

**SCITUATE PLANNING BOARD    MINUTES    September 24, 2020**

Members Present: Ann Burbine, Chairman; Benjamin Bornstein, Vice Chairman; Patricia Lambert, Clerk; Stephen Pritchard, Rebecca Lewis and the alternate seat was vacant.

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: 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 conducted in compliance with the Governor's executive order modifying the Open Meeting Law regulations for remote participation during the COVID-19 health pandemic. The meeting was being recorded for airing on local cable television.

**Documents**

- 9/24/20 Planning Board Agenda

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

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**Roll Call to call the meeting to order:**

A roll call vote was taken to open the meeting.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Continued - Public Hearing – Site Plan Administrative Review and Special Permit for Density and Tandem Parking in the Village Center and Neighborhood District – Greenbush Village Center Subdistrict – Greenbush Gateway District (GDG-GVC) - 18 Ford Place  
Assessor's Map/Block/Lot 53-05-22  
Applicant: Don McGill  
Owner: JB Scituate LLC**

**Documents**

- DOC DRC Summary dated 9.3.20
- PDF 2020-08-25 Planning Board - Revisions
- PDF 2020-08-25 Site Plan
- PDF Public Benefit
- PDF Rev 2 for Design Review 3 18 Ford Place Scituate MA 9-6-20
- DOC Rev 2
- Jpeg Revised Final Rendering view Design Review Modifications 8-4-20
- PDF Cost Estimate

Attendees: Bob Galvin, Attorney; Don McGill, Applicant

Mr. McGill indicated the building roofline has been adjusted per the Design Review Committee's (DRC) comments; changes have been made to landscaping per the Board and changes have been made to address Mr. Chessia's comments from the most recent peer review letter; they have addressed the fence for the patio area and are no longer proposing tandem parking. New plans were submitted on Monday.

Ms. Burbine indicated that the new plans submitted came in after the deadline they have not been reviewed and the Board will not be discussing those changes this evening; the Board has not seen the new plans nor the review letter. Ms. Joseph indicated the only thing that has been provided to the Board that came in after the deadline was the information on the public benefit. Mr. Galvin added that the applicant did not receive the review letter from Mr. Chessia until Thursday after the deadline the applicant responded as quickly as they could; they could not respond in time because they did not get the comment letter until after the deadline.

Mr. Galvin indicated the applicant provided information regarding the public realm benefit, the landscaping at the park; an itemized list and cost estimate have been provided. The total estimate is \$23,550.00; previously they had been willing to pay a sum of money, but there was concern that did not technically comply with the bylaw. He indicated that for surety of the work the applicant is willing to let all occupancy permits be held until the work is completed.

Mr. John Chessia reviewed the main points from his review.

- Architectural plans do not match the site plans – different number of parking spaces – the plans need to be consistent
  - Review dates of the plans
    - Board has set stamped 8.31.20 – plans reviewed by John Chessia
    - Architectural plans stamped 9.8.20 with date of 8.6.20
      - Plans have been forwarded to DRC for comment and the Board
  - Mr. Chessia's site plan comments are based on the 8.31.20 submittal
  - Mr. McGill indicated that they resubmitted plans dated 9.21.20 with architectural plans dated 9.6.20 that address the comments made by Mr. Chessia's review
    - These plans have not yet been reviewed and the Board has not seen them
- The Applicant indicated once the project is approved they will update the Architecturals
- Ms. Joseph indicated the project has been budgeted for 3 reviews
- Detail of the fence between the project and 14 Ford Place needs to be included
- The Board should review the proposed landscaping and parking lot plantings, etc.
- The walkway between the building and the parking spaces was widened from 2.5' to 3.0' but that is still narrow; with shared access there could be more room
  - Not sure if Fire Department has commented on the access
- Pervious Pavers
  - Detail does not meet DEP requirements
  - Not sure what they are proposing – there are pervious pavers with a pipe underneath that was not modeled correctly

- No credit for infiltration being taken for pervious pavers
  - Not sure water in a 100 year storm would soak through the pervious pavers
  - Needs to be designed and scaled appropriately and maintained properly
- Delineation needed between paver parking and paver patio
- More rigorous construction plan needed
  - Where do you stockpile materials, trucks, etc.
  - What will they do to not disrupt the neighborhood

Ms. Joseph indicated that she is in agreement with Mr. Chessia's report.

- The plans are not coordinated
  - Revised plans have been sent to DRC awaiting comments – final recommendation to be addressed at DRC 9/30 meeting
  - To date DRC does not like the building
- More information needed on sight distance – partial site distance is on the plan
  - Does it meet AASHTO requirements
- Snow storage areas not shown on the plan
- In agreement with Mr. Chessia on erosion control and construction sequencing
  - How will they park and stock pile - Board typically requires more information
  - NPPDES permit is not needed – it does not disturb more than an one acre
- Recommends a surety Bond be required
- Pervious Paver detail does not meet DEP requirements – very low in gravel and stone compared to other details in town
- Town Counsel has just commented on the Condominium Documents
- No comments from Fire or Traffic
- Driveway access applicant asking for it to be approved two different ways
  - No shared access
  - Shared access with abutting property
    - No easement has been provided
- Public Realm Benefit – missing some detail
  - Mr. Chessia and DPW said cost estimate provided was inadequate for them to review
    - Need a quantified estimate
  - Not sure of the significance to the town - information has not been provided
  - Will require a Bond
  - Board needs to decide on the timing for completion - does prior to Occupancy work
  - List of permits is required
  - Someone from the Town needs to approve/give permission for work to be done on this park
    - Ms. Joseph has been trying to determine who owns the land – Town of Scituate or Town of Scituate Conservation Commission
    - No deed in Assessors files
  - Comments from review with Town Administrator
    - More plantings, i.e. trees, grasses

- Maintenance for a year
- Extend the guard rail

Ms. Joseph said the Board needs to decide on what kind of guidance they are going to give the applicant to proceed.

Mr. Galvin indicated that the revised plans will answer some of the items mentioned by Mr. Chessia and Ms. Joseph. He addressed several other points.

- The applicant is willing to provide a narrative on how materials will be stored, etc.
- DRC did not like the roof and that has been addressed
- The applicant will provide the AASHTO site distance
- Snow storage - they will remove the snow if it becomes any kind of impediment
- Issue of Bond
  - It is a private development, so there is nothing for the public to step in and complete.
  - The effective way of making sure the project is complete is by withholding building permits/occupancy permits
- The applicant is amenable to tying the occupancy permits to the completion of the public realm benefit
- Condominium documents have been provided prior to the deadline
  - Draft documents that have been used in other developments by Mr. McGill
    - Documents have previously been vetted by Town Counsel of Duxbury and Pembroke.
- Easement
  - Awaiting Mr. Burwick's comments regarding the easement.

Mr. Galvin said the project can stand on its own; the applicant would like the Board to approve the project on its own, but make a finding that there is an acceptable common driveway situation. There could be a note in the decision that if the applicant is able to get an approved easement with the neighbor and if the Board is satisfied with a common driveway agreement the Board would accept such a configuration.

- Public Realm Benefit
  - Do not know what Conservation is thinking
  - Offered money so that the project could be done at some point and Conservation would have control over the money
    - Heard that was acceptable
  - Regardless of ownership by Conservation it is Town owned property
  - Confident permits will be needed through Conservation
    - Either a Notice of Intent or Determination of Applicability
- Significance to the town outlined in letter submitted
  - Walking distance to 18 Ford Place
  - Amenity the makes the most sense, heard that the Commission wanted this
  - Have spent \$1,600 on the plan
  - Will provide maintenance for a year
  - Wood chips were used because there is no irrigation so grass cannot be used – but, happy to do something else

Ms. Joseph responded that under Site Plan approval requirements the Board is allowed to ask for surety for a project and the Board has done that on several others. The Board has asked that the landscaping, parking, drainage, signs, lighting and conditions imposed by the Board be secured by some type of surety. She opined ornamental grass on the public benefit would be good, but some additional planting would be preferred. The applicant agreed to additional plantings and to water for a year. She indicated the applicant will need to get in touch with the Town Administrator to get permission to do the proposed improvements; Mr. Galvin will contact the Town Administrator.

Mr. Pritchard asked for the water usage requirements for the project; is there a lighting plan. Mr. McGill said the only outdoor lighting is a sconce by the porches and the new architectural plans show the lighting. Mr. Pritchard asked about emergency vehicle access; Ms. Burbine indicated there have not been comments from the Fire Department yet. Ms. Joseph indicated that she has been asking for comments from both the Fire Department and Traffic Rules and have not received any yet, but she will keep trying.

There was discussion about the outdoor amenity space; a patio has been added and it has been fenced off.

Mr. Pritchard opined that with regards to the common driveway either/or issue, the Board should approve one and leave room open for a change to the approved plan. Mr. McGill said with regards to the easement he can't sign until the project is approved because he cannot give away rights to the land; that is why they are looking to approve the project both ways. Mr. Galvin said they would like the Board to approve the project all on their own property, but the applicant would like the advisory opinion of the Board, and the Board can reserve the right to approve the common driveway if the applicant can get an easement agreement with Mr. Burwick. Mr. McGill said everyone wants to do the shared driveway; it benefits everyone.

Ms. Joseph indicated she has spoken with Mr. Burwick and he has a special permit and will need to do a modification for his special permit. She said the part that is the common driveway is not actually shown, the easement is not shown. Mr. McGill indicated the area is denoted on the revised plans.

Mr. Pritchard also asked about the drainage and the proximity of it to the building. Mr. McGill indicated a sketch was submitted from the architect that was signed and stamped to show how the area would be handled. The Building Commissioner said if an Architect is going to sign and stamp it is fine and their responsibility.

Ms. Lewis did not have any comments.

Mr. Bornstein commented on the public benefit; he opined the wood chip area could be opportunity for some plantings, native low input plants that could deal with drought conditions. He discussed surety and thought it could be warranted with regards to stormwater. The system is a complex system, making sure the system is designed and constructed is very important especially with a tight site so the abutters are not impacted. He said he will review the landscape changes in the revised plans; newly specified trees are red maples. He opined that it is a tight site, but kind of what the new zoning was put in place to do; it is a more urban feel than what the town is used to, we are all having growing pains and we want to make sure that we get everything right. His biggest concern is the stormwater that it functions and is done correctly.

Mr. Galvin asked if there was a bond given for the stormwater, would the town step in and fix it for the residents. He said it does not seem customary or appropriate on a condominium site from a legal perspective. This project will never be public like a subdivision would be; it will be inspected and will have to be certified it is built correctly and working. He opined the best way to ensure the applicant does what he is supposed to do is to withhold permits from the applicant to be able to sell the units. He discussed the options that are used for a subdivision when putting up bond/surety and opined they do not really apply to this scenario; there is no infrastructure on public property, it is all on private property. Ms. Burbine indicated there is water and sewer.

Mr. Pritchard disagreed with Mr. Galvin; the modification of the property is affecting stormwater flow to the neighbors. The surety is not just there until occupancy permits are granted it is there for when the developer walks away. Mr. Galvin asked if the Town would want an easement to the property because it is private. He said he could understand if for the sewer, but the stormwater is all on site, it discharges and infiltrates all on site. Mr. Pritchard that is the idea behind the surety to make sure that it gets to that point and it is not left half done and a mess. Mr. Galvin said no one wants a mess.

Ms. Joseph indicated the Board would need to make a decision about the surety; the Board has asked for it before, i.e. 50 Country Way, she is just pointing out what is allowed. Mr. McGill said this is a 5 unit condominium, there are 16 drainage culverts, it is not a Toll Brothers. He said the sewer connection is from a private way he is happy to connect that right away, there are multiple layers of approvals for the drainage system.

Ms. Lambert commented this is a big project on a small piece of land. She has concerns that once the project gets started and it becomes too hard to manage or issues arise and the developer walks away; that is why she wants surety. She opined doing business in Scituate is a little different because of the town's stormwater issues.

Mr. Galvin said the applicant will look at the cost of getting surety bond.

*Public Comment:*

Mary Lou Consilvio resident at 22 Ford Place had several concerns; the size of the lot and narrowness of the drive, fire and rescue being able to come down the street and access areas, snow plowing concerns and where the snow is going to go because there is nowhere to put it, traffic during construction and after because Ford Place and McDonald Terrace are such small areas with the amount of residents and people going to the post office produces a lot of traffic, lighting will there be lighting on McDonald Terrace similar to Ford Place?

Mr. Galvin said the applicant is not proposing any lighting on MacDonald Terrace. With regards to snow removal because it is a condominium there will be Homeowners Association fees that need to be paid with a reserve so there will be resources and the ability to remove what is needed; there will likely be a professional management company that will oversee all of it; the applicant is not proposing to make the street any more narrow, Ford Place is staying as is; there is only parking for 8 cars and the applicant does not see it as significant traffic generator.

Ms. Burbine said MacDonald Terrace is a private way and the Town does not plow private ways; something needs to be done to make sure that MacDonald Terrace is plowed. Mr. Galvin said there is a statutory process that can be done to make sure people on the way contribute to a fund to make sure

it is plowed. He is not aware of what happens now if the town plows the road or not, but the applicant would certainly participate in whatever needed to be done. The applicant is okay with a condition that snow removal would occur on their site versus snow storage.

Ms. Joseph asked where is the Board on the public benefit are they okay with it with the addition of ornamental grasses, a tree, maintenance. Conservation Commission is not going to comment on this or sponsor this; it is the Town Administrator and DPW who maintains the parcel.

Mr. Bornstein was in agreement with the proposal with additional plants, it should be more like a restoration project than a formal planting plan; i.e. a replication project, but not wetlands, something that will aesthetically look good.

Mr. Pritchard agreed, but there should be a more detailed plan that the DPW can sign off on. Once it is determined who owns the property the applicant should coordinate with them on what is going to be done. He opined the overall plan looks good subject to the changes discussed tonight.

Ms. Lewis was in agreement and deferred to Mr. Bornstein's expertise on the plantings, but additional plantings would be nice.

Ms. Lambert also deferred to Mr. Bornstein and thanked the applicant for being the first recipient of a public realm benefit.

Ms. Burbine said this is setting a precedent; the Board is not trying to be difficult, but it needs to be done right and unfortunately, Mr. McGill is the first one.

The Board wants a list of the plants, etc. on the estimate.

There is real opportunity for this area. It is a heavily used piece of space and the more attractive it is the more it will be used.

*Motion:*

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Site Plan Administrative Review and Special Permit for Density and Tandem Parking in the Village Center & Neighborhood District – Greenbush Village Center subdistrict – Greenbush Gateway District (GDG-GVC) for property located at 18 Ford Place until November 5, 2020 at 7:00 pm and continue the time for action until December 30, 2020.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes

Mr. Pritchard – yes

Ms. Lambert – yes

Mr. Bornstein - yes

Ms. Lewis – yes

**Housing Production Plan – joint discussion with Affordable Housing Trust - Presentation by Karen Sunnarborg**

## **Documents**

- PDF Scituate Housing Production Plan 2020(6)
- PP Scituate Housing Production Plan 2

Attendees: Karen Sunnarborg, Consultant

Ms. Sunnarborg provided a Power Point presentation, see “ATTACHMENT A”

- Housing Production Plan updated from 2015, previously updated in 2008.

### *Comments from the presentation:*

Mr. Pritchard commented on the “capacity building strategies” and opined it would take the town 67 years to get to 10% from now if the town continues at its historic rate; is there a strategy that gets the town there faster, the plan seems like it is business as usual. Ms. Sunnarborg said there is a category in the plan on housing development and preservation strategies. She did say the town does have a problem that there is not conceptually a project that would get the town closer to the 10%, but some progress has been made, i.e. Lawson Green - 30 units. There was some discussion about a potential 40B project that could yield 250 units. Mr. Pritchard said that a 40B does not give the Board the opportunity to manage the project; it is a project that bypasses the Planning Board and requires water and sewer for 250 homes that the Town does not have; he opined he does not see how the town is going to get to the 10% and the town is not getting out from under the 40B thing for decades.

Ms. Sunnarborg said if the town meets housing production goals on an annual basis the town would get out of it( 40Bs) for a period of time; other communities have done 40R Smartgrowth overlay districts and have been able to beat back “hostile” 40Bs because the state recognized the town was trying to do something positive in Smartgrowth affordable housing development. She noted there is a section in the plan that recognizes the challenges/obstacles. Infrastructure and environment are major challenges for the town; the Master Plan development can guide development to the areas that make sense, density can increase with more units and more uses, but it will take extending sewer and water capacity and the town will have to deal with that; it is going to be a slow process.

What can we do so that it is not business as usual?

Ms. Lambert opined this is depressing, we spend a lot of money on engineering developments and engineering documents the first page in the presentation discusses the distribution of wealth; she opined it is overwhelming at times, she understands it is an uphill battle, every time we build another house we add to the number we are missing by.

Mr. Lewis said we need to figure out ways to get more affordable units in around here, i.e. zoning; it is tricky here and all around this area. There was discussion about the zoning and size limitations of when affordable housing is required. Ms. Joseph indicated that some of the future development in Greenbush would require affordable housing.

Mr. Bornstein asked if there are some real zoning initiatives the Board could get off the ground right now; something from other communities that focus more on actionable items that could be used in zoning reform right away. He also commented about how hard it is in the market for people who are looking to move town that are on a limited budget, median home price around \$600K, people in his



peer group with young families can't find anything that is within their budget. He opined there are all these subdivisions with big beautiful homes that are overpriced that people in his generation do not want or cannot afford. He opined there is a need for more scalable, affordable housing for people looking to purchase single-family homes.

Ms. Sunnarborg responded that there is a strategy of allowing affordable housing or housing under more conditions, there are pocket neighborhoods, cottage style housing; those are very good for first time buyers. Ms. Burbine indicated that the Town does allow for that kind of development in the zoning.

Ms. Burbine said this has been an ongoing issue forever; 30 years ago people had the same concern that young people could no longer live here. She said she had been to a seminar years ago where someone said "you drive until you qualify"; people are pushing further and further out. She opined one of the biggest issues is that Scituate has no industry, we have nothing to bring people here to work and the town does not have the type of jobs necessary for that type of housing. In the '70's there was tons of rental housing, but people moved out of the cities and took it all; history is repeating itself and we are working at it. She spoke about a project from 10 years ago regarding a Habitat for Humanity home that still has not been build. She opined the plan is a great plan, but it is something that the Town has been talking about forever and she does not know how the town changes it.

Ms. Sunnarborg said she hears the frustration and affordable housing is not easy, but progress has been made.

Mr. Pritchard said the report should be modified to indicate that all these things are governed by infrastructure and in Scituate, we do not have the infrastructure; we are at the wits end in terms of sewer and water capacity. Ms. Sunnarborg and Ms. Joseph noted that it is discussed in the plan, but Ms. Sunnarborg will look to add in additional locations.

No public comment.

Ms. Joseph needs to get comments back from the Board, so that they can be incorporated into Ms. Sunnarborg's plan and final draft for public participation and then be approved by the Board and Board of Selectmen and then submitted to the state. The Town's plan right now is expired.

**Form A – ANR Plan – 3 Gardiner Road**  
**Assessor's Map/Block/Lot 3-1-3 and 3A**  
**Applicant/Owner: The Lillian**

**Documents**

- PDF ANR Application
- PDF ANR Plan-3Gardiner Ave
- Jpg images of site
- DOC Transmittal 3 Gardiner Road
- DOC DRAFT Motion 3 Gardiner Road

Attendees: Rob Gugliotta, Morse Engineering

Mr. Gugliotta review the plan for the ANR.

- Divide 3 Gardiner Road and 15 Gardiner Road
- Taking parcels and creating lot 1, lot 2 and lot 3
- ANR Plan because the lots meet the requirements of area and frontage on a Way

Ms. Joseph indicated there are 2 existing lots now and the plan is to break them into 3 lots, they all have access and frontage, the Board has to endorse because it meets all requirements; the wetlands have not been approved by Conservation, but she does not think the wetlands will impact the lot area.

*Motion:*

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land Showing a Division of 3 & 15 Gardiner Road (Assessor's Parcels: 3-1-3 and 3-1-3A) Scituate MA prepared by Morse Engineering Co., Inc. and stamped by Douglas L. Aaberg for applicant/owner The Lillian C. Peters Trust, dated 8-10-2020 as the division of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required under the Scituate Zoning Bylaw on the public way of Gardiner Road.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Seaside at Scituate - Bond Reduction**

**Documents**

- PDF Inspection 168 08142-EC-SD-D
- PDF Inspection 169 082020-EC-SD-D
- PDF Inspection 170 082720-EC – SD-D
- PDF Inspection 171 091120-EC-SD-D
- PDF ScituateBondReductionEstimate\_HW Comments\_091620
- Email to Karen Joseph dated 8.24.20 from Keith Curran
- Email to Karen Joseph dated 8.11.20 from Keith Curran

Attendees: Jeff De Lisi, Attorney; Keith Curran, Toll Brothers

Mr. De Lisi indicated the applicant is requesting a reduction in the bond that presently sits at \$3.0M. The applicant is requesting to reduce the bond to \$1.2M. They have submitted a spreadsheet on how they arrived at that number with the work that is remaining, an additional 17% for contingencies and another 10% for inflation, totally \$1.2M. The document was shared with the Town's Consulting Engineers, after their review the recommendation is the bond should remain at \$1.479M. This figure increases the contingency from 17% to 25%, the applicant is unclear why that number was increased, but the applicant is satisfied with their assessment.

Ms. Joseph indicated that Horsley Witten completed the surety estimate and it comes to approximately \$1.5M. Ms. Joseph's recommendation is the Board should hold more than \$1.5M; she has provided the Board with the last four field reports from Horsley Witten, a violation for dust, 2 years into the project and there are still dust issues, some of the basins have been in the same condition for a year, they have been rough graded and cannot be mowed, the estimate does not include some of the site amenities, the estimate also gives no credit for the nature walk because there is no approved detail. She also indicated the nature walk is being installed where there has not been appropriate grading so there could be potential erosion; a lot of landscaping planted last year is dead in the buffer. The Board needs to hold firm, she questions the developer's intentions to go back and address some of these issues.

Mr. Pritchard is in agreement with Ms. Joseph and does not feel the need to reduce bond at this point in time; there is a long way to go still.

Ms. Bornstein is in agreement with Ms. Joseph.

Ms. Lambert indicated that she did do a site visit with Ms. Joseph and she opined the Board should give nothing.

Ms. Joseph said she is recommending if Board saw fit they could reduce the bond to \$2.0M. Ms. Burbine said why the Board to that would. Mr. De Lisi said because the applicant has done work.

Mr. Curran responded to some of the previous comments.

- Nature trail
  - They can provide more information, but that is not included in this reduction at all so it is a moot point
  - Work in progress, they are finishing the grading on the sides and can provide the spec on NHDOT
    - If approval is needed they will seek it
  - Now is the time to finish it; it is behind several units they are closing on and they want to be able to seed
- Dust Control
  - Now have Site Pro for water truck they are a mile away so they do not have to leave the truck on site constantly
- Presently working on the berms
  - Fine grading and some rocks being removed
- Sediment – they have not had any issues in a long time
- Amenity areas – typically not included in these types of bonds
  - Areas were not included in the original bond
- Contingency of 25%

Mr. Curran indicated they are willing to honor the \$2.0M that is being suggested. Mr. De Lisi asked that the Board consider the \$2.0M, they disagree but they are willing to honor it.

Ms. Lambert commented that the only work she sees going on is housing construction and Ms. Joseph agrees. The last time the Bond was reduced was in February. Ms. Joseph said the basins still are not done.

Ms. Joseph recommends that the Board not release any more bond until the project is complete if they agree to release bond tonight. Ms. Burbine agreed.

Mr. De Lisi opposed that idea and said the Board should at least consider the request. He said they are trying to reduce the bond based on the percentage of work done. Mr. Curran said they would not come back for at least a year asking for an additional bond reduction; he estimates there is only about 20% of work to be completed.

No public comment.

*Motion:*

Ms. Lambert moved to accept Toll Brothers request to reduce the amount of the bond being held for the Seaside at Scituate Residential Cluster Project by the Planning Board from \$3,000,000.000 to \$2,000,000.00 for completion of the project. The current bond is to remain in effect until the new bond is provided to the Town Planner.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**8 Bayberry Road – Extension of Stormwater Permit**

**Assessor's Map/Block/Lot 5-2-13-A**

**Applicant/Owner: 5212 Bayberry Road Realty Trust, Joseph P. Joyce**

**Documents**

- PDF Letter to Ms. Joseph request for extension date 9.11.20
- PDF TC filed revised Stormwater Permit 2.12.18
- DOC DRAFT Motion

Attendees: Joe Joyce, Property Owner

Ms. Lewis recused herself from this discussion and left the room.

Mr. Joyce indicated he is requesting an extension of a Stormwater Permit that he has for 8 Bayberry Road. There is a new buyer for property and they are planning to build a significantly smaller home on the property so there will be much less impact on the lot and less impervious area. He opined it would be better to give them time to design their plan and see what changes would be made instead of rushing to do the work before winter and prior to the end of the permit in February 2021.

Ms. Joseph indicated this was an administrative Stormwater Permit; Mr. Joyce has been pursuing a buyer for years. The regulations and bylaw require a vote by the Planning Board to extend the permit. Ms. Joseph recommends the Board extend the permit for one year.

No public comment.

*Motion:*

Ms. Lambert moved to accept Joseph P. Joyce's request as Trustee of 5212 Bayberry Road Realty Trust to extent the Stormwater Permit for 8 Bayberry Road for one year until February 12, 2022.

Mr. Bornstein seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes

**Alternate Member Seat Selection**

The Board will be before the Board Of Selectmen for a joint roll call vote on October 6<sup>th</sup> with their selection.

The Board thought all were great candidates, but all agreed that Mr. MacLean's background would be hugely beneficial to the Board.

*Motion:*

Ms. Lambert moved to recommend Robert MacLean to the Board of Selectmen as the next Alternate Planning Board member.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

The Alternate seat will be only until the next election in spring 2021.

**Minutes**

**Documents**

- Meeting minutes 9.10.20

Ms. Lambert moved to approve the meeting minutes for September 10, 2020.

Ms. Bornstein seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes

Mr. Bornstein - yes

Ms. Lewis – yes

**Accounting**  
**Documents**

PO #21002207 (\$1,995.50), PO #2102208 (\$2,065.10), PO# 2100510 (\$3,427.50), PO #2102464 (\$7.55)

Ms. Lambert moved to approve the requisition of \$1,955.05 to Horsley Witten Group for peer review of Phase 2 at Seaside at Scituate, for \$2,065.10 to Horsley Witten Group for peer review services of Phase 1 and Bond Reduction for Seaside at Scituate, for \$3,427.50 to Harriman Associates for consulting services for the Master Plan, for \$7.55 to WB Mason for office supplies

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

Ms. Burbine - yes

Mr. Pritchard – yes

Ms. Lambert – yes

Mr. Bornstein – yes

Ms. Lewis - yes

**Liaison Reports:**

**Charter Review Committee – reported by Ms. Lewis:**

- Reviewing and updating the charter

**Master Plan – reported by Mr. Bornstein:**

- Committee meeting next Tuesday night to review the dry run of the last public workshop on October 13<sup>th</sup>
- Consultant is running the meeting

**ZBA – reported by Ms. Lambert:**

- Raze and reconstruct on Stone Ave.

Ms. Lambert discussed the Cohasset Water Commissioner's report about the sewer. She opined it is very disheartening, not looking good for Scituate. Cohasset is very concerned about their own residents. Cohasset is pulling back, so not sure, what that means for Scituate.

The Board discussed why they thought Cohasset was pulling back; power struggle and pricing questions. 100,000 gallons from North Scituate goes to Hull, Hull needs to make some improvements and they could cut back and save money, but they would never again be able to expand their capacity, when the contract for Cohasset comes up it will just be shut off; Cohasset has also been polluting the cove for years.

**CPC– reported by Ms. Burbine:**

- Application received for Cedar Point Benches

- Discussion about restoring the stonewall along Country Way across from the Merritt property
  - Questionable as to who owns the stonewall
- Reviewed/got updates on projects both those on going and those that are finished
- Fields project is about complete
  - CPC has put the loan out over 10 yrs. rates are so low
    - Allows CPC to have additional funds to do other projects

**Planning and Development – reported by Ms. Joseph:**

- DRC meeting Wednesday night to review 48-52 New Driftway
- Very busy – trying to keep it to one main thing a night
- Water Study should be available in the next month
- Summary comments for the Housing Production Plan are fine
  - If disagree with the strategies we need to point that out

The Board discussed if there is a way for them to have more specific and deliberate input on the 40B stuff. The Board can offer comments, but it is a State mandate so there is no way to change the bylaws to provide more input. The Board is not the permitting authority so the best way is really to provide strong comments to the ZBA. There are no new projects with project eligibility letters; two projects being discussed one on Booth Hill (250 units, if rental 100% would be affordable) and one at Old Oaken Bucket, but the town does not have any letters. Ms. Joseph indicated there are units that are not yet on the subsidized housing list – Herring Brook Meadow, Stockbridge Landing, Drew, Walden Woods.

Mr. Bornstein opined maybe the Planning Board could be more advisory to the ZBA when a 40B project comes along, similar to the way the DRC works with the Planning Board to make it a more formalized process. The Board would not vote on the project, but review and provide comments to the ZBA; a bylaw is not needed to do that.

The Board continued to discuss some properties where the Affordable Housing Trust may be able to build affordable units. Ms. Lewis to get more specific information.

**Documents**

- Email to the Board from Shari Young dated 9.18.20 with agenda for 9.24.20, meeting minutes 9.10.20 and meeting schedule 2020.2021
- Email to the Board from Karen Joseph dated 9.18.20 with meeting materials for 18 Ford Place, 3 Gardiner Road, 8 Bayberry Road and Seaside at Scituate

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 9:49 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Ms. Burbine - yes

Mr. Pritchard – yes

Ms. Lambert – yes

Mr. Bornstein – yes

Ms. Lewis -yes

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: October 8, 2020