

SCITUATE PLANNING BOARD MINUTES October 10, 2019

Members Present: Ann Burbine, Chairman; Patricia Lambert, Clerk, Benjamin Bornstein and alternate member Rebecca Lewis.

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

Members absent: Stephen Pritchard, Vice Chairman, William Limbacher.

See Sign-in List for names of others present at this meeting.

Location of meeting: Selectmen's Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chairman Burbine called the meeting to order at 7:00 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 10/10/19 Planning Board Agenda

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

Public Hearing – Special Permit Accessory Dwelling – 15 Egypt Ave.

Assessor's Map/Block/Lot: 34-14-2

Applicant/Owner: Laura Steen

Documents

- PDF Assessor's Card & GIS Map
- PDF Application dated 9.17.19
- PDF Plans
- Doc Transmittal letter 15 Egypt Ave.
- Jpeg adjacent house
- Jpeg foundation in for accessory dwelling
- Jpeg Neighborhood house
- Comment from Conservation Commission dated 10.10.19

Attendees: Jed Hannon, Coastal Engineering; Laura Steen, property owner

Mr. Hannon provided a summary of the project.

- Received Special Permit approval from ZBA
 - Pre-existing nonconforming house and lot
- Proposed addition 17' x 22' structure, 2 stories
- Existing 10' x 14.5' deck to be demolished
 - Two-story addition to be added
- Existing 21' x 24' driveway, additional drive for 2 cars on Bradford Ave
- Parents to move in
- Basically doubling the size of the house

Ms. Joseph indicated the deck has already been demolished and foundation has already put in. She referenced pictures of the neighborhood previously provided to the Board; proposed addition looks

similar to other homes in the neighborhood. The accessory dwelling is not subordinated to the primary, but it is less than 750 sq. ft. Ms. Burbine indicated it is under by 2 sq. ft.

Ms. Burbine indicated that the plans show office and study spaces in both the existing home and the new accessory home that could be made into bedrooms because they both have closets. Ms. Joseph indicated that the Board of Health (BOH) commented the project is on town sewer. She did say that a comment from Conservation was received and the applicant will need to file with the Conservation Commission.

Mr. Hannon indicated that he had a comment from Amy Walkey that said they did not need to file from back in April; they did do their due diligence.

Mr. Bornstein asked if the proposed plans were the same plans presented to the ZBA. Mr. Hannon indicated the dimensions are the same, but the plans have been updated. There was discussion about how a building permit was issued prior to approval from the Planning Board. Ms. Joseph indicated the building permit plans do not show any utilities for the kitchen; once approved for the accessory dwelling the applicant will go back and resubmit the page with the utilities shown. The Board was confused if the project was originally just an addition or always intended to be an accessory dwelling. Mr. Hannon said it was always intended as an accessory dwelling.

No public comment.

Ms. Burbine said that one of the issues with accessory dwellings is they are supposed to be subordinate to and not the same size as of the primary dwelling; this stretches the envelope. She did opine that the size of the homes in the neighborhood are essentially doubled.

Ms. Burbine stated the property always has been owner occupied, in perpetuity.

Motion:

Ms. Lambert moved to make the following Findings of Fact:

1. On September 17, 2019, Joseph Hannon, P.E. on behalf of owner Laura Steen, applied for a special permit for an attached accessory dwelling on the property at 15 Egypt Ave.
2. According to Town of Scituate Assessor's records, the property at 15 Egypt Ave is owned by Laura Steen.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 748 gross sq. ft. This is 98% of the total square footage of the primary dwelling which is 759 sq. ft. according to the application. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the bylaw allows 750 sq. ft. or 40% of the total square footage of the primary dwelling, whichever is greater. The accessory dwelling is **not** subordinate to the existing single family home.
4. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
5. The property is in the Residential R-3 zoning district. The proposed attached accessory dwelling structure will be constructed on a pre-existing nonconforming lot with nonconforming front setback on Egypt Ave., nonconforming lot area, width and lot frontage.

A special permit/finding under M.G.L. 40A, Section 6 was approved by the Scituate Zoning Board of Appeals and filed on July 24, 2019 with the Town Clerk. The proposed accessory dwelling will meet the rear yard setback of 20 feet for the Residential R-3 district. It meets the front yard setback of 30 feet from Bradford Ave. and will be setback an additional two feet (26.03 +/-) from the existing house from Egypt Ave. The accessory dwelling will be less than 35' tall.

6. The exterior appearance of the accessory dwelling is in keeping with the appearance of the primary dwelling except the accessory dwelling will be two stories.
7. The Plot Plan for 15 Egypt Ave. shows a gravel parking area for two vehicles (21' x 24') for the accessory dwelling off of Bradford Ave. southwest of the accessory dwelling and a 21' x 24' gravel driveway off of Egypt Ave for the primary dwelling. This appears adequate to provide two parking spaces for the accessory dwelling and parking for the primary dwelling. Ample parking appears to be provided.
8. The owner has submitted a signed, notarized statement that she will reside at 15 Egypt Ave.
9. The accessory dwelling will be serviced by an existing Town water, municipal sewer and private waste disposal. DPW requirements for water and sewer connections will be met.
10. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

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

Ms. Burbine moved to approve the Special Permit for an accessory dwelling at 15 Egypt Ave. with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to Plot Plan for 15 Egypt Avenue Scituate, MA stamped by Joseph E. Hannon, P.E. dated 2/16/19 with stamp date of 9/25/19 and architectural plans by Designs by Marshall, LLC consisting of 9 sheets including, cover, D1.1 Demo Plans, A0.1 Legend, A1.1 Basement and First Floor, A1.2 Second Floor and Roof, A2.1 Exterior Elevations, A2.2 Exterior Elevation & Section, A3.1 Foundation Plan, A3.2 Framing Plans.
2. The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application. The number of bedrooms in primary house is limited to two.
3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that they are living in one of the dwelling units. A yearly certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
5. All requirements of the Board of Health, Building Department, Department of Public Works, Fire Department and other Town agencies must be met prior to occupancy of the accessory dwelling.
6. The accessory dwelling shall conform to all applicable standards in the building, plumbing,

electrical, mechanical, fire and health codes and bylaws.

7. Water connections must meet all requirements of the DPW Water Division for the accessory dwelling.
8. Sewer connections must meet all requirements of the DPW Sewer Division for the accessory dwelling.
9. Any lighting installed shall be down lighting to not shed light on abutting properties.
10. Construction work shall not begin prior to 7:00 am 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/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
11. If there is an increase in impervious area of 25% or more, then a stormwater permit shall be needed according to Town of Scituate Stormwater requirements.
12. Runoff from the proposed accessory dwelling shall not be increased from the property.
13. Erosion and sedimentation control devices shall be installed to prevent any erosion or sedimentation from leaving the site during construction. Silt sock shall be used.

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

Form A-ANR – 114 Greenfield Lane

Assessor's Map/Block/Lot: 54-3-1

Applicant/Owner: Ray E. & Mary Jane L. Sylvester

Documents

- PDF ANR Plan Stamped
- PDF Form A Submittal
- Doc Transmittal 114 Greenfield

Attendees: Rob Gugliotta, Morse Engineering

Mr. Gugliotta reviewed the plan.

- 81L ANR
- Currently 114 Greenfield Lane and 114 R Greenfield Lane
- 114 Greenfield Lane constructed in 1750 per town assessor's card
- 114 R Greenfield Lane constructed in 1940's per town assessor's card
 - Prior to adoption of the Subdivision Control Law
- Dividing lot into new lots

Ms. Joseph indicated it is an 81L Plan and the Board is required to approve; sufficient information was provided to show the homes on the property were there prior to adoption of zoning in Scituate.

Motion:

Mr. Bornstein moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, Massachusetts showing a Division of parcel 54-3-1 114 Greenfield Lane prepared by Morse Engineering Co., Inc. for Ray E. Jr. and Mary Jane Sylvester dated September 27, 2019, as the division is not a subdivision because two or more buildings were standing on the property prior to the date the Subdivision Control Law went into effect in Scituate (August 3, 1947), and one of such buildings remains standing on each of the proposed lots. Assessor's data shows the existing dwelling at 114 Greenfield Lane was constructed in 1750 and the existing dwelling known as 114R Greenfield Lane was constructed in 1940. In addition, the following note shall be added to the plan "Planning Board endorsement of this plan is not a determination as to conformance with zoning regulations."

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

Accounting
Documents

PO #2003151 (\$1,950.00), PO #2003149 (\$18.91), PO #2003308(\$3,000.00), PO #2003236 (\$103.95), PO # 2003123 (\$450.00), PO # 20031524 (\$2,250.00), PO #2003125 (\$1,200.00), PO # 2002928 (\$19.74), PO #2003354 (\$96.48), PO #2003351 (\$900.00), PO #2003537 (\$2,253.00), PO #2003547 (\$2,135.30), PO # 2003546 (\$4,503.10)

Ms. Lambert moved to approve the requisition of \$1,950.00 to Merrill Corp. for peer review services for 443-461 CJC Hwy, for \$18.91 to WB Mason for office supplies, for \$3,000.00 to Merrill Corp. for Deer Common peer review, for \$103.95 to Karen Joseph for mileage reimbursement, for \$450.00 to Merrill Corp for peer review of 207 Old Oaken Bucket Road, for \$2,250.00 to Merrill Corp. for peer review of Benjamin Studley Farm, for \$1,200.00 to Merrill Corp. for peer review of Curtis Estates, for \$19.74 to Amazon for office supplies, for \$900.00 to Dodson & Flinker, Inc. for technical services for zoning maps, for \$96.48 to GateHouse Media for legal ad for 15 Egypt Ave, for \$2,253.00 to Chessia Consulting Services, LLC for peer review of Residential Compound at 0 Country Way, 0 Rear Country Way, 483 Country Way Rear, for \$4,503.10 to Horsley Witten for peer review services for Seaside at Scituate, for \$2,135.30 to Horsley Witten for peer review services at Seaside at Scituate.

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

Minutes
Documents

- Meeting minutes 9.26.19

Ms. Lambert moved to approve the meeting minutes for September 26, 2019.

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

Liaison Reports:

CPC (Community Preservation Committee) – reported by Ms. Burbine:

- Closing on Lawson Green - November 22nd
 - Ground breaking ceremony around December 1st
 - 30 units – 11-12 months construction – finish by November 2020

- Housing lottery in August 2020
- Prices have already gone up 8%, contingency is able to absorb
- Maxwell Trust – hope to have deed that is clear title by winter
- Dog park open – and people love it
- April Town meeting applications
 - Union Mission Chapel – heating system, but CPC cannot pay for maintenance
 - Without upgrade to system historic building could be lost
 - Historic nature of the building allows for CPC to provide funds
 - Mordecai Lincoln property just under 5 acres of land – CPC would like to purchase
 - Access to the Gulf River
 - \$900K
 - One of the last historic pieces of land in the town – current owner's Ladd's want to sell it to the town
 - Would be great for north Scituate
 - Recreation uses – kayaks, etc.
 - Potential is limitless
 - One of the homes could be used for a grounds keeper of the property

BOS (Board of Selectmen) – reported by Mr. Bornstein and Ms. Burbine:

- Shellfish Advisory Committee presented to the Selectmen
 - Lots to be worked out
 - How does the Town recoup some of the administrative expenses of issuing the shellfish grants
 - Philosophical questions to be answered about inheritance and transfer of title once a grant issued
 - Challenging place to cultivate oysters
 - Just a pilot program
 - Access issue with Cohasset – only Scituate residents currently can apply for the grant
 - Need to work with Cohasset
 - Almost all other towns that have shellfish grants allow for transfer of title with town approval
- Update on the Master Plan – next public work shop is 10.22.19
 - 1st Topic Workshop - will be on resiliency and what that means for the town
 - Need people to participate
 - Will be at the Gates Cafeteria
- Brad Washburn/Sue Dipesa gave update on what EDC (Economic Development Commission) is doing
 - Selectmen suggested that EDC come up with what to do with the Gates Middle School

Planning and Development – reported by Ms. Joseph:

- DRC – one member's term is expiring – Board will need to fill the opening
 - Notice to the Mariner and post on Website
- Review of the Charter - BOS looking for a Planning Board member to be on the Commission
 - Ms. Lewis and Ms. Lambert indicated they may be interested

- Working on new zoning map – getting hard copy for review next week, go to print soon
- Language changes for the Sign Bylaw
 - May have to re-vote the report to town meeting with final language
 - Minor changes being made
 - Advisory Committee did not vote
 - Had some of the same concerns as the Planning Board
 - Will provide Advisory with revised language
 - Awaiting Town Counsel review
- Numerous accessory dwellings and stormwater permits
- Working on summary sheet of fees to discuss fee schedule
- Stormwater Regulations
 - Call a meeting after Town meeting with working group
 - Public hearing for beginning of next year
- Seaside as Scituate in Phase 2
 - Will do only half of Phase 2 before winter; cannot get it stabilized per the Board's conditions
 - Applicant is on the agenda for the next meeting
- Curtis Estates
 - BOH approved the change for septic system, but has not been started yet

Form A-ANR – Brockton Ave.

Assessor's Map/Block/Lot: 40-06-15

Applicant/Owner: Vincent Colbert

Documents

- PDF 4058 Form A Filing Pkg 09-23-19
- PDF 4058-Ic plan
- Doc Transmittal Brockton Ave

Attendees: Jason Scott, Ross Engineering

Ms. Joseph reviewed the plan.

- Land Court plan
- Existing dwelling at 43 and 41
 - Two lots behind 10-12 and 10-11 being divided and joined to the house lots, house lots will have greater lot area
- Change in lot line, does not affect the frontage of each of the lots

Mr. Scott reviewed the plan.

- Parcel on Brockton Ave to be subdivided
- Submitted plan to Land Court
 - Approved
 - Create 2 non buildable lots and combine with 2 lots on Otis Road

Motion:

Ms. Lewis moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in the Town of Scituate, Massachusetts Brockton Ave being a Division of Lot 227 3302-A Sheet 1 prepared by Ross Engineering Co., Inc. for Vincent Colbert dated September 18, 2019 as the division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or change in a lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw. In addition, the following note shall be added to the plan "Planning Board endorsement of this plan is not a determination as to conformance with zoning regulations."

Ms. Lambert seconded the motion; the vote was unanimously approved.

**Continued - Public Hearing – Special Permit Common Driveway & Stormwater
443 461 Chief Justice Cushing Highway
Assessor's Map/Block/Lot: 47-2-26A to 26J
Applicant: David MacCready
Owner: Seven H. Trust**

Documents

- PDF 19-105 Lots 1-8 CJC Overall Plan 10-1-19
- PDF O & M Plan
- PDF Plan Set Revised 2019 09 25
- PDF Sign
- PDF Stormwater Revised 2019 09 25
- PDF Summary of Revisions
- PDF TetraTech Email
- PDF WS1
- PDF WS2
- PDF Bornstein Mullen TC filed 9.16.19
- PDF Comment Butler 9-26-19
- PDF Common Driveway Agreements
- PDF 8-22-19
- PDF 19180 – PB Review Report, 441-463 Chief Justice Cushing Highway 10-8-19

Ms. Burbine read the public notice legal ad. She indicated there would be an immediate continuance.

Motion:

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Common Driveway Special Permit and Stormwater for 443 – 461 Chief Justice Cushing Hwy until November 14, 2019 at 8:00 pm and to continue the time for action for filing with the Town Clerk until November 22, 2019.

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

Documents

- Email to the Board from Karen Joseph dated 10.3.19 with meeting materials for 15 Egypt Ave.

Planning Board Meeting Minutes 10-10-19 - Page 9 of 9

- Email to the Board from Karen Joseph dated 10.3.19 with meeting materials for 114 Greenfield Lane and Brockton Ave.
- Email to the Board from Karen Joseph dated 10.3.19 with meeting materials for 443-461 Chief Justice Cushing Hwy.
- Email to the Board from Shari Young dated 10.4.19 with meeting agenda for 10.10.19 and meeting minutes from 9.26.19.
- Email to the Board from Karen Joseph dated 10.7.19 with meeting materials for 15 Egypt Ave.
- Email to the Board from Karen Joseph dated 10.8.19 with meeting materials for 443-461 Chief Justice Cushing Highway.
- Email to the Board from Shari Young dated 10.9.19 with meeting amended agenda for 10.10.19.

These items were distributed to the Board electronically.

Ms. Lewis moved to adjourn the meeting at 8:01 p.m. Ms. Lambert seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: October 24, 2019

