

SCITUATE PLANNING BOARD MINUTES September 16, 2021

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

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: Select Board Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chair Burbine called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 9/9/21 Planning Board Agenda

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

Continued Public Hearing – Stormwater Permit – 16 Mann Hill Road Assessor's Map/Block/Lot Portion of 27-7-9A Applicant/Owner: Susan Stone

Documents

- PDF 9-8-21 PB Review Report, 16 Mann Hill Rd
- PDF 4273 BOH SWP 7-30-21 temp ease (1)
- PDF 4273 Cvr Ltr 8-26-21
- PDF 4273 O&M Plan 8-23-21
- PDF 4273 SWP 8-25-21 red
- PDF SKM_80821082709420
- DOC DRAFT Motion Form 3rd Continuance

Attendees: Greg Tansey, Ross Engineering; Peter Palmieri, Town Consultant, Merrill Engineers

Mr. Tansey began by responding to comments from Peer Review. He indicated that he has made a modification to the plan removing the permeable pavement due to maintenance costs per month.

- Plan is now utilizing standard pavement
- Trench drain at the end of the driveway remains
- Pipe increased from 4" to 6"
 - Water will go into forebay for pre-treatment
 - Forebay sized per DEP BMP standards
 - Over flow into bio-retention system
 - Similar to rain garden, credited with 90% TSS removal
 - Will overflow into grass swale to the buffer strip
 - Rest of run off will go as it has down through the buffer
- Signed agreement for temporary grading easement provided

- Revised O&M Plan
- Drainage calculations revised and updated

Ms. Joseph indicated what is being presented is a revised plan that has not yet been reviewed. Mr. Tansey said he will be submitting the material for review, but most of the outstanding comments from prior reviews were focused on the permeable pavement and that has been eliminated. He said the additional comments dealt with grading, spot grades were added, and swales were clarified. He opined everything has been addressed, but the new design will have to be peer reviewed.

The Board cannot make any determination without all information being resubmitted and reviewed.

Ms. Joseph indicated she has sent the easement to Town Counsel for review, but no comments have come back yet.

Mr. Palmieri indicated he has not seen anything for the revisions. He did opine the elimination of the permeable pavement is a good idea. He did discuss some of his previous concerns with the plan.

- Concern over the slope of the driveway in terms of storage, but may no longer be an issue with removal of permeable pavement;
- Concerns about size of pipe; pipe has been made larger;
- Providing an erosion control pad and level spreader and adding an intermediate clean out;
- Easement to be reviewed by Town Counsel
 - If approved Board should get copy of the recorded document;
- Additional soil testing has already been done.

He opined getting rid of the permeable pavement is a plus and thinks this plan looks like a straight forward design.

Ms. Joseph asked if there was now pavement on the adjacent property where the easement has been done. Mr. Tansey said no.

Ms. Susan Stone, property owner of 16 Mann Hill Road, asked for clarification of what still needs to happen. Mr. Pritchard explained the information needs to be resubmitted and reviewed and the Board will not make decision without having the information reviewed.

Ms. Joseph indicated that additional funds will be needed for peer review services.

Ms. Burbine asked if the lot will be clear cut. Mr. Tansey said it will be cleared with the exception of the buffer strip.

There was discussion about the house being pushed back on the lot to allow for the septic system in the front close to the road; it is necessary to achieve all that is needed.

Ms. Lambert said she is still confused how one lot is being treated and how water is not going to spill. She said this is a very wet area and people's homes cannot be flooded. She said it seems counter-intuitive to develop one lot at a time, but will wait to see what peer review has to say.

Mr. Bornstein asked where the infiltration that was previously occurring in the pervious pavement is now taking place. Mr. Tansey pointed out a structure on the plan, similar to a rainwater garden, a bio-infiltration system with various plants, engineered soil mixed based on compost, loam and sand element that is mixed per DEP Regulations. He said it will promote infiltration and support plant vegetation. Mr. Tansey named several plants that will be used; shrubs specified on their ability to filter out salts, greases and oils and metal. The area will only be treating stormwater from the driveway, it will not be overwhelmed from other sources; all the stormwater gets treated, then pre-treated and released in the swale and then through the buffer where there will be more treatment. Overall treatment is about 95% TSS removal, it also has the ability to retain water quality volume and infiltrate. This is taking place instead of the permeable pavement. He said the permeable pavement had more storage area, but this will give better treatment and there will still be less runoff leaving the site in the proposed condition versus the current.

Mr. Bornstein asked at what storage level/capacity does it over top. Mr. Tansey explained the depth of water flowing over top it is about two-tenths. Mr. Bornstein said his concern is channelizing water to the back-property line; it needs to be done right because the overland flow into abutting properties on Christopher Lane has always been an issue. Mr. Tansey said he is very conscious of that and pointed out a swale on the plan; the only place it could go is downhill in the buffer area. Water gets treated and attenuated.

Mr. Pritchard said the design with the permeable pavement did not have the water running off anywhere; with this design he questioned if the bio-retention basin is infiltrating the same amount of water since the water is now being pushed down to that basin. Mr. Tansey said no, but it is infiltrating enough of the water to meet the performance standards. The Board will need to wait for Peer Review to confirm.

Mr. MacLean opined it looks good, but will wait for the Peer Review to come back; getting rid of the permeable pavement is good and the bio-retention basin makes more sense.

Ms. Joseph asked who designed the plants going into the bio-retention basin. Mr. Tansey indicated he used the recommended plants from DEP and will provide the page to Board. Ms. Joseph indicated the Board wants to know the size of the trees going in as well. Mr. Tansey said it is a good mix of plants that will be at least 30" high; it is a variety of plants that are commonly used in mitigation work with Conservation.

The Board asked Mr. Tansey to provide the page from DEP and provide information on the plants being proposed, i.e. mark the size of plants.

Public Comment:

Ms. Marla Minier resident at 29 Christopher Lane asked about the homeowner who extended the easement; is it still the Terrell Estate or a new owner. She is concerned about what happens with a new homeowner. Mr. Tansey said the middle property is still owned by the Terrell Estate, but the easement is only a temporary grading easement once everything is built the easement goes away.

Ms. Burbine asked where the roof runoff goes. Mr. Tansey explained the flow from the front lawn goes into the infiltration trench connected to the driveway trench that is picked up and then goes into the bio-retention basin. He said little runoff from the infiltration makes it to the basin; a lot is taken

up by the lawn in the front. He pointed out how water flows from the back of the house through the lawn, some screening plants and through the wooded buffer.

There was discussion about the septic system; Mr. Tansey explained that most every septic system is mounded, but it is a graded lawn up to the front of the house. The grade in the front yard will slope up slightly to the foundation.

Ms. Burbine asked about the amount of fill that will be brought to the property. Mr. Tansey did not have exact numbers.

Motion:

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Stormwater Permit for 16 Mann Hill Road until October 14, 2021 at 7:30 pm and to continue the time for action for filing with the Town Clerk until November 12, 2021.

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

Minutes
Documents

- Meeting minutes 9.9.21

Ms. Lewis moved to approve the meeting minutes for September 9, 2021.

Ms. Lambert seconded the motion; a vote was taken and was unanimously in favor.

Accounting
Documents

PO #2202333 (\$2,250.00), PO #2202331(\$1,065.16), PO #2202484(\$13.66)

Ms. Lewis moved to approve the requisition of \$2,250.00 to Merrill Corporation for peer review for The Residence at Driftway Place/Drew Company, for \$62.50 to Lou DeFranco for return of unexpended funds from the Planning Board guarantee account, for \$1,002.66 to Lou DeFranco for return of 61 Border Street stormwater bond, for \$13.66 to WB Mason for office supplies.

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

Liaison Reports:

CPC – reported by Ms. Burbine:

- Money approved for
 - Teak Sherman Garden
 - African Farm
 - Archives
 - Irish Journal
- Baseball Field – 90' Field proposal

- Plan to put baseball field behind the old Gates School
- Need to resolve parking issues for Senior Center
 - Part of field proposed is potential spill over parking for the Senior Center
- Asking for \$600K
 - Original ask was for \$200K
- Planning Board discussed the need for a plan for the entire campus
- Bleakie Field on Border Street
 - CPC appraised value came in at \$1.8M
 - Select Board have not made decision on right of first refusal
 - Individual wants to purchase the property at \$2.3M
 - Build 6 Single-family homes
 - 7 Acres would be put into Conservation

Advisory Committee – reported by Ms. Lambert:

- Marijuana Dispensaries
 - Michael Westort – recused himself from the vote, but answered a lot of questions
 - Petition needs to be rewritten, they are looking to do it on the floor of Town Meeting
 - New Attorney Val Romano, specializes in this area
 - One article is contingent upon another

**Discussion/Vote – Building Architectural Changes – 6 MacDonald Terrace
Applicant/Owner: RJB Development, Bob Burwick**

Documents

- PDF Meeting Notes 9.14.21

Attendees: Bob Burwick, RJB Development

Mr. Burwick indicated he went before Design Review Committee and he has agreed to the recommendations from the meeting; features from the previous design are to be incorporated back into the final design. Mr. Burwick referenced the minutes from the DRC meeting.

Ms. Joseph said it was a very productive meeting; the DRC is made up of three practicing architects. They all concurred that the proposed changes make it more representative of the original design, any other changes are insubstantial; there are no more balconies, but it is a good use of space.

Ms. Joseph recommends that the Board approve the changes and when the drawings come in again she will make sure they meet the criteria of DRC meeting minutes.

The Board sends their thanks back to the DRC.

Motion:

Ms. Burbine moved to accept the Design Review Committee's recommendations included in their September 14, 2021 Meeting Minutes for the building permit plans for 6 MacDonald Terrace and find that the proposed changes outlined in the meeting minutes will more closely represent what was originally approved and to find the changes are insubstantial in nature. Per Condition 18 of the Mixed-Use Special Permit in the Village Business Overlay District for 6 MacDonald Terrace, the final building plans stamped by a registered architect with the proposed changes added shall be reviewed by the Town Planner prior to a building permit being issued.

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

Planning and Development – reported by Ms. Joseph:

- Drew project
 - Mockup of the Building being done
 - DRC and Planning Board would like to see
 - Tires, boulders, stumps buried underneath the MBTA parking lot, no hazardous materials have been detected, the area has been tested and came back fine
- Sidewalk on Ann Vinal done except for backfilling with loam and seed to the wall
- Seaside at Scituate
 - Walked landscape for 3.5 hrs., placed 31 of 50 trees that are part of the conditions, not completely ready, placed trees all over the site
 - 5 red cedars to be used in the buffers between pods in exchange for 10 shrubs
 - Everything staked
 - 10 of the 50 trees were used in buffer areas between pods
 - Irrigation line break over the weekend, sod pulled up, regraded
 - 3 wells for irrigation
 - No Town of Scituate Water being used for irrigation
- October 28th will be 7 New Driftway, 533 Country Way will be immediate continuance to November 4th.
- October 14th – Continued Public Hearing Citizen Petition Zoning Marijuana, 16 Mann Hill and Lot Shape Bylaw
- Discussion on any items for Capital Plan – Master Plan implementation
 - Zoning is not a Capital Plan item
 - Capital Plan item requires the cost be more than \$25K and last more than 5 years
- Email sent to the proponents for the Citizen Petition to meet and work together; awaiting response.

Documents

- Email to the Board from Shari Young dated 9.10.21 with agenda for 9.16.21
- Email to the Board from Karen Joseph dated 9.13.21 with meeting materials for 16 Mann Hill Road.
- Email to the Board from Shari Young dated 9.16.21 with meeting materials for 6 MacDonald Terrace and DRAFT Minutes 9.9.21.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 7:24p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Vice Chair

Date Approved: October 14, 2021