houses for this area. She is concerned with the septic being on Ann Vinal and the plan now showing three new houses on Ann Vinal along with having a house in front of a house and there are just too many houses in the area, since it is a school street she hopes they reconsider building. She said she would like to see the Curtis House stay on the property and if it is there, there would there be fewer houses. She said there are already water problems. Regarding the water supply, she said there are potentially 16 new houses and the Proving Grounds and every time you turn around there is something new going up. She reiterated her major concerns are the traffic, the septic system, the traffic in relation to school kids as well as during the summer the ball fields at the school.

Mr. Taylor asked to clarify that from the Conventional plan, the theoretical plan, shows the house being demolished. Mr. Ohrenberger stated the home will remain in both plans. Mr. Taylor indicated that on the drainage plan Lot 5 has a new house with the driveway going through the existing house. Mr. Ohrenberger said the existing house would be moved in both scenarios. Mr. Taylor indicated that in the Conventional Plan there would then be 2 houses on Lot 5 and there cannot be two houses on one lot. Mr. Ohrenberger said it is being moved to another lot in the FOSD.

Ms. Konecko resident at 110 Ann Vinal Road, asked if the Board has to go through the process of looking at the Conventional Plan and seeing it meets the qualifications and then move on to the open space plan showing 16 homes, does that mean there will be less or more than 16 homes? Mr. Pritchard indicated this will establish the maximum number of lots that can be created in the Flexible Open Space which would means 16 is the maximum there can be. Ms. Konecko said the acreage determines how many lots can be created and within the FOSD and they can create 16. Mr. Pritchard concurred with her summation and added that the FOSD allows for changes and allows the Board to look at the cultural and natural resources and the benefits that come out of FOSD as opposed to a Conventional Plan. He said this determines the maximum number of house in the Flexible Open Space and once the number is determined the Board will then discuss traffic studies, etc. Ms. Konecko said she had one other concern about the sidewalks and that she won't let her kids walk to school now because the sidewalks are so narrow and there is a lot of traffic. Mr. Pritchard responded that this demonstrates that property owner has the right to request a subdivision plan; this is laid out as of right under the current bylaws. He said the applicant will still have to meet all the requirements of a subdivision and there are issues that will be reviewed as the process continues to move along.

Ms. Ryan from Townsend Road asked the Board if they approve the Conventional for the number of homes and then move on to the FOSD, does the Builder have the right to go back to the Conventional. Mr. Pritchard said the builder has the right to withdraw their application and then submit a new request for a conventional subdivision plan that would in turn be reviewed. He said this is not giving them the ability to pivot between plans. Mr. Ohrenberger indicated that the applicant could get approval and to do both. He said there are many variations and combinations, but that is not the intention. The intention is to make it a nice neighborhood. Ms. Ryan asked if they

cannot do the 16 lots then would they not be able to do the FOSD. Mr. Ohrenberger responded that it depends and they would have to wait and see because this is early in the process. Ms. Ryan said that there are many issues with storm water and concerns with the proximity of the houses on the back end to the people on Townsend and if it is not a FOSD it could really be problematic for people on Townsend. Mr. Pritchard said the process is to review the Conventional Density sketch plan to set the maximum number of lots on a FOSD plan.

Mr. Wasner of 54 Townsend Road said there are proposed 16 houses. Mr. Pritchard confirmed if they approve the FOSD the maximum that could be there would be 16. Mr. Ohrenberger said the applicant believes the FOSD is the best plan and that is what they will build if approved; they are cognizant of the green space and its proximity and the applicant has spent a lot of money to design this plan. Mr. Wasner said the water problems are significant and he clarified he is speaking to stormwater. He said in some places there is water coming out of the ground that would suggest a spring or very high water table and it is not just runoff. He said a neighbor showed him a video from a year ago with a three foot plume of water coming out of the ground. He indicated for Townsend Road their main concern is the water runoff and what is going on under the ground once houses are put in. He said they have heard complaints from their neighbors because they now get water in there basement after the previous owner of his home put in a pool. He is not sure what kind of relevance that might have and asked if there are any provisions for something like that for underground water. Mr. Pritchard said that there are stormwater bylaws that require the flow and velocity is managed onsite and that will need to go through the design process. Mr. Wasner asked if there is anything to cover the underground water as it appears the Board only handles water on top of the ground. He said he is curious if any studies have been done. Mr. Pritchard suggested that Mr. Wasner is speaking about diverting groundwater and there would have to be studied by someone that understands the groundwater flow. Mr. Tansey indicated that seasonal high ground water has been determined to be two to three feet below the surface, the wetland is wetland and there is nothing that can be done to that. He said they do have some underdrains under the foundations to manage water, but they cannot guarantee it will eliminate any existing issues, but they would not exasperate it. Mr. Tansey indicated the only tests that he is aware of are the perk tests and test pits done showing mottles where the seasonal high groundwater is. Mr. Mirabito said that ground water generally follows the contours of the land and the land generally slopes towards Ann Vinal with exception of the back lots.

Ms. Burbine indicated there is a pond between Bulrush Farm and Ann Vinal and there is a stream under Shirley William's house that runs into the marsh. She said she has walked down Townsend and has seen water running down the driveways. Ms. Burbine said while looking at the plan the ridge is in the middle of the property and the water will flow to Ann Vinal and Townsend. She indicated the area is going to be built and that Townsend was supposed to go all the way to Hollet Street. She empathized and said the Board is very aware of the water issues.

Mr. Limbacher asked Mr. Tansey to review the conceptual drainage plan. Mr. Tansey indicated they did a full study with the FOSD so they were familiar with the soil and vegetation.

- The studied areas pre-development did not have any change
- The areas post-development did change due to more clearing
  - requires more localized watershed areas, watershed patterns did change, they are decentralizing
  - watershed areas would be numerous, they would be tributary to each rain garden and subsurface infiltrations.
  - option of soil amending by making lawn areas more permeable

- Post development plan would be much more elaborate on the Conventional versus the FOSD
- Elevations would require more fill so they would drain into rain gardens and keep out of the ground water. Mr. Tansey would expect the elevation in the Conventional to be about 18" to 2' higher than in the FOSD post development.
- There would not be 100% infiltration, but some overflow and absorption into the lawn area, up take into the vegetation, and some evaporation

Mr. Limbacher asked why there would need to be two rain gardens on lot 5 and why would they need to be so close. Mr. Tansey said there would be runoff from the driveway and would flow down and get picked up by the rain garden and would be split between the two. Any overflow that would come down on to Ann Vinal will be less than what is pre-development.

Resident from Sedgewick Drive said he is pleased to hear that the lots have been looked at regarding the open space plan and will be interested in seeing how the water is handled. He would like to see as much preservation of open space if the Board approves the drawing.

Mr. Ohrenberger indicated he has been involved in many FOSD's in Scituate and going forward in terms of a policy decision, if applicants want to engage in this process, the bylaw says that a preliminary sketch is what is required without stormwater, drainage, roadways, etc. The applicant has spent \$70,000.00 doing perk test on the lots and that is not necessarily a requirement, but once we get into a flexible plan there will be a very elaborate stormwater design. He opined that the applicant has met the criteria and understands that bylaw says the maximum and that is a mandate and feels that they have adequately demonstrated to the Board the Conventional Density Plan is for 16 lots albeit all the other issues and would like to get the point where there can be discussion on those issues, but determining the number of lots is the first step.

Mr. Taylor said procedurally the applicant is required to adhere to the maximum number lots, but with the special permit and FOSD there is more leeway. Mr. Pritchard indicated all the Board is doing is establishing what the conventional density sketch plan maximum number of lots would be as it relates to the FOSD and at when the Board gets to the FOSD, it will evaluate all that is required under it and the special permit.

Ms. Burbine moved to accept the Conventional Density sketch plan for 90 Ann Vinal Road with the maximum number of lots as 16. Mr. Limbacher seconded the motion for discussion.

Mr. Bornstein indicated he would like more time to review the conventional density plan in terms of zoning bylaws, etc. and does not feel there was sufficient time for review.

Mr. Pritchard said the motion has been moved and seconded and discussed. Ms. Burbine did not want to withdrawal her original motion. Mr. Pritchard took a vote and it was unanimously in favor.

*Motion:*

Ms. Burbine moved to accept the applicant's request to continue the public hearings for the Definitive Subdivision Plan and Flexible Open Space Special Permit for Curtis Estates at 90 Ann Vinal Road- A Flexible Open Space Definitive Subdivision until October 26, 2017 at 7:45 pm. and to continue the time for action for filing with the Town Clerk until December 22, 2017. Mr. Limbacher seconded the motion. Motion was unanimously approved.

**Continued Public Hearing – Major Site Plan Administrative Review – Restaurant & Bar  
7-9 Marshfield Avenue  
Assessor's Map/Block/Lot 72-19-3B  
Applicant: Stephen Leaman  
Owner: Humarock Industrial, LLC**

**Documents**

- PDF of letter from Attorney Jon Aieta dated 9.15.17

*Motion:*

Ms. Burbine moved to accept the applicant's request to continue the public hearings for the Major Site Plan Administrative Review for 7-9 Marshfield Avenue until October 26, 2017 at 7:15 pm. and to continue the time for action for filing with the Town Clerk until November 30, 2017. Mr. Taylor seconded the motion. Motion was unanimously approved.

**Public Meeting – Site Plan Administrative Review – 529 – 531 Country Way  
Assessor's Map/Block/Lot 26-2-3 & 3A  
Applicant/Owner: Marvell Homes, LLC – Paul Sheerin**

**Documents**

- PDF of peer review letter of As-Built Plan Review dated 9.15.17
- PDF of Easement Amendmend signed dated 9.22.17
- PDF of Admin Site Plan Review Filing Package dated 9.1.17
- PDF of As-Built Plan dated 9.15.17
- PDF of Site As-Built Plan Final dated 9.11.17
- PDF of Board of Health comments dated 9.12.17
- PDF of Recorded Common Driveway Agreement dated 6.20.17
- Transmittal letter dated 9.6.17

Attendees: Paul Mirabito, Greg Tansey

Mr. Mirabito indicated the copy of the site as built has been reviewed by Merrill Associates and shows a swale in the back, designed by Ross Engineering based on the septic system design. He said the Operation & Maintenance Plan and the Common Drive easement where recorded in 2015. He showed a plan that had been approved in July which had been included in the application and said all staff originally approved the plan and it has been completed. Mr. Pritchard asked if the As Built reflects what was designed. Mr. Bornstein commented it should be inspected when fully stabilized.

Mr. Robert Davin, resident of 526 Country Way, addressed the Board and said he had watched the July 13<sup>th</sup> meeting and had questions on the surface and ground water problem on Aberdeen Road. He said there were numerous truckloads of dirt brought in for the property. Mr. Mirabito said that there was soil brought in for the septic system and the Board of Health has given their sign off. Mr. Davin said the dirt was brought in back and there are wetlands behind their property that took water from Aberdeen and now the water has been brought forward, running to the front of the property. Mr. Tansey indicated they had to excavate material to bring the septic system to code. He said they removed tight soil and replaced with perc sand and lawn and the sand will increase permeability. Mr. Davin said the lot was flat last year and asked how does this not affect ground water. He said the water runs 24/7 out of the end of a pipe and asked why so much water is being forced into the

drains. Mr. Tansey said the 4.5' – 5' of dirt were brought in. Mr. Pritchard asked how the drain system works and Mr. Mirabito said their role was to design the septic system. He noted that roof infiltrators take roof water and put it in chambers and swales to a level spreader. He noted that the Planning Board approved the level spreaders in 2015 which had been reviewed by the Board's consultant. Mr. Mirabito reiterated that the septic system has been approved by the Board of Health. Ms. Joseph indicated that the plan had been approved in July.

Mr. and Mrs. Davin asked that the Board to look into some of the language that is being used/written to protect them. Ms. Davin said that the special permit was void because it was never recorded and that is the purpose of this meeting. Mrs. Davin said that Common Driveway Stonewall Agreement recorded in 2015 has very good language in it to protect them and their property. She said that in the agreement it clearly states that it is the new owner's responsibility to get certification that the system is working correctly every year. She said her concern is with the stormwater runoff and she does not know if the plans that are recorded are the plans that were actually built and if they are not do they get revised so they are protected. Ms. Joseph indicated that the original common driveway agreement was recorded and is still in effect. She said the plans did differ, but the applicant's Attorney has drafted an amendment to the common driveway stone wall agreement that reflects the new plans and that the same conditions still apply and it will be recorded and cross referenced with new and old plans. She indicated that it will be a binding legal document that has been signed by the applicant and his attorney. Ms. Joseph and Mr. Pritchard said the wording will remain as is.

***Motion:***

Ms. Burbine moved to approve the Site Plan Administrative Review for a Common Driveway for 529 – 531 Country Way Lots 1 and 2 with the following conditions:

1. Construction shall comply with a plans entitled Proposed Conditions Watershed plan for 529-531 Country Way by Ross Engineering Co., Inc. revised dated 7/13/17 and As-Built Plan for 529 – 531 Country Way in Scituate, Massachusetts by Ross Engineering Co., Inc. dated 8/22 /17 with revisions through 9/ 15 /17, except as may be modified to meet the conditions below. The common driveway has been constructed to a width of 14' with 2' shoulders on either side with an emergency turnaround of 20' wide and 54' from the end of the hammerhead to the other side of the driveway. Gravel subbase and binder coat have been installed.
2. The applicant shall maintain a deposit of \$5,000 with the Planning Board to guarantee initial maintenance of the stormwater system, applying the bituminous top coat to the common driveway, cleanup of the site and providing an as-built plan with the top coat in place.
3. A copy of the Operation & Maintenance Plan for the stormwater management system will be provided to purchasers of homes prior to purchase.
4. An annual certification by an engineer is required to ensure that the stormwater system is being properly inspected and maintained per the Operation and Maintenance Plan. This mandatory certification shall be provided by January 31 of every year.
5. A copy of the Common Driveway/ Stone Wall Agreement and its amendment shall be provided to the purchasers of homes prior to purchase.

6. The Common Driveway/Stone Wall Agreement for the property recorded on 6/9/2015 at the Plymouth County Registry of Deeds in Book 45646 Page 170 is still in effect. The agreement includes the common driveway easement, an Operation and Maintenance Plan for the Stormwater System and Common Driveway and Easement Plans and Site Details endorsed May 14, 2015.
7. An amendment to the Common Driveway/Stone Wall Agreement dated 9/21/2017 which includes the plans entitled Proposed Conditions Watershed plan for 529-531 Country Way by Ross Engineering Co., Inc. revised dated 7/13/17 and The Site As-Built Plan for 529 – 531 County Way revised through 9/15/17 shall be recorded at the Registry of Deeds along with the Site Plan Review decision with a reference to the original agreement.
8. Construction of the common driveway must be supervised by a registered engineer who shall certify in writing to the Board that the driveway and drainage system were constructed in accordance with the plan. The certification shall be accompanied by as-built plans, signed and stamped by a registered professional land surveyor and the supervising engineer. Inspections will be required for the placement of the top course of the common driveway.
9. The Town Planner is to be notified upon completion of construction.
10. No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water in accordance with the policy of the Board of Selectmen effective October 8, 2014. In accordance with this policy, all irrigation systems installed in Scituate must be supplied by on-site sources at the expense of the property owner.
11. The standard conditions for common driveways approved by the Planning Board after a public hearing on December 17, 2015 shall be included as conditions of this decision.

Board made comments regarding the below points:

- Point #2 – The board did not feel that \$5,000.00 was enough money to be held. They suggested to increase to \$15,000.00.
- Points #3 and #5 – The Board - asked to change the language to be “by the Applicant”.
- Point # 4 - changes the language to “by a registered engineer”.

Ms. Burbine moved to approve the draft as amended. Mr. Taylor seconded the motion. Upon discussion, motion was unanimously approved.

**Form A – Kenneth Road**

**Assessor's Map/Block/Lot 39**

**Applicant/Owner: Diamond Development Realty Trust**

**Documents**

- Email to the Board dated 9/15/17 from Karen Joseph with application and Plan of Land being a division of Lot 956 LC Plan 3301-T Plan of Land in the Town of Scituate, MA prepared by Ross Engineering Co. Inc. dated 9/6/17
- PDF of Land Court stamped plan dated 9/8/17
- PDF of Attested Deed and Certificated dated 9/11/17
- Transmittal to departments dated 9/11/17

Attendee: Steve Bjorklund developer of 101-105 Hatherly Road, Residential Compound Dewvelopment.

Mr. Bjorklund indicated that he bought a parcel of land abutting his development that was "owner unknown" with the intention of potentially needing the square footage for his development, but it was not needed and he is working with the neighbors to give them back the land that is essentially their backyards. He said that his intent was to divide the parcel into 4 parcels and work with the neighbors. He indicated the Land Court plan as already been approved and just requires the Board's signature before it can be recorded. Mr. Bjorklund said they have agreements with three of the neighbors and are working with the fourth. Mr. Pritchard confirmed the lots are non-buildable lots and Mr. Bjorklund said they are basically just purchasing back their back yards. Ms. Burbine asked if the parcel could be adverse possession, but Mr. Bjorklund indicated that it is a Land Court decision thus there cannot be adverse possession.

*Motion:*

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land being a division of Lot 956 LC Plan 3301-T Plan of Land in the Town of Scituate, MA prepared by Ross Engineering Co. Inc. dated September 6, 2017 as the division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw. Mr. Taylor seconded the motion as amended. Motion was unanimously approved.

**Form A – 160 Edward Foster Road**

**Assessor's Map/Block/Lot 51-2-1**

**Applicant/Owner: Timothy S & Suzann Y Kensinger**

**Documents**

- Email to the Board dated 9/15/17 from Karen Joseph with application and Plan of Land in the Town of Scituate, MA prepared by Ross Engineering Co. Inc. dated September 12, 2017
- Transmittal to departments dated 9/14/17

Attendees: Bill Ohrenberger, Paul Mirabito

Mr. Ohrenberger indicated the current owners are selling the property and it is under agreement. He said there is a portion of the lot being removed as non-buildable to give to a neighbor and it cannot become buildable unless it is added to another lot.

Ms. Joseph indicated to the Board that it can be endorsed because it has access and frontage and the parcel is labeled as non-buildable.

*Motion:*

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land in the Town of Scituate, MA prepared by Ross Engineering Co. Inc. dated September 12, 2017 as the division of the tract of land shown on the accompanying plan is not a subdivision because Lot 1 shown on the plan has frontage of at least the distance presently required under the Scituate Zoning Bylaw on Edward Foster Road and Parcel A is labelled as not a buildable lot. Mr. Taylor seconded the motion. Motion was unanimously approved.

## **Old Business and New Business**

### **Liaison Reports:**

#### **CPC – Ms. Burbine reported:**

- Going forward with trails, parking, windows at central park
- Tabled map
- Ms. Joseph discussed the Dog Park working on RFP's, will come back to Planning Board for site plan review
- Ms. Joseph discussed RFP's for Roach Field off Beaver Dam Rd
- Proposed spend of approximately \$500,000.000 for parking and access to Appleton Field and others.

#### **DRC – Design Review Committee: Mr. Taylor**

- Meeting was held Mr. Taylor was not able to attend
- Ms. Joseph indicated there will be a draft coming from DRC

### **Planning and Development: Brad Washburn and Karen Joseph**

#### **Brad Washburn reported:**

- EDC funded contract with Ted Brovitz for draft of Greenbush/Driftway Zoning bylaw.
- Mr. Brovitz will be on Planning Board meeting agenda for September 28, 2018
- Drew Company will be on September 28, 2018 to give informal discussion of proposal for the MBTA site
  - Key conversation needs to be about infrastructure
- Mr. Washburn to give road map on Open Space Plan prior to September 28.
- Mr. Washburn to work on updating the Master Plan and provide proposal to Board on how to handle.
  - Mr. Pritchard would like to have session to review the process, how do we approach, what kind of resources are needed, etc.
  - Ms. Burbine suggested potential money could come from MAPC
- Ms. Lambert discussed zoning of Air B&Bs in Minot, some concerned residents looking to see if anything can be done.
  - Mr. Washburn to give Board information on how other towns are handling the issue.
  - Multi Board approach

#### **Karen Joseph reported:**

- New drawings for Toll Brothers received, reports coming next week
  - DRC got renderings, no elevations
- 3 Special permits to small cell attachments on telephone poles
- Waiting for as-built for Brewery
- 13 Ford Place as-built pending
- 93-97 First Parish Road as-built pending
  - Ms. Joseph will send out inspection report

- Meeting schedule:
  - Tuesday November 21<sup>st</sup> – prior to Thanksgiving
  - December 28<sup>th</sup> - will be canceled

**Documents**

- Email to Board dated 9/15/17 from Karen Joseph with agenda for 9/10/17 and Form A meeting materials for Kenneth Road and 160 Edward Foster Road
- Email to Board dated 9/18/17 from Karen Joseph with meeting materials for Curtis Estates/90 Ann Vinal and Board members addresses.
- Email to Board dated 9/19/17 from Karen Joseph with recommendations for Planning Board Meeting 9/21/17

These items were distributed to the Board electronically.

The Board decided to cancel their December 28, 2017 meeting.

Mr. Limbacher moved to adjourn the meeting at 9:34 p.m. Ms. Burbine seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Shari Young  
Planning Administrative Assistant

Benjamin Bornstein, Clerk

Date Approved 3/22/18