

SCITUATE PLANNING BOARD MINUTES September 22, 2022

Members Present: Patricia Lambert, Chair; Benjamin Bornstein, Vice Chair; Ann Burbine, Clerk; and Rebecca Lewis.

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

Members absent: Stephen Pritchard, Bob MacLean

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

Documents

- 9/22/22 Planning Board Amended Agenda

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

Public Hearing – Site Plan Administrative Review and Special Permit for Mixed-Use Building and Stormwater Permit in the VCN- GDG-NDTV – 61 New Driftway

Assessor's Map/Block/Lot 53-03-2A

Applicant: John Tedeschi

Owner: John Tedeschi and James McInnis

Documents

- PDF 14-203-61 New Driftway-Architectural Plans
- PDF 14-203-61 New Driftway- Locus Deed
- PDF 14-203-61 New Driftway – Narrative & Applications
- PDF 14-203-61 New Driftway – Site Plan
- PDF 14-203-61 New Driftway – Stormwater Permit Application
- PDF 61 New Driftway Architectural Narrative
- PDF 9417 J. Tedeschi 072222
- PDF TC filed Posting 61 New Driftway
- PDF Transmittal 61 New Driftway SPAR-SP-SW
- Email dated 7.22.22 with comments from Sewer Department
- Email dated 7.22.22 with comments from Water Department
- Doc Motion Form for 1st continuance

Attendees: Greg Morse, Engineer; John Tedeschi, Applicant/Owner; Steve Guard, Attorney; James McInnis, Owner; Jamie Kelleher, Architect

Ms. Burbine read the posted legal notice into the record.

Ms. Joseph indicated the applicant has been asked to do a brief presentation tonight because the peer review has not yet been completed. Comments should be made from the Board to guide the applicant and public comment should also be taken.

Mr. Guard said they are prepared to do a brief presentation and he introduced the team with him tonight. An overview of the project at 61 New Driftway was given.

- Mixed-use building
- 25 units
 - Two 3-bedroom units
 - Six 2-bedroom units
 - Seventeen 1-bedroom units
- 4,200 sq. ft. of office/retail space
- Lot is 34,727 sq. ft.
- Access on both New Driftway and Old Driftway
- Designed under previous version of the Bylaw
 - Need to make adjustment for the penthouse to the design
- Site is located at the corner of Old Driftway and New Driftway
 - Existing Site Layout
 - Existing building on site is Doggie Daycare and has significant portion of the former MBTA parking lot
 - Abuts the Drew Company Project
 - Property has access to public water, sewer, gas and electric which already exist on the site
 - Located in the GDG-NDTV zoning district
 - Both streets are referred to as pedestrian frontage overlay zones
 - No FEMA Floodplains, Wetlands, Zone A's, Zone II's and it is not in a Water Resource Protection District or the Floodplain and Watershed Protection District
 - Proposed Site Layout
 - Mixed-use Building
 - First floor – mix of office and retail space, 4,200 sq. ft.
 - Floors above contain
 - Seventeen 1-bedroom
 - Six 2-bedroom
 - Two 3-bedroom
 - 5 units will be designated affordable
 - Has not been determined if units will be apartments or condominium
 - 40 parking spaces provided, 38 required under the bylaw
 - 2 ADA accessible parking spaces
 - 4 designated for electric vehicle charging stations
 - Sidewalk around the frontage for pedestrian access
 - Amenity space
 - North side of site with outdoor picnic area
 - Corner of the property provides outdoor patio
 - Rooftop deck
 - Total of 7,280 sq. ft., exceeds the 6,900 sq. ft. required under the bylaw

- Drainage on site is directed to subsurface recharge systems under the parking lot
 - Soil testing on site – shows very gravelly soil, relatively deep to groundwater.
 - System similar to what was designed for 50 Country Way and the Brewery
- Architectural Review
 - Patio space will have plantings and benches
 - Balconies along the front side on New Driftway
 - Designed to highlight retail space along the corner with nice entrances and porch feeling
 - Rendering provided to show how the building fits in from across the street; shows the scale of the project in conjunction with the adjacent property
 - Height of the building has been reduced since the last meeting to meet the requirements for a 4-story building
 - Stepbacks require the 4th story be hidden
 - 4,200 sq. ft. will be appropriately divided between commercial and retail
 - 4 Single-bedroom units located on the rear of the first floor and the access to elevator for upper level units in the back corner of the building
 - Proposing 1 live-work unit
 - Mix of units
 - 1-2-3 bedrooms on the second floor
 - 1-2 bedrooms on the third floor
 - 4 units and roof top amenity space on fourth floor
 - Elevations have been updated since the last meeting
 - Reflect the building height, 38'- 39' to the midpoint of the fourth floor should be below the requirement for a fourth-floor building height
 - Views provided showing that the penthouse was not visible from any point around the perimeter
 - Need to discuss alternative for the rooftop space

Mr. Kelleher said they are looking for feedback from the Board on possible alternative uses for the roof space; could be modified to provide a community space for residents, interior or exterior with elevator access for all the residents.

Ms. Burbine said she is concerned about the 4 units that are on the first floor that are residences; she opined the premise of the village district is that the first floor was really supposed to be office/retail as opposed to bedrooms. Mr. Kelleher understands the bylaw to read that residential units are permitted provided they are 60' back from the property line or sidewalks. Ms. Burbine said she understands, but she thinks the spirit of the bylaw is for office/retail on the first floor.

Ms. Joseph indicated the 60' setback needs to be delineated on plans because it applies to both Old and New Driftway.

Mr. Bornstein said that at the first informal discussion one of his concerns was the overall mass of the building; he asked if any substantive changes have been made to address that potential issue, particularly from the front elevation. Mr. Kelleher referenced one of the images and said each floor, floor to floor has been reduced by 6" and the 4th floor allowance is dictated by the stepback shown; they have gone great pains to make sure the building fits into the stepback to allow the fourth story to disappear from view for the most part. He opined it is kind of a struggle to follow the diagram and the height requirements and craft a "New England" style building that looks appealing. He opined that is what they have tried to do and they are meeting the massing requirements that are shown. He said lowering each level is all they have done to address that issue. He said at the previous meeting the mid-point from the roof was at 43'7" and now it is 38.5'-39' to the midpoint; they have come down by 18"- 20", most everything else has stayed the same.

Ms. Lewis asked why there are so many 1-bedroom units; Mr. Kelleher said they did their best to have as many multi-bedroom units as they could, but they have to meet the parking requirements. He said now that they are looking at an alternate use for the penthouse there are three bedrooms they could distribute throughout the rest of the building.

Ms. Lambert asked if there has been any conversation with the neighbors about street circulation and traffic studies. Mr. Guard indicated a traffic study has been submitted, there has not been any community outreach, but a neighbor across the street is here to speak on their behalf.

Ms. Lambert also discussed the passing at Town Meeting to eliminate penthouses; she would really like to see something creative on the roof. She has really been looking for a live roof. She said she likes the building, it is not as tall as she thought it was going to be, but there will be further discussion.

Public Comment:

Mr. Putcrush from Fulcrum Real Estate Partners, represents Fulcrum Harbor LLC, owner of 56 New Driftway, the medical building across the street, said assuming that some of the changes being discussed are made to make it as nice a project as they think it will be he said they are in full support of the project.

Ms. Joseph indicated there are a number of issues the Board should be aware of that need to be addressed sooner in the project rather than later.

- Circulation
- Water and Sewer studies will be required
- Traffic
 - Level Service B at the entrance on Old Driftway
 - Old Driftway needs to be evaluated
- Special Permit is required on a building over 100' in width
- Setback/Stepback changed at Town Meeting in addition to Penthouses
- Landscape plan by a registered landscape architect with types, sizes, etc., is required by the Board.
- Density Bonus
 - Offering easement for the sidewalk on the property and putting in sidewalk along the front of the property

- Sidewalk is required as part of the pedestrian frontage zone
- Ms. Joseph opined offer will likely not be sufficient for a density bonus; Board will have to comment
- Information for affordable units not provided at this time; make sure front and center so not done at the last minute
- List of all waivers requested is needed
- More information needed on wall details
- Drawings need to be clear as to what constitutes public amenity space
- Board will likely refer this the Design Review Committee (DRC) after the applicant has had the chance to make changes
 - DRC will not be scheduled until after the next hearing

Ms. Joseph discussed the timeline of submitting materials 4 weeks prior to the next hearing to account for peer review and so the Board has time to see the review for both the site and architecture. Mr. Guard said that the applicant can hit the deadlines.

Mr. Guard asked for some additional feedback regarding the roof to help the architect with the design. He said they were thinking about some open space area for the residents maybe an outdoor kitchen area; ideally, they would like to see some indoor space, i.e. a rec room with ping pong table or something along those lines. It would not be a residence, but would be something that fits with the headhouse for the elevator/staircase and something that would not be visible from the street, nothing that would be along the massing of the penthouse. There could be a covered area so that during inclement weather people could still sit outside and they would propose vegetation, etc.

Ms. Lambert opined it would be an interesting use of the space and COVID taught us that everyone wanted to be outside. She said for her they are headed in the right direction.

Mr. Bornstein asked for clarification if it is just a deck on the fourth floor with nothing else aside from a covering and/or the headhouse. Mr. Guard said he is suggesting there would be a small room attached to the exit of the elevator, a small rec room to allow people to enjoy the area and then exit to a patio through a slider or French doors. Ms. Joseph reiterated that the applicant has to meet the definition of Building Height exceptions and if that can be met the Board might be willing to consider it.

Ms. Lambert said she has been looking for something like this if they want to go in that direction; throw it against the wall at this point and see what sticks.

Ms. Joseph said be conscientious of the height.

Motion:

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for a Mixed-Use Building and Stormwater Permit in the Village Center and Neighborhood District – Greenbush Gateway District- New Driftway Transit Village Subdistrict (VCN-GDG-NDTV) until November 17, 2022 at 6:30 pm and to continue the time for action for filing with the Town Clerk until April 28, 2023.

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

Public Hearing – Site Plan Administrative Review and Special Permit for Mixed-Use Building, Multi-Family Building and Stormwater Permit in the VCN- GDG-GVC and GWB – 33 New Driftway and 7 MacDonald Terrace

Assessor's Map/Block/Lot 53-05-19 and 53-5-20A

Applicant/Owner: Saoirse, LLC

Documents

- PDF Sept. 15, 2022 PB Continuance Letter
- PDF TC Filed Posting 7 MacDonald Terrace – 33 New Driftway
- Doc Motion for 7 MacDonald Terrace/33 New Driftway Continuance

Ms. Burbine read the posted legal ad into the record.

Ms. Joseph indicated the applicant requested an immediate continuance and had not yet provided funds for the peer review, thus the hearing is being continued.

Motion:

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for a Mixed-Use Building and Multi-family Building and Stormwater Permit in the Village Center and Neighborhood District – Greenbush Gateway District – Greenbush Village Center Subdistrict and Gateway Business District (VCN-GDG-GVC and GWB) until December 15, 2022 at 6:30 pm and to continue the time for action for filing with the Town Clerk until April 28, 2023.

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

Continued - Public Hearing – Stormwater Permit - 20 Mann Hill Road

Assessor's Map/Block/Lot 27-7-9C

Applicant/Owner: Jason Schumacher

Documents

- PDF 20 Mann Hill Drive Revised Site Plan
- PDF 20 Mann Hill Road Revised Stormwater Report
- PDF 22-472 PB Review Report, 20 Mann Hill Road, 09-12-22
- PDF Peer Review Response to Comments
- Doc Motion Form for 20 MH SW Permit

Attendees: Jason Schumacher and Ashely Schumacher, Applicant/Owner.

Mr. Schumacher said they have lived across the street from this Mann Hill property and now would like to build a house there now.

Ms. Lambert said the initial reaction from the Board was there was not enough vegetation left on the site. She indicated that Ms. Joseph has had conversations with Mr. Schumacher on how to address that issue.

Ms. Joseph indicated the applicant's Engineer was ill and not available to be at the hearing tonight. She said the Board had previously expressed concern that the site was totally disturbed. The design meets all the engineering criteria; she has conditioned that a landscape plan showing a mixture of evergreen and deciduous materials must be provided for the approval of the Town Planner prior to a building permit being obtained. She said currently there are raspberries, blueberries, a vegetable garden and hydrangeas shown on the plan, but she opined the Board did not think that was sufficient for a year-round buffer. She said Mr. Schumacher does not have any issue with working on a landscape plan, because they want privacy as well. She indicated that Mr. Pritchard had previously asked about trees to remain being shown on the plan; at this point they have not been shown. She has conditioned that trees to remain shall be shown on a revised plan to be submitted prior to the recording of the stormwater permit and the trees to remain shall be verified that they do not have any impact on the swales; swale redesign maybe necessary. She said there is one place on the plan where the erosion control goes into the 50' buffer; prior to recording the permit a new plan has to be submitted taking the erosion control out of the 50' buffer to the wetland. She said those are things she has conditioned which she thought were resonable, but the whole site is still disturbed so it is up to the Board.

Ms. Lambert explained that the Board only sees a plan and doesn't see the vision they have for their yard. She said they try to see the vision and although neighbors don't have the right to tell you what to put on your property everyone wants to be a good neighbor and the house is very high. She said she was out there today and there is a lot of water, it rained 3". She said at some point there was talk about putting in a wall, something architectural, unification, demarcation; naturalization stone goes a long way and they need to speak with a landscape architect to do that. She said she knows they are open to that and working with the Town Planer. Ms. Lambert asked what the applicant wants to see when they look out their kitchen window, what do you imagine in your backyard.

Mr. Schumacher said they are following the Town's Stormwater Permit and guidelines which requires them to bring in an enormous amount of fill; they don't want to bring in all the fill, they don't want to put their house up higher, but those are the requirements that the Town is making them do. He said you can't put 6'3" of fill around a trunk of a tree and expect to keep it, that won't happen. He said that they lived across the street from the property for 5 years; the Board is asking them to beautify the entire lot, he does not want a lot with nothing on it that is all grass. He said he understands some of the neighbors on Christopher Lane have hesitation about trees coming down, but in order to get the pool and the septic system it is requiring that fill be brought in and the back is the only place to put it; the lot is narrow until it opens up into the house. He said at their current house they had numerous hydrangeas and raspberries and blueberries, etc. and they plan to put all that in and Ms. Joseph has given them some ideas about putting in evergreen plants and they are willing to do that. He said he has gone to every house that abuts the property and talked with everyone except one person that he was not able reach and some are here tonight. He said he is willing to put in a landscape plan along Christopher Lane and give everyone what is required to give adequate, fencing so that no one is disturbed. He said some neighbors on Christopher have cleared all the way to the rock wall; he said he would want something along there anyways. He said the last thing they want to do is go in and clear cut the entire lot, but to start they have to do that then come up with new plan and that is what they intend to do.

Ms. Lambert said she appreciates his honesty and transparency; it is difficult when you live somewhere for a long time and all the sudden there is a new house. She said the Board tries to make this as painless and amicable as possible. She said she knows he is willing to work with Ms. Joseph on this. Mr. Schumacher said he is willing to work with anyone, including the neighbors.

Mr. Bornstein said it is not fair for him to drag the Schumachers through this, but his concern has to do with the site design and engineering that is coming in. He said he has a “bigger fish to fry” and understands everything the applicant has said about what they have to do, but it is what they have to do based off what their engineer has said, assuming they are not engineers or site designers themselves. He said the Board needs to start pushing to see more artful sites, he opined he is going to start saying “no” because it does not meet the low impact design standards. It is loose and open to interpretation, but these sites are supposed to take advantage of the natural topography, maintain a certain amount of tree cover and canopy, maintain vegetation and natural state to the greatest extent possible. He said time and time again the Board sees disturbance to the minimum extent possible. He said in this case it does not have to do with the Schumachers and maybe discussion for later regarding zoning, but the Town needs to look and see what “teeth we have” to have higher level site design because it can be done.

Public Comment:

Ms. Kichefski resident at 30 Mann Hill Road, the property right next door said they were here a couple of years ago and were concerned about the trees and a developer coming in. She said the Schumachers are amazing people and have been fantastic neighbors, they have lived next door for 5 years; they have talked about their plans and the Schumachers love their yard which is very landscaped and designed and they are in favor of the project and believe the Schumachers have the neighborhood and Scituate at heart. She said she has concerns about filling around trees and would rather have the trees be taken considering everything they have seen and what has been done two houses up; there is certain amount of work that needs to be done. They have owned homes before next to properties where they raised and filled around trees and it was a disaster. She said she is 100% confident they are going to put money into the landscaping and keep the neighborhood.

Mr. Avallone resident at 33 Christopher Lane said he has been here before and is against what the plans are right now. He said the original drawing had 30' undisturbed vegetation; the process to continually raise properties is dangerous in his opinion, especially to his house which is right next to the wetlands. He spoke about today's rain and said there are 27,000 gallons of water just coming off this property, but all three properties, it all comes towards his house which is the low point. He said until there is a vegetated buffer or something that is significant to address the water; it is not just the water off these properties, but also his concern that has never been addressed is that there are no storm drains on that portion of Mann Hill Road which is why it has always been wet. He said if the plans are not including the flow off the road it is a huge problem.

Ms. Snow resident at 6 Mann Hill said she is two doors down from the property at Mann Hill and echoes what the Kichefski's said; she and her husband who is online are completely supportive of the Schumacher's plans; they have the best at heart for their property, the neighborhood and will do whatever it takes, they take care of their property, they want to see it pretty. She opined the Board approved the property being built 2 doors up from the Schumacher's, she opines it adds to the neighborhood and is confident they will figure out the storm drain that is in the plan; she is directly downstream from all of it and she doesn't have any concerns that they won't build it right.

Motion:

Ms. Burbine moved to approve the Stormwater Permit with The Site Plan dated June 17, 2022 with revisions through 9/6/2022 and Stormwater Management Design Calculations dated June 17, 2022 with revisions through August 8, 2022 with the conditions noted below:

1. Construction shall comply with the Site Plan dated June 17, 2022 with revisions through 9/6/2022 and Stormwater Management Design Calculations dated June 17, 2022 with revisions through August 8, 2022 by Paul F. Bakis, P.E. of Grady Consulting, L.L.C. and the Operation and Maintenance Plans for construction and post construction for 20 Mann Hill Road latest revision August 8, 2022 except as they may be modified to conform to the conditions below. Any or all owners of the property or site contractors for grading, site work, and installation of utilities, foundations, and/or driveways shall be advised of this approval and these conditions. A copy of the approved plan and conditions shall be kept on the site at all times during construction.
2. Any plan changes or changes from the proposed materials shall be submitted to the Planning Office to determine if the changes are insignificant or require a permit modification approved by the Town Planner. The stormwater management system including dry wells and grassed trenches, grading, dwelling and site amenity locations shall not be changed or expanded without the prior written approval of the issuing authority. Expansion includes additional pavement areas. Failure to obtain written approval is a violation of the Town of Scituate General Bylaw and subject to fines.
3. Copies of this approval and the approved Stormwater Permit Plan and Conditions shall be provided to subsequent owners who shall be advised of the need for periodic maintenance of the stormwater system and the need to retain the grading of the lot as approved. Prior to the transfer of the property, the owner shall provide to the subsequent owner and the Planning Office an inspection report certified by a Professional Engineer showing compliance with the Operation and Maintenance Plan. **The Planning Office must receive written notification at least one week prior to any change in the ownership of the property occurring during construction.**
4. Where this Stormwater Permit requires approval, permitting or licensing from any local, state or federal agency, such permitting or licensing is deemed a condition of this Stormwater Permit. All necessary permits and approvals must be received prior to commencement of construction.
5. The Applicant shall consent to allow members and Town officials from the Planning Board and other persons acting under the Planning Board or its agents, to enter upon any lands and carry out such inspections as may be deemed necessary. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their effort to verify that the layout, design and construction work for the Stormwater Permit are satisfactory and conform to Town specifications and requirements of the Board.

6. This Stormwater Permit must be recorded at the Registry of Deeds with proof furnished to the Planning Office prior to construction. Failure to record the Stormwater Permit is a violation of the permit and subject to fines included in the Town of Scituate General Bylaws.
7. The infiltration dry wells shall be installed to have the bottom elevation a minimum of two feet above seasonal high groundwater elevations. Stormwater during construction as well as after construction is not allowed to increase in rate or volume to adjacent properties, the street or offsite.
8. No clearing beyond the limit of work/limit of clearing/erosion control line as shown on the plan is allowed. The limit of clearing shall be staked in the field prior to construction commencing and shall be maintained throughout the construction phase.
9. Construction work shall not begin prior to 7:00 AM on weekdays and 8:00 AM on Saturdays and shall cease no later than 7:00 PM or sunset whichever is earlier. No construction shall take place on Sundays or legal state and/or federal holidays. Construction work includes any operation of machinery and idling of vehicles. No truck idling on the site or on adjacent streets is allowed.
10. Prior to recording the stormwater permit, a new Site Plan shall be provided moving the erosion control out of the 50-foot buffer to the wetlands.
11. Trees to remain along the stone walls have not been shown as requested. Trees to remain, if any, shall be shown on a revised plan to be submitted prior to recording the stormwater permit. It shall be verified at that time that trees to remain will not impact the swales and if they do swale redesign will be necessary.
12. An attempt has been made at a buffer with proposed deciduous shrubs; however, it offers no winter screening. A plan showing a mix of evergreen and deciduous materials shall be provided to the Town Planner for approval prior to a building permit being obtained.
13. The temporary sediment control traps and swales must be installed in the initial stages of construction prior to any foundation construction. All drywell areas must be fenced off during construction to prevent over compaction of the soils and minimize construction traffic over the dry wells.
14. The infiltration dry wells and swales must be retained and maintained as designed as they are components of the stormwater management system. Maintenance must be per the approved Post Construction Operation and Maintenance Plan.
15. **A Stabilized construction entrance per the plan detail shall be installed prior to any work on the site and shall be maintained throughout construction.**
16. Prior to any land disturbance, erosion control shall be installed and inspected by the Town

Planner or approved agent. At this time the site shall also be staked to show the house and drainage improvements. All stockpiles shall be surrounded by an erosion control barrier. Additional erosion control, such as silt fence, silt sock and/or haybales placed **prior** to a precipitation event, may be needed to prevent sediment from reaching the road or adjacent properties during construction. **All erosion control shall be installed per the plan and shall be maintained in good working condition throughout construction.** The Applicant is responsible for maintaining and managing stormwater on-site throughout the construction period and during the transition to fully functional operations and maintenance. Construction approval in no way relieves the Applicant from its obligation to ensure stormwater does not impact the abutting properties and the Applicant shall take all necessary steps to prevent such occurrences.

17. **The Town Planner shall be notified when installation of the construction entrance and erosion control are complete. If any permit inspection is being requested this notification shall occur 48 hours in advance of an inspection.**
18. No on-street parking or loading or unloading of construction equipment or vehicles shall be permitted during construction unless a police detail is provided if warranted as determined by the Police Department. Noise mitigation and proper dust controls shall be used.
19. All disturbed areas associated with this Stormwater Permit shall be loamed and seeded with **6"** of screened clean loam.
20. A pre-construction conference will be required on site to verify the contractor is aware of the Stormwater Permit conditions and required inspections. Recording of the permit must occur prior to the pre-construction conference with proof of recording furnished to the Planning Office.
21. Construction inspections will be provided as follows:
 - a. All inspections for the Town shall be performed by the **Town Planner or a designated representative of the Planning Department or Planning Board and by the record design engineer.** All inspections shall be documented with written reports that describe compliance with the approved plan(s) and supporting application documents and construction specifications. Any variations shall be noted.
 - b. The Town Planner and record design engineering firm must be notified 48 hours prior to:
 - i. Installation of construction entrance and erosion control, and staking of corners of the dwelling, limit of work, driveway and the drainage improvements;
 - ii. Installation of siltation sumps including directional swales;
 - iii. Bottom of the infiltration dry wells prior to backfilling;
 - iv. Installation of infiltration chambers;
 - v. Rough grading of site including swales, site and driveway to verify grades are as designed including slope and cross pitch of the driveway;
 - vi. Finish grading of the infiltration dry wells the elevations submitted to the Town Planner and design engineer for verification;
 - vii. Inspection of site amenities including house, pool and patio, driveway, walk

- and loamed & seeded areas;
- viii. Inspection of final completion of site work including cleanup to determine compliance with the conditions prior to issuing a Certificate of Completion (COC).

Work shall be subject to removal if necessary inspections are not requested. If the property is sold prior to completion of the work, the Planning Board reserves the right to inform the buyer that the Stormwater Management System is incomplete. Spot grades shall be performed during rough grading and finish grading to insure any swales will drain and no standing water will be present.

- 22. The applicant will provide a construction and plan completion guarantee of \$5,000 prior to issuance of a building permit to guarantee that the Town will be notified when site inspections are required, the as-built plan will be provided and construction will be completed in accordance with the approved plan. A Certificate of Completion must be issued prior to return of the construction and plan completion guarantee.
- 23. The Property Owner shall be responsible for the proper maintenance and operation of the stormwater control system. A best management practices inspection schedule and maintenance checklist and plan is attached and shall serve as a guide for the proper maintenance of the system which is required in perpetuity.
- 24. Construction of the proposed stormwater management system, site utilities, site amenities and grading shall be supervised by a registered professional engineer who shall certify to the Planning Board that the site was constructed according to the approved plans. The certification shall be accompanied by an As-Built Plan stamped by a registered surveyor and the registered professional engineer who designed the system and shall be submitted to the Planning Office within ten days of completion of the work. This plan shall include the construction conditions of the stormwater management system including top and bottom elevations and inverts, spot grades as necessary, grading, house, site amenities and driveways. Prior to application for a Certificate of Occupancy, an interim As-Built must be submitted to the Planning Office for verification that the stormwater management system and grading is following the design. The final As-Built Plan must be submitted prior to obtaining a Certificate of Completion for the Stormwater Permit and all work must be found in compliance with the approved permit. All grading and landscaping must be complete prior to the final as-built submittal.
- 25. If the drainage system is not performing as designed and conditioned or stormwater is observed going to abutting properties or the street, the Stormwater Authority can request necessary mitigation to remedy the situation.
- 26. Underground irrigation systems are prohibited from connecting to the town's water distribution system or in any manner using municipal water. All irrigation systems installed must be supplied by on-site sources at the expense of the property owner. Violations of this policy shall result in a fine to the property owner, with an equal fine levied on the installer of the system

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

Ms. Burbine moved to close the public hearing. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Endorsement for Common Driveway – 803 First Parish Road (aka 801 First Parish Road)

Documents

- Common Driveway Plans

Attendees: Steve Bjorklund, Applicant

Ms. Burbine moved to endorse the common driveway plans at 803 First Parish Road, aka 801 First Parish Road.

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

Ms. Joseph explained the reason for endorsing; the applicant would like to have the Board signature and we have been a little lacks in requiring this for some common driveways, but endorsement is required for all special permits.

Discussion – Zoning for Annual Spring Town Meeting 2023

- Common Driveways
- Wind Turbine related to Building Height
- Parking-Offsite

Documents

- PDF Building Height Exceptions
- PDF Parking
- Doc Section 720 CD Bylaw – 5th Redline with Applicability Clause

Ms. Joseph said Town Meeting is April 10, 2023 and final language needs to be submitted by January 10, 2023; this forces the Board to have a public hearing and continued public hearing in December. The Board usually does a Zoning workshop to introduce the ideas to the public which would have to be in mid-November.

Wind Turbine related to Building Height:

A Select Board member has questioned under the section for “Building Height Exceptions” small wind turbines. Ms. Joseph read the bylaw relating to building height exceptions. There is question if a small wind turbine should be removed; the turbine being on top of a home.

The Board did not want to pursue; it has not been seen as an issue before.

Parking Off-site:

Ms. Joseph said it has come to her attention that “offsite” parking is allowed for “employees” except for handicapped parking and if some additional conditions can be met per the zoning bylaw. She said theoretically it means employees should not be parking in Cole Parkway. She then discussed stacked and valet parking which is available by special permit; she read from bylaw the requirements that need to be met in order to have such parking. She indicated it has come up on a project and is asking if the Board wants to make any changes. She said basically valet parking is allowed now, but does the Board want “offsite parking” to be just for employees or can offsite parking be counted for the demand.

Ms. Lambert felt “offsite” parking could be counted to the demand and she has no issue with valet parking.

Ms. Joseph said valet parking is by special permit, but “offsite” is not by special permit, but the zoning bylaw still needs to be met; it has to be within so many feet, has to have pedestrian access and an agreement has to be provided.

Mr. Bornstein said he agrees with Ms. Lambert; he said often in the Harbor applicants are asking for a waiver and this would provide another opportunity to meet parking requirements without asking for a waiver. Mr. Bornstein would be in favor of it counting towards demand.

Ms. Joseph said she does not see that the Town would give a lease, recorded covenant or instrument for Cole Parkway so essentially it would have to be a private area.

Ms. Lambert said would the 700’ have to be changed. Ms. Joseph said she does not see why; no one has presented any options yet. She said someone would have to have extra parking available for whatever use their business requires. She said the Board would be able to ask for proof that parking requirements are met and not impacted with providing parking to another entity.

Ms. Burbine opined as a business owner she can’t be concerned about parking; people come if they want what you have. She questioned why someone would open a business in an area it they can’t get the parking.

Ms. Lambert referenced an article in the Globe that discussed parking in Cambridge; Cambridge may be getting rid of their parking requirements because they feel they sacrifice too much real estate to parking.

The Board opined they would like to remove the word “employees” from the offsite parking options. Ms. Joseph said there is a high standard that has to be met.

Mr. Bornstein said he is in favor of it; then the Board may not be asked for so many waivers to use Cole Parkway.

Ms. Joseph will put in placeholders and start coming up with the official language.

Common Driveway:

Ms. Joseph indicated that it was previously decided the Board would not pursue a change to Common Driveways for the Special Town meeting, but would wait for Annual Town meeting in

2023. She has been sending the language around and it needs to be discussed if the Board wants to move forward.

Ms. Burbine opined the Developers now know the Board means business.

Mr. Bornstein said it has been worked on diligently for the past few months a lot of people have provided input and does not see the point in not moving forward.

Ms. Joseph discussed a few things that are being proposed to make sure everyone is on the same page.

- The Common Driveway starts at the street and goes up to and including the turnaround
- The Common Driveway is the entire access area for the purpose and benefit of adjoining properties
 - This provides a definition
 - The Common Driveway is the whole part of the common land
- Provision clause prior to November 30, 2022
- The entire residential lot to be served by the Common Driveway shall be shown on the plan
 - Lots shall show existing and proposed structures, grades and a certification by the design engineer that all structures and buildings conform to applicable zoning.
- If a separate Stormwater Permit is required it shall be submitted simultaneously with the common driveway application
- No plan shall be approved unless engineered drainage calculations are provided to the Board and the Board is satisfied upon peer review that sufficient drainage control measures will result in no increase in runoff on to property other than one of the lots served by the common driveway
- All common driveways shall require a special permit from the Planning Board except that common driveway less than 500' in length serving two lots with adjoining legal frontage do not require a special permit and are subject to the provisions of 770 site plan review.

Ms. Joseph said she will get this ready for the next round of discussion as a redline version for the public. The workshop will be somewhere around November 17th. The public hearing will be December 8th and continued until December 15th. There will also be several special permits at the same time; it is important that everyone be at the meetings.

Mr. Bjorklund made comment about the wind turbine discussion and mentioned that it is not addressed in the Table of Uses it is only listed in Section 740 Wind Energy Conversion Systems and the Planning Board is the special permit granting authority. He opined it is not done by a matter of right and as far as the height is concerned the Board can control that with every special permit issued.

Ms. Lambert said duly noted.

Minutes
Documents

- Meeting Minutes 9.8.22

Ms. Burbine moved to approve the meeting minutes for September 8, 2022.

Mr. Bornstein seconded the motion; the vote was unanimously in favor. Ms. Burbine did not vote as she was not present at the meeting.

Accounting
Documents

PO #2312531 (\$1,290.00), PO #2312421 (\$1,026.86), PO #2312659 (\$2,299.80)

Ms. Burbine moved to approve the requisition of \$1,290.00 to Horsley Witten Group for peer review services for 115 & 111 Elm Street (aka 109 Elm Street Lot 1 & 2), for \$1,026.86 to Vanasse & Associates for traffic peer review services for 7 New Driftway, for \$2,299.80 to Horsley Witten for peer review services for Seaside at Scituate.

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

Liaison Reports:

Town Meeting Recap:

- Water Treatment Plant site was approved
 - Timeline to file with the Planning Board is April 2023
 - Will be doing State permitting prior to local permitting
 - Ms. Lambert said it is to the Town's benefit to make this as attractive as possible with as few trees cut down as possible
 - There was opposition on meeting floor
 - Town would be behooved to listen to the people
- Baseball field was approved
 - Stormwater Permit will be coming

Ms. Lambert let the Board know the Foyer of Charity has been sold to the Coptic Church and will remain as retreat. She opined that is good news.

Ms. Burbine indicated that the Storage Facility owned by Mr. Fagan has been sold.

Planning and Development – reported by Ms. Joseph:

- Visited Seaside at Scituate today in the rain
 - Silty water was going off site
 - Will be getting fines
 - Water going off site by Ermine and towards Wampatuck School
 - There is are catch basin that are not functioning because they are set too high
 - Toll has been told about the issue months ago

- Told they will be done with the buildings at the end of the year
 - They will not be done with site work
- Stormwater Permits
 - Putting in that the design engineer must be at/do inspections as well
- ENF filed for the new seawall and revetment from 22 Oceanside to 151 Turner Ave.
 - Conservation will handle
 - Needs Chapter 91
 - No need for Planning Board comments
- Curtis Estates
 - Sidewalks are going in
 - Peer Review Engineer has been out a couple of times for inspections
 - 2 patios put in that exceed the impervious area for the lots
 - Need direction from the Board how to proceed
 - Do you want a full stormwater permit, do you want the homeowners to come in?
 - Patios were put in after the fact
 - Homeowner's trying to rectify
 - One homeowner told no to a permeable driveway
 - Does the Board want a full blown Stormwater Application
 - Everyone will have to hire an engineer
 - Ms. Lambert said anyone that wants to change their lot needs to come before the Planning Board
 - Mr. Bornstein said the Fagones at Cold Brook set the standard
 - That was a full Stormwater Permit
 - Ms. Joseph will inform the two homeowners' that a full permit will be required and calculations will need to be provided
 - Homeowner's are trying to work with the Board and rectify the situation
 - The Board agreed the Fagones are the gold standard and the homeowner's need to come with an engineered plan and all need to hire an engineer, it needs to be a professional that is capable of understanding
 - Mr. Bjorklund commented that if the people have to meet the Stormwater Bylaw
 - The Bylaw says who has to design the system and that is what you have to go by
 - O&M was never filled and they are working on it
 - Working on getting a homeowner on the HOA
 - Drainage system is going it at 6 MacDonald Terrace

Mr. Bjorklund said that with regards to the condition on the special permits it should say the "design engineer firm" rather than the "design engineer"; Ms. Joseph said it means the same thing.

Documents

- Email to the Board from Shari Young dated 9.16.22 with the agenda for 9.22.22 and DRAFT Minutes from 9.8.22

- Email to the Board from Karen Joseph dated 9.16.22 with meeting materials for 61 New Driftway, 7 MacDonald Terrace/33 New Driftway, 20 Mann Hill Road, and Zoning.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 8:38 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Clerk
Date Approved: October 13, 2022