

SCITUATE PLANNING BOARD MINUTES September 27, 2018

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

Others Present: Planning Administrative Assistant Shari Young

Members absent: Town Planner Karen Joseph

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 being recorded for airing on local cable television.

Documents

- 9/27/18 Planning Board Agenda

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

Continued Public Hearing - Scenic Road – Shade Trees – 92 Neal Gate

Site Plan Administrative Review – Common Driveway

Assessor's Map/Block/Lot 57-1-3 and 57-1-6

Applicant/Owner: Gregory P. & Wendy S. Sears

Document

- Email to the Board from Mr. McGovern requesting continuance dated 8.15.18

Motion:

Ms. Lambert moved to accept the applicant's request to continue the Site Plan Administrative Review public meeting and Scenic Road/Public Shade Tree public hearing for the proposed common driveway at 92 Neal Gate Street until October 11, 2018 at 7:30 pm.

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

Surety Release – Blanchard Farm, LLC

Document

- PDF Blanchard Farm As-built 9.10.18
- PDF Surety Release Letter from John Barry dated 9.10.18
- PDF TC filed DSP decision dated 5.12.14 BFE
- PDF TC filed Surety Forfeit – Stone Wall Dated 8.23.18

Attendees: John Barry, Manager of Blanchard Farm, LLC

Mr. Limbacher asked what ensures the \$4,000.00 will go to the purchase of the Stormceptor. There was discussion that a motion had been voted and filled with the Town Clerk that \$4,000.00 would be forfeited to the Town and used to the purchase or installation of the Stormceptor. Ms.

Young indicated that the logistics of money transfers is to be determined; \$4,000 is to be held back from the release of money held in Surety.

Public Comments:

Ms. Jennifer Kuhn resident of 20 Carrie Litchfield Lane indicated she has made a Public Records Request and wanted the Board to take into consideration that four enforcement fines had been issued against four of the parties involved. She requested that the Board not make a decision until all the fines have been paid.

Ms. Burbine indicated that the Board chose not to enforce the fines because the developers/builders did exactly what they were told to do. Ms. Kuhn indicated she does not have documentation and asked if it was in the minutes. Ms. Kuhn said there were letters dated August 22nd of 2017 for \$600.00 each letting the parties know about the fines, but she does not see any letters to the parties letting them know they don't need to pay the fines. Ms. Kuhn indicated she has requested information if the fees had been paid via a Public Record Request. Ms. Young indicated that the request came into the office today, 9.27.18 and there is a ten day response period. Mr. Pritchard said that there may be something in the meeting minutes, but cannot locate it right now. Ms. Kuhn feels that fines should have been paid, because Ms. Harbottle filed this with the Town, the Police and there were a lot of problems with Stormwater. Ms. Burbine indicated that the Board has dealt with the issues, but the Board would take her concerns under advisement.

Motion:

Ms. Lambert moved to accept Blanchard Farm, LLC's request to release the amount of surety being held by the Planning Board for completion of the Blanchard Farm Estates Subdivision of \$19,500 plus interest of \$84.11 minus \$4,000 that had been forfeited on August 23, 2018 to supplement the purchase and/or installation of a Stormceptor to be installed by the Town. The total amount released to Blanchard Farm, LLC is \$15,584.11.

Mr. Limbacher seconded the motion, there was further discussion.

Mr. Pritchard opined the Board should address the comment from the public.

Mr. Barry indicated the fines that were issued were relative to drainage specific to a particular lot that was being developed that did not comply with maintaining a swale on the back of the property. He said it had nothing to do with the subdivision, but with a specific lot development. Mr. Barry said he did respond to calls even though he was not the builder of the particular lot and was not culpable, but as the developer of the subdivision he did respond and participated in the solution. He said the fines were waived.

Mr. Pritchard said he was not sure, but that if the Board waived the fine then he is okay and if not then it needs to be addressed. He opined he does not have anyway of figuring it out at this moment.

Ms. Young read the motion that was filed on June 27, 2017. Letters were sent out on August 22, 2017 after the motion was filed. Mr. Pritchard asked for the total amount of the fines, approximately \$600/fine, \$2,400.00. Mr. Barry indicated that Blanchard Farm, LLC did not own the lot that was at the root of the problems. The lot had been sold to a different developer. Mr. Barry indicated that Blanchard Farm, LLC did not have the legal rights to deal with the issues; they did not own the land.

Mr. Pritchard indicated if one of the outstanding fines is to Blanchard Farm, LLC it should be resolved before releasing any money. Mr. Barry said that he is amenable to make a conditional vote subject to making sure the fine had been waived. Mr. Pritchard agreed.

Motion was amended:

Modification added language - the release up to \$15,584.11 is contingent upon a demonstration of the release of the fines. If the fine has not been waived then \$15,584.11 will be reduced by \$600.00.

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

Form A – 9 Prospect Ave.

Assessor's Map/Block/Lot 56-4-2G

Applicant/Owner: Barbara Roberts & Susan Brosnan

Document

- PDF 3976-Filing Package 9.13.18
- PDF –Form A
- PDF GIS map 9 Prospect Ave
- Doc transmittal letter dated 9.18.18

Attendees: JD Gibbs, Ross Engineering

Mr. Gibbs indicated he is presenting a Form A for 9 Prospect Ave. on Second Cliff

- Currently one house on the lot, approximately 30,000 sq. ft. lot
- Corner of Edward Foster Road and Prospect Ave.
- Created a conforming lot for the existing house
- Creating lots 3 and 4
 - Both lots have frontage, lot width, lot area
 - Existing house maintains all required set backs
- Back in 1993 there were 2 lots created
 - Septic system for #9 and #15 on lot 2
 - #15 had an easement for the septic system
- Homes will have to tie into Town Sewer
 - System then can be removed and easement no longer necessary
- Both owners have consented and signed the application

Ms. Burbine indicated it meets the general requirements of a Form A.

Mr. Limbacher asked if lot 3 is fully compliant. Mr. Gibbs indicated yes.

Mr. Pritchard asked some questions regarding the easement for #15 traversing across the property of #9. It was discussed that the easement will go away once the homes tie into Town Sewer and both owners have consented to this division of land; both owners have signed the application. Ms. Roberts is signing as both an owner and trustee.

Motion:

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land in the Town of Scituate, MA 9 Prospect Avenue prepared by Ross Engineering Co., Inc. for applicant/owner Barbara Roberts & Susan Brosnan, Trs. dated 9-12-18 as the division of land shown on the accompanying plan is not a subdivision because it shows every lot on the plan has frontage of at least the distance presently required under the Scituate Zoning Bylaw on the public way of Prospect Avenue.

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

Accounting
Documents

PO #1902954 (\$186.73), PO #1902952 (\$3,627.60), PO #1902953 (\$560.00)

Ms. Lambert moved to approve the requisition of \$186.73 to J&R Graphics for office supplies, for \$3,627.60 to Horsley Witten for review of Seaside at Scituate Performance Guarantee, for \$560.00 for Horsley Witten for Seaside at Scituate pre-construction meeting.

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

Minutes
Documents

- No meeting minutes

Liaison Reports:

Water Resources Committee – reported by Mr. Bornstein:

- Finalizing Water Offsets Proposal
- Will be asking for support letter from the Board, prior to going before Board of Selectmen

ZBA – reported by Mr. Bornstein and Ms. Burbine

- Voted to approve the signage for the Public Safety Complex
 - Will talk to Traffic Rules & Regulations Committed
 - Sign approved under Bylaw 710.5 E
 - Ms. Burbine indicated she voiced the Boards concerns - traffic and business area of Mann Lot and 3A
- Bowling Alley – transform office space to an apartment
 - Discussion if a Commercial use in the Business District, does an apartment which is an accessory use, constitute an accessory dwelling
 - Issued finding that it was not substantially more detrimental to change the use to a residential unit
 - Pre-existing non-conforming
 - Will have to come to the Planning Board for special permit accessory dwelling

CPC- reported by Ms. Burbine:

- Voted to purchase MacDonald Farm and bring to Town Meeting
- Will have final appraisal
 - If appraisal more than \$599K Town will not pay
 - If appraisal less than \$599K Owners will not accept

- Another party could contribute funds if over \$599k

Traffic Rules & Regulations Committee – reported by Mr. Limbacher:

- Cudworth Beaver Dam/First Parish intersection discussion
 - One way potential – Cudworth down towards Elm Street
 - TRR waiting to see the design of the Senior Center
 - Will address traffic

Old Business, New Business, Correspondence, Administrative Items, Update

Planning/Development Report:

- Review of RFP's for Master Plan on Tuesday

Documents

- Email to the Board from Shari Young dated 9.21.18 with agenda for 9.27.18
- Email to the Board from Shari Young with meeting materials dated 9.24.18 for 9 Prospect Ave., 92 Neal Gate Street.
- Email to the Board from Shari Young with meeting materials dated 9.24.18 for Blanchard Farms, LCC surety release.

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 7:42 p.m. Ms. Lambert seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved October 11, 2018