

SCITUATE PLANNING BOARD MINUTES May 28, 2015

Members Present: Stephen Pritchard, Chairman; William Limbacher, Vice Chairman; Robert Vogel, Robert Greene and Ann Burbine, Alternate member.

Members Absent: Richard Taylor, Clerk.

Others Present: Ms. Laura Harbottle, Town Planner.

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.

Chairman Pritchard called the meeting to order at 7:30 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 5/28/15 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Vogel moved to accept the agenda. Mr. Greene seconded the motion and the vote was unanimous in favor.

Continued Public Hearing – Site Plan Administrative Review – 46 Watch Hill Drive – Inly School

Assessor's Map/Block/Lot 52-2-3A

Applicant/Owner: Inly School

Documents

- Email from Laura Harbottle to the Board dated 5/21/15 with response to Tom Peterman email of 5/21/15 on Dover Amendment and continuance
- Email from Laura Harbottle to Tom Peterman dated 5/21/15 confirming continuance
- Article from 8/25/14 Banker and Tradesman on the Dover Amendment

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Site Plan Administrative Review for the Inly School Classroom Addition at 46 Watch Hill Drive until June 11, 2015 at 9:00 pm. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Public Meeting - Site Plan Administrative Review – 5-7 Otis Place – 105 Front Street

Assessor's Map/Block/Lot 50-5-1-0

Applicant: Gregory Bukuras

Owner: Spyros & Kim D Mallios, TRS

Documents

- Application for Site Plan Administrative Review w/ floor plans from Gregory Bukuras for Petes Med Fresh Restaurant
- Transmittal letter to abutters dated 5/27/15

Greg Bukuras and Peter ? were present. Mr. Bukuras said he was opening a restaurant at 5-7 Otis Place aka 105 Front Street. He said the use was previously retail. He indicated it would be mainly take out with no waitress service or liquor. He said there would be 3 tables with approximately 12 seats. He said there is little cooking on site, only an induction cooktop will be present. Ms.

Harbottle said there would be no increase in parking as there is parking for 5 spaces along Front Street and Cole Parkway. She said 5 spaces would allow for 20 seats. She indicated the hours of operation would be 11-7 and that the Board of Health has reviewed the plans and conducted the necessary inspections.

Mr. Bukuras said that trash will be in a dumpster out back. He said it will be a 4 yard dumpster which is an increase in size from the current 2 yard dumpster. He said the landlord takes care of trash removal. The draft conditions suggested trash pickup daily. Mr. Bukuras suggested that would be too expensive and 1 or 2 times per week would be more reasonable as he does not expect to generate much trash. Ms. Burbine thought that 2 times per week would be good and if there is a problem the issue can be revisited. Mr. Bukuras said there are 4 tenants who use the dumpster as well and that is why the size was doubled. After further discussion including what other businesses do for trash pick up, the Board determined trash could be emptied weekly, but the Board informed if there was a problem. Mr. Bukuras said all of the existing systems including plumbing and electrical have been permitted.

Ms. Burbine moved to make a finding that the attached plan by the applicant Gregory Bukuras meets the requirements of the Town of Scituate Zoning Bylaw Section 770.6, Site Plan Review Standards of Review to a degree consistent with reasonable use of the site for the purpose permitted by the regulations of the district in which the land is located, and approve the site plan with the following conditions:

1. Approval is contingent upon all local approvals being obtained from the Town of Scituate particularly the Board of Health, Fire Department and the Inspectional Services Department.
2. Indoor seating is limited to 12 seats.
3. Trash shall be handled in covered sealed containers and must be emptied at least weekly.
4. The applicant will keep the Planning Board informed of any problems relating to trash disposal.

Mr. Limbacher seconded the motion. Motion was unanimously approved.

Minutes

Ms. Burbine moved to approve the meeting minutes of 5/14/15. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Accounting

Documents

- PO # 1507693 (\$3,640.00), PO # 1507786 (\$411.75), PO # 1507830 (\$1,500.00), PO # 1507825 (\$75.00), PO # 1507835 (\$28.66), PO # 1507834 (\$47.00), PO # 1507840 (\$656.25), PO # 1507841 (\$268.40), PO # 1507837 (\$210.00)

Ms. Burbine moved to approve the requisition of \$3,640.00 to Merrill Corporation for engineering peer review for Inly Field and Inly Classroom Addition, \$ 411.75 to Image Resolutions for printing the zoning bylaw, for \$1,500.00 to Dodson & Flinker for illustrations for zoning articles, for \$ 75.00 to Massachusetts Housing Partnership for Laura Harbottle to attend their housing workshop on June 10-11, 2015, for \$28.66 to WB Mason for office supplies, for \$47.00 to J & R Graphics for office supplies, for \$656.25 to Amory Engineers for engineering review for Lots 5,6 and 15 (31) Mann Hill Road, for \$268.40 to Amory Engineers for engineering peer review for 61 Border Street and for

\$210.00 to Ralph Cole for observation of test pits for 35 Dreamwold . Mr. Vogel seconded the motion. Motion was unanimously approved.

Project update – Benjamin Studley Farm – 214 Clapp Road

Documents

- Email dated 5/26/15 from Laura Harbottle to the Board and others with pictures of the front basin at 214 Clapp Road
- Email to Board from Laura Harbottle with Amory Report on basins and with letter from Morse Engineering to Frank Snow
- Report from Amory dated 5/28/15 on front basin

Joe Iantosca, Dave Iantosca and Paul Bourque of Fern Properties were present along with Al Loomis of McKenzie Engineering. Pat Brennan of Amory Engineers was present as the Board's consulting engineer. Ms. Harbottle said that various people have observed the 2 stormwater basins and the temporary basin to be full. She indicated that the Board has received a copy of a letter from Ohrenberger Associates on the size and location of the sedimentation basins on the south side of Clapp Road. She said neighbors have also been complaining about the light intensity and there has been an attempt to adjust them. She said that trees and shrubs around the basins have died. She indicated that Amory Engineers did go out for a site visit to evaluate the basins and measured the depth of the water in the front stormwater basin.

Mr. Brennan indicated that Ms. Harbottle reported complaints of standing water in the front basin. He said the front basin is designed as a wet basin where there will be a minimum of 2 feet of water in the wet areas due to seasonal high groundwater. He indicated there is staining on the structure and dead vegetation at the invert of the lower level of the outlet structure. He said he saw the dewatering pump being removed and the developer could explain why. He said the water was supposed to be deeper at the micropools and by his measurement with a surveying rod it was about 8" which he extrapolated to determine that there has been 2.7 feet to 3.3 feet of water at its deepest in the basin for a prolonged time. He said he asked for an as-built and the contours lined up well with the design plans. He concluded that the basin was built as designed within appropriate tolerances. He said the seasonal high groundwater is 2.4 feet above the basin bottom. He said last August there was water in the basin when it was first excavated. He said that last time he checked the USGS groundwater levels they were normal for the area despite the lack of rain, but they could be below normal now. He said that vegetation must be established in the basin and the plants will uptake water when they are established resulting in minimal water in the basin.

Mr. Vogel asked if a better plant mix could be used. Mr. Brennan said plants were not his specialty; but they excavated bottom of the basin and put in 6" of loam not engineered soil. Mr. Pritchard asked how long the seasonal high groundwater will last in the basin. Mr. Brennan said it would probably be all year. Mr. Vogel asked if a wet basin design was a standard engineering design for the issues to be addressed here. Mr. Brennan said wet basins need to be wet all year, but this may be a little extreme with the depth of water. Ms. Burbine asked if the wet basin should be fenced as it is a potential hazard and should provisions made to prevent mosquitos. Mr. Brennan said that fences are not required and one recent philosophy is that they actually can keep children in where they are not desired. He said temporary fencing may be desired until the basin is established. He said he was not sure about mosquitos. Ms. Harbottle suggested there are some BTI organic tablets that can be put in basins for mosquito control.

Shan Morrissey of 238 Clapp Road asked about the back basin as it was full of water prior to being pumped out and was supposed to drain in 72 hours. Mr. Brennan said that he has not looked at that basin yet as the developer is assessing why it is not draining. Mike Johnston of 218 Clapp Road, a direct abutter to the front basin, submitted photos to the Board showing water in the front basin. Chairman Pritchard asked to hear from the developer prior to any additional abutter comments.

Joe Iantosca said that the wet basin designed was agreed to with the Scituate Conservation Commission to provide wetland habitat and enhancement per DEP regulations. He said McKenzie Engineering designed it and it went through peer review by the Planning Board and Conservation Commission. He said the work has been done last summer and this spring and McKenzie Engineering is doing an as-built to ensure it is in compliance. He said that for a majority of the pond, there should be 18" of water. He said the wetland pools in 3 locations are 1 foot lower to have water all year per DEP requirements. Mr. Iantosca said that the balance of the pond at elevation 106 will dry out. He said it was dry in the summer through until October when the wet season hit. He said additional grading had to be done in the bottom this spring to bring the pond into compliance. He said McKenzie did an as built which shows the grading complies. He said the planting at the bottom will occur when it is dry. He said whatever plants have died will either be replaced or nursed back to health. He said the perimeter plantings have been done and additional seeding with the regrading will occur; but the bottom was never planted. He indicated the basin had to be dewatered to the temporary sediment pond so that recontouring of the bottom could occur.

Ms. Burbine asked about the amount of water in the constructed wetland. Mr. Loomis said it is at the groundwater table and has replicated wetland disturbance from the site. He indicated that the amount of water there now is temporary in nature. Mr. Iantosca said that the 2 culverts that go across the street went into corrugated pipes that were replaced as required by the Conservation Commission and DPW. He said the sedimentation basins were constructed for conformance to stormwater standards. He said there is a dispute about the location of the sedimentation basins as to whether they are on the county property or the Snow property. He indicated the wetland replication area was just for replication from disturbance on site and from the sedimentation basins. He said the design of the front wet basin is textbook DEP design and is designed to be winding with pools and vegetation to clean the water. Mr. Loomis added that the high marsh, low marsh and pools are all part of the stormwater treatment. Mr. Iantosca reaffirmed that any water pumped to the upper pond was clean water and they old pumped the water to raise the peninsula grades at the bottom of the pond. When the pond is dry, he said vegetation will be planted.

Chairman Pritchard asked how the high groundwater impacts the design of the front basin and if the basin is designed to handle the effects of seasonal high groundwater with 2 to 2.5 feet of water in the entire basin. Mr. Loomis said some of the vegetation will survive at different water levels and there won't be water all year in some levels as seasonal high groundwater varies over the year. He said there is an orifice in the outlet control structure to let water out. He said there is about 1.3 feet of water at the low marsh level that would be maintained at seasonal high groundwater. Mr. Brennan confirmed the micropools are 1 foot deeper so they will have 2.3 to 2.5 feet of water in them. Mike Johnston said he has lived in Scituate for 37 years. He said the depth of the center of the pool was 33" today when he measured and sunk 4 feet into the mud. He questioned Amory's measurement. He said the pond was working slowly before it was pumped. He said water was being pumped up hill. He said he was not against the project and has never been told anything untruthful, but has never been told the whole truth. He questioned if the system was installed as approved. He said the basin was not what he bargained for. He said the ground was dug too deep or the concrete outlet is too high or both and that the water has been there for 6 months. He questioned the interim as-built

by McKenzie. Mr. Brennan indicated they put their professional seal on it as he put his stamp on the letter to the Board indicating that the as-built conformed to the design. Chairman Pritchard indicated that is typically what the Board requires. The Board agreed that its consulting engineer would take measurements of the water depth and size in the presence of Mr. Johnston, the applicant's representative(s) and Town Planner. Mr. Loomis indicated no as-builts have been submitted to the Board. Mr. Johnston said the upper basin has been pumped dry and his sump pump runs continuously now as the catch basin by the road is not working properly so water is not getting to the other side of the road nor the South Swamp.

Shan Morrissey reiterated her concern that water has been standing in the upper basin for months and is dry now because the water has been pumped into the woods. She said she has been sending pictures of both basins that have been filled for weeks. She said she is concerned that the system is not working and water is not going to the South Swamp especially with lower groundwater levels due to lack of rain. She also asked what type of protection do the homeowners have when the lots are sold. Jeff DeLisi said he and Greg Morse represent Frank Snow. Mr. DeLisi said their issue is different. He indicated that the project drains through the culverts that cross Clapp Road into sediment traps that are on Mr. Snow's property. Mr. DeLisi said that Ms. Harbottle told him today that during the permitting process the applicant was told he needed permission from the property owner to install the drainage. Mr. DeLisi said there is no consent nor easements and the developer has been asked to remove the structures and not use them in the interim until the issue is resolved as there could be flooding on the Snow property. He said the sediment traps are larger than designed and the westerly one has been partially removed. He said the sediment traps are not in the Town way and Mr. Morse did a survey that shows the structures are on the Snow property. He indicated the permit should be modified.

Ms. Harbottle said she talked with Mr. DeLisi today and reviewed previous meeting minutes which indicated the sediment traps were not on the developer's property. She said the property owner did not come to the meetings as he wanted to keep his distance as he is chair of the Conservation Commission and did not want to influence the process. She said the idea of an easement was discussed and thought there was some agreement. She said the location of the sediment traps has always been shown on the Snow property. She said the dispute needs to play out and if the structures can't be as located a modification will need to occur. She indicated the Town put in the original culverts and they were discharging directly to the wetlands. She said at the time the Board seemed to agree that sediment traps would provide a better system for the protection of everyone.

Chairman Pritchard said the Board needs to make sure the drainage system is working which is complicated by a dispute that could require re-engineering. He asked Mr. Iantosca to speak to the easement. Mr. Iantosca said the pipes crossing the road were agreed to with the Conservation Commission in 2013 and DPW. He said flooding of Clapp Road was a concern so the project conditions required the culverts to be replaced. He said the drainage design that was peer reviewed does not add velocity or flow to the discharge on the Snow property. He said the west culvert has an easement to the Town of Scituate with a plan on file at the registry of deeds and that is where the pipe discharges. He said the east culvert is in the same location as the existing pipe. He said the rip rap is 5 feet larger, but Mr. Snow did not want him to trespass to fix it until there was a resolution. He said the attorneys are resolving the issue and he is prepared to bring the sump back to the edge of the road. He said he followed what the Town requested for the pipes and wet basin. Mr. Iantosca said that Mr. Johnston has pipes that drain his yard and they were tied into the catch basin. He said when the system was redesigned it was done in the proper manner to run a catch basin to a drain manhole to the culvert across the street.

Mr. Iantosca said the wet basin was dry last summer and Amory's construction observations indicate that. He said he wished he put the plants in then. He indicated that Ms. Harbottle informed him there was standing water in the upper basin. He said he measured the water at 18" and is working on a solution to find out why it is slow draining. He said he has put in 3 monitoring wells to measure the groundwater and his hydrologist said they will have to wait until the basin is dry to see why the water is not infiltrating. He said they will do additional test holes to look at the strata. Mr. Loomis said the bottom of the upper basin is 120. He said they have test pits for groundwater at 120, 118 and 116.5. He said DEP requires the basin bottom to be 2 feet above high groundwater which for 118 it is. Mr. Iantosca said that since they pumped the water out of the upper basin, it has not returned which would indicate that groundwater is not the issue. He said it may be a permeability issue.

Mr. DeLisi said that prior to the sediment traps and culvert upgrades there was only 1 pipe to the other side of Clapp Road. He said now there are 3 to the east side. He said in the existing condition water was caught in Clapp Road. He said more water now concentrates and goes through the culverts. He said he would like to see the easement, but there is no consent for the water to drain on the Snow property. Mr. Loomis said that the multiple pipes are not designed to carry more water, but to collect water from the site and correct the flooding over the road up to and including the 100 year storm. He said the 2, 10, 25 and 100 year storms were all kept to within the existing rate and the data was peer reviewed. He said the preliminary as-built indicated the lower basin was constructed as designed.

John Niland, the immediate abutter downhill of the upper basin, said the upper basin has been full all winter and has never drained in 72 hours. He said his sump pump was constantly running until they pumped out the basin. He said he wants to see that it will function properly. Mr. Johnston emphasized that this is prior to the eight houses being developed. He said there are problems with the lower basin, upper basin and the outlets to the site. He said he doesn't want to be left in a holding patterns and feels he is being "steamrolled".

Chairman Pritchard said that he has a list of items he would like to see addressed. These include:

- 1) The applicant/owner's engineer will make a site visit with the Town's consulting engineer, the Town Planner and Mr. Michael Johnston of 218 Clapp Rd. to verify the dimensions and depth of water of Stormwater Basin 1 (wet stormwater basin to the front of subdivision, west of new roadway), Stormwater Basin 2 (detention basin, west of subdivision), and the Wetland Mitigation Area (at the front of property, east of new roadway). He/she will also explain the connections and relationship between the different components of the stormwater management system;
- 2) Plants will be installed in the Stormwater Basin 1 and the Wetland Mitigation Area as soon as a sufficiently low level of water can be maintained and conditions of approval of the Conservation Commission and recommendations of the applicant's wetlands specialist can be met;
- 3) The Planning Board will receive copies of reports from Brad Holmes on the conditions for planting and the size, type of plants and timing of installation of wetlands plantings in the Stormwater Basin 1 and the Wetland Mitigation Area as soon as they are available. Planting is currently expected to occur in July.
- 4) The applicant/owner's engineer will provide current interim as-builts of the Stormwater Basins 1 and 2 to the Planning Board as soon as possible.
- 5) The applicant/owner will provide the Planning Board with the results of the investigation of the functioning of Stormwater Basins 1 and 2 including the soils and condition of the bottom of the

basin, and the recommended solution. This information shall be provided to the Board as soon as it is available, preferably prior to the June 25 Planning Board meeting.

- 6) The need for an easement for the sediment basins south of Clapp Rd. must be resolved, or the plan will need to be amended. The Planning Board needs to receive any report(s) on progress resolving this issue. Mr. Iantosca agreed to share correspondence on this issue with the Planning Board.
- 7) The applicant/owner will keep the Planning Board informed of the need to further stabilize any component of the stormwater management system and any expected changes in its performance from the approved plan.
- 8) The pipes installed from the catchbasin to the drain manhole that outlets to the south side of Clapp Rd. to the west will be physically reviewed in the field to verify that it's functioning correctly and pitched to drain.

Mr. Limbacher and Mr. Greene concurred. Mr. Iantosca will report progress to Ms. Harbottle. Chairman Pritchard said the Board needs to know if changes occur in the system performance. Mr. Limbacher moved to continue the discussion until June 25 and that the Planning Board request that the applicant take the above steps. Mr. Greene seconded the motion. Motion was unanimously approved.

Town Planner Report

Ms. Harbottle gave the Board the draft library sign and asked the Board to let her know by Monday if there were any comments. She said that a Site Plan Administrative Review application came in for a contractor yard at 13 Ford Place. She said it is Greenbush Village 2 houses away from the post office and is located in a business zone. She said the use is allowed in a commercial zone. She said part of the site is in the Zone A and Water Resource Protection District. She indicated parts of the application are missing at present and to stay tuned.

Ms. Harbottle said she went to the ZBA hearing for 5 Williamsburg Lane where the application was withdrawn after several meetings. She said there was opposition to the application due to the tributary location. She noted it was the same tributary for 305 Country Way – White Ash Farm. She said that the chair of the ZBA would like to hear from the Planning Board on important applications.

Old Business and New Business

Documents

- Email to Board members with 50 Country Way Mixed Use Special Permit Decision filed with the Town Clerk on 5/21/15

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 9:32 p.m. Mr. Greene seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk

6-11-15

Date Approved