

SCITUATE PLANNING BOARD MINUTES November 14, 2019

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

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

Members absent: Stephen Pritchard, Vice Chairman.

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

- 11/14/19 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.

Public Hearing – Special Permit – Residential Compound – 0 Country Way, 0 Rear Country Way, 483 Rear Country Way

Assessor's Map/Block/Lot: 32-7-14, 32-7-15, 32-7-16, 32-7-21 and 32-7-13-A

Applicant/ Owner: Bradford A. Merritt

Documents

- PDF Application for Residential Compound Special Permit- submittal package
- PDF Application signature page endorsed – Princess Pine
- PDF Application signature page endorsed – Todd & Chrissy
- Doc Cover-transmittal letter 483 rear Country Way
- PDF Letter to Planning Board Sept 23 2019
- PDF NOI Submittal package – 0 Country Way – 2019-05-28
- Doc REV 1
- PDF Special Permit – Residential Compound Development – Merritt – 2019-04-25
- PDF Stormwater Report – Residential Compound Development – Country Way – 2019-06-27
- PDF Scituate 0 Country Way EcoTec Review Memo 8.28.2019
- Doc concerns_about_developing_the_merritt_property – Martha Cook
- Email to Karen Joseph dated 9.18.19 with Board of Health comments

Attendees: Jeff De Lisi, Attorney; Kevin Grady, Grady Consulting; Bradford Merritt, Property Owner; John Chessia, Chessia Consulting, Town's Consulting Engineer

Mr. De Lisi gave a brief overview of the project.

- Applicant owns approximately 10 acres west of Country Way, near old Egypt Garage
- Concept is to develop land under zoning bylaw of Residential Compound Development

- Encourages larger lot sizes
- Discourages large wide subdivision roads – encourages smaller roads like common drives
- Conventional subdivision could get 9 homes on 20,000 sq. ft. lots
- Proposal is 5 house lots of 40,000 sq. ft. each, with access via a road similar to a common drive coming in off Country Way

Mr. De Lisi indicated that procedurally the applicant will be before the Conservation Commission for wetlands delineation and the ZBA next week regarding suitability because technically the property is in the floodplain. He further noted that based on Mr. Chessia's review and zoning bylaw that the tract of land must be in a single ownership; they have filed an ANR for the property. He said the purpose of the meeting today is to present the project to the Board and obtain a sense if there are any large concept items the applicant should work on as they revise the plan to address Mr. Chessia's comments. He also indicated that the plan before the Board today provides for a stormwater basin on a separate parcel owned by Mr. Merritt's son to be utilized for the project; that concept will be revised and all stormwater will be dealt with on the actual site and Mr. Grady will discuss that in his presentation tonight.

Mr. Grady reviewed the project.

- Application under bylaw 610.2.D
 - Develop with smaller driveway under common driveway provisions
 - Large lot development
 - Required that the tract of land be 4 times the lot area required in the zone and that each lot is 2 times the lot area in the zone; 5 lots each at 40,000 sq. ft.
 - Remainder of space left as open space or undeveloped woodland
- Site is in the R2 zone – 20,000 sq. ft. lots
- Site is in the Floodplain and Watershed Protection District
 - Mr. Grady contends that it does not flood nor is it in an aquifer zone; will be before ZBA regarding the Floodplain Zoning.
- Site is approximately 431,000 sq. ft.
- Proposing a split rail fence as divide to the undeveloped area
- Wetland protection area will protect a majority of the area
- 3.76 acres to be developed and 6.1 acres to remain undeveloped
- Driveway will be 20' wide with 2' shoulder on each side
- Individual houses – serviced by individual septic systems
 - Received a feasibility statement from the Board of Health
 - Preliminary soil testing has been done
 - 18 test holes – show soils are consistent throughout site
- Serviced by electric, gas and town water – looped water main from 10" main connection in Country Way
- Hydrant is proposed in the middle of the development
- Roof drains on each house
- Plan complies with Section 520.5.D.1
- Driveway access 190' west of Whitter Drive
 - Sight distance well over 600'
- Landscape Plan – details plantings in the drainage basins
 - Wet grass mix

- Low mow mix on shoulders
- Planted hedge along abutters properties
- Maintain 20' of trees along buffer adjacent to Aberdeen Way
- Will try to keep any trees that are not in disrepair on the property, but will clean up the area

Mr. Grady provided some details about the proposed drainage system. He indicated it is basically broken up into 4 Best Management Practices (BMP's). There is a basin at the entrance so there will be no discharge off the property, the basin discharges into a subsurface infiltration system. The main drainage feature is a large basin. He indicated the roadway runoff goes to a spillway from the edge of pavement, that goes through a sediment forebay into a grass swale to the infiltration basin; there is a dry drainage swale and based on this treatment provides over 90% total suspended solids (TSS) removal. He said there is an outlet control structure and emergency overflow spillway. Currently the design holds almost the 100 year storm and holds all others, 2, 10 and 25. He indicated the two other BMP's designed are infiltration trenches.

Ms. Burbine questioned where some other properties were in relation to the plan being discussed, the Old Egypt garage and the cape and asked if the cape is being included in this project. Mr. Grady pointed them out on the plan and indicated the cape is not falling into this project. He discussed their initial thought for the project was to seek an ANR approval from the Board along with a common driveway special permit; however for a Residential Compound the tract of land also needs to be under one ownership. He indicated they will be before the Board at the next meeting for an ANR for the piece of property that the cape is located on; all lots will still be conforming there will be a change in the lot so it will not be as deep, but will be wider and ultimately helps with lot shape.

Ms. Joseph indicated that the applicant is taking some land from the cape property, 483 Country Way, and adding it to the residential compound parcel. Mr. Grady said all the lots are conforming and it is just an easy swap of land, it makes the lot shape better and adds value to the new lot.

Mr. Grady pointed out the frontage 218' and 50' for the residential compound tract. He discussed that when the lot for Mr. Merritt's son's house was created the Zoning Enforcement Officer indicated a merger issue was being created. To rectify that a trust was created which has now complicated things; Mr. Merritt is the beneficiary of the trust, but the applicant is now putting the tract of land in one name so that it meets the bylaw.

Mr. Grady reviewed a density sketch – what could be built under a conventional subdivision, not what they are building; it is just to show what the applicant is proposing to build is much less impactful on the area. There could be 9 new lots, plus the existing lot at Mr. Merritt's son's house which would then front on to the subdivision road versus Country Way as is does currently. Mr. De Lisi also indicated that under the residential compound development it would deed restrict that it could never be divided, there will never be any other configurations. Mr. Grady said that Mr. Merritt has lived here for years and plans to continue living here and that is why they are presenting this plan instead of a developer coming in and maxing it out.

Mr. Grady discussed that based on a cost analysis to proceed with a subdivision roadway it is likely another lot would need to be added to offset the cost versus the plan as proposed.

Ms. Joseph indicated the Board will need to decide if the proposal meets the purpose of the residential compound, i.e. large lot size, reduce construction costs, reduce impacts of new

development on abutting properties, eliminate future town maintenance and responsibility and cost for the development and preserve the semi-rural character of the town. She also clarified that the site is totally in the water resource protection district, so it does influence the water in the town. A Form A has been submitted and will be on the agenda for next week. She indicated there are a number of issues that need to be worked on, i.e. test pits, easements, drainage, legal documents, O & M plan, construction and erosion control sequencing, BMP's need to be 3' above estimated high ground water, likely there will need to be a scenic road hearing if the stonewall or anything in the right of way is being disturbed.

Mr. Chessia the Town's consulting engineer provided comments on his review. He indicated that the presentation discussed tonight is not the plan that was reviewed; he believes there are several different design aspects. He suggested there are a few comments from his review that the Board may want to provide direction on.

- Requirement of the Residential Compound Development (RCD) of a 50' perimeter setback – what is allowed in the setback, i.e. buildings, driveways
- Easements – notes regarding construction materials not fully complete
- Private road – more information needed, there should be a note on the plan to be forever a private drive
- Requirements to show the trees, etc. on the plan
- Pond - potential vernal pool – has been flagged and Conservation has reviewed wetlands line and is in agreement with the delineation.
 - Required setbacks and drainage
- Common driveway – a little over 5% - steeper than typical intersection
- Board may want to opine on screening – original plans reviewed did not provide any landscaping
- Police and Fire Department comments needed regarding the hammer head turnaround and equipment size
- Agrees pretty good sight distance lines

Mr. Chessia indicated he did not think it was worth reviewing his comments regarding stormwater since the design looks to be changing significantly. Mr. Grady said they have addressed the original comments and will be submitting those. Mr. Chessia did comment that there is potential for erosion because such a large area is being altered; it is relatively level but one area of concern would be the roadway coming out onto Country Way that could be the biggest impact area from a construction perspective unless the right type of controls are put in place.

Board Comments:

Mr. Limbacher asked what the applicant is looking for the ZBA to provide. Mr. De Lisi indicated there is a requirement for a determination of suitability when a site is located in the floodplain; he opined however the site is not actually subject to flooding. He also noted that the property is not in a Zone A or a Zone II aquifer subdistrict which would require additional measures for water protection; the general requirements for the water resource protection district do apply.

Mr. Limbacher asked if the applicant is asking that the 6 acres of open space be taken over by the Conservation Commission. Mr. De Lisi said no they will not be asking for any portion of the land be placed under the care and custody of the Conservation Commission; the Wetland Protection Act will serve as protection for the open space left on the property. The applicant has filed a Notice of

Intent with the Conservation Commission. Mr. Grady also reiterated that after an approval of this plan there can be no further division; no other house lots can be created.

Mr. Limbacher commented the contours on the right hand side of road appear very steep. Mr. Grady indicated they are 3:1 contours, standard slope for drainage basins. It will be a compacted berm to hold runoff stormwater.

There was discussion about how far it is from Country Way to the furthest house proposed on the site; approximately 500'.

Mr. Limbacher asked why the special permit is better than a subdivision. Mr. Grady indicated that they meet the bylaw to a tee; minimize large roadways, minimize dense development, promote larger lots, reduce costs, reduce impacts to the town, reduce town maintenance. Mr. De Lisi indicated that Mr. Limbacher is asking why this development is better than a conventional development that contains nine 40,000 sq. ft. house lots; the difference is the roadway, allows for more flexibility with respect to a large roadway. Mr. Grady opined it lends itself better to Country Way, has a better look.

Ms. Lambert commented that it is disconcerting to be told that what is being presented is not what Mr. Chessia reviewed. She also indicated she is hesitant to discuss something that involves both Conservation and Zoning unless the Board hears from them first. She opined she does not know how this residential compound development preserves the semi-rural character of the town. She asked how close the houses are to the back of the homes on Aberdeen; approximately 80' which includes a 50' buffer space.

Mr. De Lisi commented that the Board is not required to compare this plan to a conventional plan as they would be if a flexible open space plan was being proposed. He opined the Board is required to find that the development be in harmony with the general purpose and intent of the residential compound bylaw and that the project is designed to make it sufficiently advantageous to the town. Ms. Lambert opined it is questionable to her that the impact to the abutters is reduced; she does appreciate this compared to the nine houses.

Ms. Lewis asked who owns the other green space; the space would be part of the lots.

Mr. Bornstein discussed the idea of clear cutting and asked what the intent is for the site work. Mr. Grady indicated they will be submitting a phasing plan, but in order to get stormwater into the basin they will need to raise the road; he does not believe they will be able to save the trees in that area.

Mr. Bornstein asked if there was any consideration for a decentralized system and other varieties of low impact development. Mr. Grady indicated it was not feasible based off septic systems, wetlands, usable yard space, etc.

Ms. Burbine opined that 20' buffer is not enough. She cited an example where at another RCD in town a property owner cut down the buffer to install a pool; this can't happen. She asked if there is the possibility of moving the houses to have more of a buffer. Mr. De Lisi said they will look into that request. Ms. Burbine also said that in the Homeowner's Association it needs to be made clear that a homeowner cannot go out and clear cut the buffer.

There was discussion about kids skating on the pond.

Ms. Joseph indicated that the Board will need to receive a copy of the homeowners documents to review, no slopes can be over 25% in the Water Resource Protection District they need to be a 4:1 slope, a statement that there is no degradation of the water quality, a statement of impervious area on each lot to comply with the requirements of the Water Resource Protection District, and there can only be fences in the buffer area. All these requirements must be met.

Public Comments:

Mr. Dana Gillis resident at 10 Aberdeen Dr., thanked Ms. Burbine for her comment about the buffer. He had a question of defining what the buffer actually is, but now feels he understands. He appreciates what Mr. Merritt is trying to do with his land, but the Aberdeen Drive is tight at 20' buffer and would appreciate if that could be looked into. He also said he is weary of the water runoff because he thinks the pond is not the beginning, but thinks it is coming down from the Cushing School and running between the houses filling the pond and proceeding down grade he does not know how that is impacting Egypt garage and what runs under, but it is a thought. Ms. Burbine also discussed the puddle at the Egypt garage she does not know where the water is coming from, but it is something to think about.

Ms. Freya Schilegel resident at 9 Westgate Lane said she is concerned about the water that comes down the stream/culvert from Country Way saying it comes through several of her neighbors' backyards, maybe their basements and to her yard; having the water runoff is a concern.

Mr. Ken Bates indicated his mother resides at 7 Westgate Lane said that his mother's house was built was in 1970 and has always had water problems. He said they used to have a backyard and they no longer have one back there; they are very concerned about the water.

Ms. Burbine commented that any water the applicant has on their site cannot leave their site.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Residential Compound Special Permit until January 9, 2020 at 7:00 pm and to continue the time for action for filing with the Town Clerk until February 28, 2020.

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

Public Hearing – Special Permit – Common Driveway – 443 – 461 Chief Justice Cushing Highway

Assessor's Map/Block/Lot: 47-2-26A to 26J

Applicant: David MacCready

Owner: Seven H. Trust

Documents

- Doc Common Driveway Agreement Wade Common Condo
- PDF Cut & Fill
- Doc Grave Access Easement
- Photo – Middle School
- Photo – Public Safety

- PDF Site Plan
- PDF Stormwater
- PDF Summary of Revisions
- PDF Tetra Tech Email
- PDF Transmittal 2
- PDF WRPD Stormwater Statement
- PDF WS1
- PDF WS2
- PDF Comment Butler 9-26-19
- Doc Condo Trust Draft 10-11-2019
- Doc Master Deed Phasing 10-11-2019
- Email to Karen Joseph from Water Resources Committee – Becky Malamut – dated 10.19.19
- Email to Karen Joseph from Historical Commission – Doug Smith – dated 9.30.19
- PDF Opt A
- PDF Opt B
- PDF Opt C
- PDF Opt D
- PDF Unit A elevations
- PDF Units B & C elevations
- PDF Unit D elevations
- PDF 19180 – PB Review Report, 443-461 Chief Justice Cushing Highway, 11-8-19
- PDF Letter from Robert Chessia abutter dated 11.12.19
- Email from Sean McCarthy dated 11.12.19 Scituate Reservoir
- Doc Condo Trust Draft 11-6-2019
- Doc Master Deed Phasing 11-6-2019 Highlighted

Attendees: Greg Morse and Jeff Hassett, Morse Engineering; Dave MacCready, Applicant; Seven H. Trust, Property Owners; Peter Palmieri, Town's Consulting Engineer, Merrill Inc.

Mr. Morse reviewed the project.

- 2 part application – stormwater permit and common driveway
 - Stormwater Permit – allow 8 duplex dwellings
 - Common Driveway – allow 3 driveways
- Existing lots, all with access and frontage and double the lot area, duplexes are allowed by right
- Review of changes to the plan from last meeting, Merrill and Department comments
 - Site distances – required is 425' - 555' for stopping sight distance and intersection - comply with requirements at all 3 common driveways
 - Cut and fill plan provided
 - Drainage - overlapping requirements for stormwater, water resource district, Section 751 and DEP requirements – drainage is in compliance with all bylaws and regulations
 - Proposing a treatment stream consisting of catch basins, rain gardens, natural vegetated swales to treat stormwater
 - Have 94% TSS removal , required to be at 90% TSS removal
 - Match pre and post rates and volumes of runoff
 - Infiltrating all roof runoff

- Septic systems – originally used test pit data from 2006-2009
 - Did additional peck tests witnessed and passed with BOH - moved system locations from the abutters in the back; increased amount of green space with abutting properties
- MassDOT - will not review the applications until a permit is issued from the town.
 - Initial guidance, MassDOT requested
 - Pavement widths of the driveways be increased to 24'
 - Curb Radius at the street be at 30' radius
- Fire Chief comments
 - Requested 20' for pavement width, now at 24' so comply
 - Reviewed signage at each entrance of the driveways
 - 5" letter at each entrance with addresses
- Provided condominium documents
 - Condominium association will be responsible for all ownership and maintenance
- Historical – headstones – provided an easement and provided 2 parking spaces
- Tighten up the grading, revised septic system locations, increased open space
- Site is total of 15.9 acres
 - Development is 45%
 - Undeveloped is 55% - maintained as green space
 - Imperious area - only proposing 12%
- Met with Water department regarding Tack Factory Pond and Zone A - not proposing any work inside the Zone A of the pond which extends 200' onto the property
- 290' of clearing from the Butler property

Mr. Morse indicated they have tried to cluster the development up on the hill and keep it as far away from Tack Factory Pond as possible.

Ms. Joseph indicated the legal documents have been sent to Town Counsel for review. She questions the 15% of imperious area if it is on each lot or the total area. She indicated the Board has not received comments from Traffic Rules (TRRC) or DPW which are critical to the project; drinking water is an issue, she opined there are big concerns regarding the water and septic systems and the impact of them as well as when the area is clear cut what will happen to the ground water; have they looked at any hydrogeological studies. She said she would be concerned with what is going to happen in the future with the estimated seasonal high ground water. She recommends the Board considers some kind of physical demarcation for the limit of work during construction because it is such a sensitive site to prevent any accidental clearing. She opined it is vital to hear from TRRC because there is no traffic study. She did indicate the applicant did submit a revised set of plans that addresses some comments; however it was not submitted in time to have reviewed. The Board needs to consider the effects on the public water supply, because this is immediately uphill from Tack Factory Pond which is tributary to the reservoir which is tributary to Old Oaken Bucket Pond. Additionally, she questioned how much of the impervious surface on the site is recharged because it is a requirement of the Water Resource Protection District.

Mr. Palmieri from Merrill Engineers, the Town Consulting engineer provided comments. He indicated they have reviewed a couple of submittals for the project and provided a comment letter on

Friday, but has not reviewed the most recent revised plans. He opined the applicant is getting close to having most of the comments addressed; most of their comments have been related to the stormwater management system. He said that with the proximity to the Tack Factory Pond both the stormwater management system and the erosion control during construction need to be carefully managed. He indicated that based on the cut and fill plan, there is about 15,000 cubic feet of material being brought on site. With regards to the stormwater management system initially some of the system did not have pre-treatment and he opined that is crucial in this area; there needs to be a degree of treatment before it gets into a bio retention area or other infiltration system. He was also concerned about the stormwater systems cascading effect as it relies on the system above it and below it to function; he recommended that the whole area being used for the stormwater system be contained in an easement with meets and bounds and should be shown on the plan.

Mr. Palmieri said he will issue another report once he has completed a review of the revised submittal.

Board Comments:

Mr. Limbacher said he has concerns over the interrelationship between the rain gardens and how it will be managed if one component is missing, he is concerned about the maintenance the rain gardens and is not sure how much infiltration will take place in them and the time frame it will take for them to empty out. He asked the applicant to provide thoughts on what the advantage of this special permit for common driveway versus a subdivision.

Mr. Morse indicated the Board reviewed an application for a subdivision on the site back in 2006 that was endorsed and received full approval and recorded. He said that while the plan and the permit have expired there have been no substantial changes in the regulations that would negate the plan from being permitted today. He discussed the layout with one roadway in with several branches off the roadway, it is much more sprawling, houses are almost adjacent to the back lot line, on the southern side of the property there is a 50' buffer, there is more impervious surface, more land disturbance, and it is closer to the reservoir. He indicated their goal is to take advantage of the 3A roadway as they reconfigured the lots with ANR plans to utilize the rattails to slide all houses up the hill as much as possible and use the tails for area that they do not want to disturb; they are putting a voluntary restriction on it in perpetuity, they are creating a permanent buffer along the back of the property abutting Stearns Road and all the area within the Zone A associated with Tack Factory Pond, it is less impervious, less fill and less land disturbance and this is why they are presenting the project in this manner.

Ms. Joseph pointed out the since the last project there have been major changes to the regulations with the Water Resource Protection District. She also noted that the old plan had 15 units this current plans has 16 units; she suggested the Board should maybe consider if this is too dense for this sensitive a site.

Ms. Burbine discussed the purpose of section 720.2 of the bylaw and common driveways. She said that this town is very concerned about water; 3A has always been construed as a greenbelt. She opined the project is too dense, 16 - 3 bedroom homes with 16 home owners in a very sensitive area. She said she finds this project very difficult.

Ms. Lambert opined that a lot has changed in the last 10 years even peoples' perspectives on how we protect our water supply; the water moratorium lost by 12 votes at town meeting. She said she lives in a condominium development and there are huge issues with their shared septic, i.e. board

members that don't know what to do with it, she finds it disturbing to have this many septic systems this close to a main water source. She said 3A is a greenbelt and she was a huge proponent of the safety complex that they had violated the greenbelt; she thinks it extends all the way to the rotary and that it is too dense for the area.

Ms. Lewis asked about the buffer zone area up near Lot 1 commenting that it appears to get smaller. Mr. Morse indicated the buffer in that area is 20' and there is natural vegetation out there that would remain; he indicated there is no requirement for a buffer zone, it is a voluntary buffer zone.

Mr. Bornstein opined that with everything going on in Town, this proposed plan is pushing the envelope. He asked if any of the 16 units proposed are proposed to be affordable; Mr. Morse said no. Mr. Bornstein also asked what the average price for the units is. Mr. MacCready indicated the average unit price would be similar to Doctors Hill, \$700K - \$800K.

Public Comments:

Mr. Robert Chessia resident at 9 Stearns Road said he has lived in Scituate for generations and is involved in the town, he voiced a few concerns – rain gardens are proposed - how is peak rate controlled on the site, grass depressions he could not find anything as a BMP describing what a grass depression does or is, rain gardens and grass depressions are not listed as controlling peak rate flow; he also indicated that the MassDEP regulations for rain gardens are not applicable for peak flow and there is no mention of grass depressions. He said this land is above glacial till and does not drain; on a drive around their neighborhood and there are mounded septic systems everywhere. He said they show the rain gardens at a depth of 3', but he found that it should be 4' as a minimum depth. He said the site is said to be low impact development and opined that any development should be in compliance with all the state and town stormwater regulations to the highest degree not the minimal; he indicated his concern for the town's water supply which has issues with quantity and quality. He said that this is a discretionary permit; he posed the question if this is the kind of development the Board wants. He opined that most of the people in the room are not in favor of this and that it is an inappropriate project in a very sensitive area and important location to town.

Ms. Judy Aronson resident at 19 Cudworth Road, indicated that she grew up at the bottom of the hill and that people have a problem with the project because it is a sensitive area, but it is the slope of the area and trying to catch the water along the way; all the water will end up at the bottom area where they are proposing the green space. She said you can't stop water from coming down the hill. She said it is a sensitive area and it is the slope of the hill; she has seen the water come down. She indicated that in 1987 a small area was cleared and they had to jump 10' to get into their house, the water just rushes down the hill into their property and then into Tack Factory Pond.

Ms. Patricia Butler resident at 439 CJC Hwy, lives at the bottom of the hill said that on all the other plans that were approved there was a berm at the bottom of the hill to catch the water and in this plan there is nothing down there and she is concerned.

Mr. Mike Sheehan resident at 35 Stearns Road said he is concerned about the water going down the hill as well. He said that if you were to drive around the neighborhood now you would see that all storm drains in the neighborhood are eroded and caving in from the amount of water that is coming down the hill. He said it sounds like the filtration system is a very sophisticated system that should be in the hands of the Town or the Town's water/sewer departments instead of the hands of 16 homeowners; what happens if something happens and the Homeowner's Association fees can't

cover it to fix it. He opined it is a real concern to have lay people in control of such a sophisticated system that could affect the Town's water supply.

Mr. David McCormick resident at 21 Stearns Road indicated that in the prior plans that were mentioned originally they were going to be pumping up the hill to a large septic leaching field and asked for the septic systems to be pointed out on the current plan and why the change was made from pumping up the hill to a gigantic leaching field; now there are all these small areas that have perked and passed as well as the water talked about are his concerns. Mr. Morse indicated some of the previous designs proposed a community system to service all of the lots, here each building has its own septic system which he pointed out on the plan; all locations have passed perk tests and they have the soils to do it. Mr. Morse said they try not to do shared systems when they don't have to and in this case they do not. Mr. McCormick said he finds it curious that in the previous plan there would be a shared system and the cost associated with that versus now. He also questioned the validity of the perks that passed and were witnessed. Mr. Morse indicated what exists today on the site is 8 individual lots with 8 individual systems to be approved by the BOH. He said that the town had approved a plan with the large system, but they have also approved 8 individual systems on the lots. Mr. Morse said in his opinion the preferred method is individual systems, he does not know the methodology of the previous designer and why a shared system was used. Ms. Aronson said the original perk tests were not witnessed.

Ms. Nora McCormick resident at 21 Stearns Road commented that she is also very concerned with the water drainage, but she is also concerned about the traffic. She said that just coming out of Old Forge and trying to make a left turn is very difficult; there are cars coming Doctors Hill, from down the hill and now three more driveways for cars coming onwards to them. It is very unsafe.

Ms. Joseph asked if there will be any type of traffic study. She also indicated that the Water Resource Committee did not feel like their comments were addressed. She opined that the erosion control sequencing and phasing needs to be addressed, i.e. will each phase be done simultaneously or separately because the drainage is all interconnected; the Board can condition that one phase be constructed at a time. Mr. Morse said the intent is to construct the lowest cluster first. He said that drainage system does not rely on any uphill drainage system; he discussed the additional phases of two and three. He said it is designed to be a redundant system; if the upper system fails then it has the next system, if that one fails then it has the next system, the lower most system has a separate oil/grease filter that the others do not have. The system is specifically designed to have discharge and then several hundred feet of natural vegetation to act as a filter, and then it goes through another drainage system several hundred feet of natural vegetation, then to a third system and then several hundred feet of natural vegetation. He opined this is above and beyond the town standard and the state standards. The drainage on the back of the property flows over land down to the bottom, there is no impervious surface in the back of the property; the roofs discharge into drywell systems and all of the driveway areas are discharged into rain garden systems. Mr. Morse indicated that the bylaws Section 751 specifically mention rain gardens and grass depression to promote localized infiltration and that is what they have tried to accommodate with this project; not one centralized system.

Mr. Morse indicated that for impervious surface they have it at 12% for the aggregate; he did not have the individual lots available, but they will comply.

Ms. Burbine indicated the hearing will need to be continued, there was discussion when the applicant would be able to resubmit plans to provide enough time for peer review, etc.

Mr. Morse indicated revised plans had been submitted on Tuesday; he did not think there would be additional revisions from tonight. He requested that the Board provide some specifics on what they would like to see further. He reviewed his notes on some of the discussion.

- Density
- Greenbelt Requirements
- Specific Overlay districts and the requirements associated with them

Mr. Morse said the Board has approved several projects in sensitive areas like this and wanted to review some of those projects and apply the same standards that have been applied to other projects in town. He indicated he did not see a need to revise that plans from what had been submitted on Tuesday.

Ms. Burbine said the Board may have approved plans in sensitive areas, but this is probably one of the most sensitive areas. Mr. Morse said he drinks the drinking water in the town, he agrees it is a sensitive area the Town has many safeguards in place to protect it; he believes they comply with all of the safeguards. He asked if there is one that they do not comply with he would like it brought specifically to his attention. He said they are not proposing any work in the Zone A, not proposing any work within the 150' no disturbance zone to the tributary, they are not proposing any work to a wetland resource area or any buffer zone to a wetland resource area, they are under the 15% threshold for the project as an aggregate for requiring any infiltration but they provide more than 10 times the infiltration, he wants to understand more of the Board's requirements.

Mr. Morse pointed out they could come in with a proposal for 8 individual driveways which would result in 96' of pavement, they are asking for only 3 driveways only 75' of pavement, a 25% reduction in impervious area. He said the bylaw says in a sensitive area an application should come in with a common driveway and that is what they have done. He asked what specifically is the Board asking him to revise on this plan. He discussed the densities and referred to section 610 of the bylaw and R1 Zoning district having minimum lot area of 40,000 sq. ft. and they have 80,000 sq. ft. in size. He mentioned section 410 and the table of uses, single-family homes and multi-family homes are allowed uses. He discussed septic systems and the limit of nitrogen loading in the district is allowed at 110 gallons/10,000 sq. ft. of lot size, they could do 8 bedrooms/lot and they are only doing 6/lot which is 25% less. He indicated that they are coming in below all the thresholds, they meet the bylaw and they comply with all. He also indicated that the greenbelt has a 50' no disturbance zone and a 100' set back from structures to the front lot line and it complies with those standards.

Ms. Lewis asked about the idea of a traffic study. Ms. Joseph indicated one has not been done, but if the Board wants one they should ask for one. Mr. Morse indicated they have staked out the center lines of the driveways, per comments from TRRC; they have not been asked to do a traffic study and it is not a requirement. Ms. Joseph said the TRRC does want to comment, but wanted to see the location of the staked driveways first. She also indicated that DPW is going to comment because of proximity to reservoir, but she has not received either comment yet.

There was discussion on the next meeting date that would be available.

Mr. Morse pointed out that all the buildings comply with the Greenbelt requirement of 100' minimum; they kept them at the minimum so as not to encroach so much on the abutters. He said they provided a landscape plan with their most recent submittal.

There was discussion that each unit will be 3 bedroom units a total of 48 bedrooms.

Ms. Judy Aronson resident at 19 Cudworth indicated that she has the 2004 water supply map and mentioned that all tributaries that flow into the Tack Factory Reservoir are protected under section 510.5 150' non-disturbance zone and that all tributaries in the water resource protection district including tributaries to Tack Factory Pond reservoir also receive a 200', section 510.4 . She said that she always thought it was a 200' buffer and at the last meeting someone mentioned 400' buffer. Ms. Burbine indicated that the Board has heard from DEP it is 200'.

Mr. Morse said there are really 2 buffers, the 150' buffer as well as a 200' buffer in a Zone A. He said there are restrictions on what can be done in a Zone A, but you are allowed to work in a zone. He indicated that the plan provides for the proposed 18" increase to reservoir. He pointed out the 200' set back on the plan.

Motion:

Ms. Lambert 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 December 19, 2019 at 7:00 pm and to continue the time for action for filing with the Town Clerk until January 29, 2020.

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

Accounting
Documents

PO #2004306 (\$5,111.61), PO #2004307 (\$4,573.64), PO #2004191 (\$375.00), PO #2004124 (\$7,119.15), PO #2004005(\$450.00), PO #2004121 (\$450.00), PO #2004446 (\$3.71), PO #2004525 (\$414.06)

Ms. Lambert moved to approve the requisition of \$5,111.61 to Peter Zaccardi for return for stormwater bond and unexpended funds from Planning Board Guarantee account, for \$4,573.64 to K & E Construction for return of stormwater bond, for \$375.00 to Chessia Consulting for peer review services for Country Way Residential Compound, for \$7,119.15 to Paul Sheerin for return of stormwater bond and unexpended funds from Planning Board Guarantee account, for \$450.00 to Merrill Corp. for peer review of 37-39 Otis Place, for \$450.00 to Merrill Corp. for peer review of 52 Otis Place, to WB Mason for \$3.71 for office supplies, to Gatehouse Media for \$414.06 for legal ads.

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

Minutes
Documents

- Meeting minutes 10.24.19

Ms. Lambert moved to approve the meeting minutes for October 24, 2019.
Mr. Limbacher seconded the motion; the vote was unanimously in favor.

Liaison Reports:

ZBA – reported by Ms. Lambert:

- Residential Compound on Country Way being heard next Thursday night after several continuances

Shellfish – reported by Mr. Bornstein:

- Rules and Regulations have gone through Board Of Selectmen; not yet voted
- Pilot program

Mr. Bornstein discussed the Advisory Committee and felt that they are not on the same page as the Board, due to a lack of communication. He opined there needs be more involvement between them sooner especially with regards to zoning; don't want happened at Town meeting to happen again.

Ms. Burbine indicated the Board will need to hire a consultant for the sign bylaw.

CPC – reported by Ms. Burbine:

- Both items at town meeting went forward
- Presentation for restoration of antique fire truck – minimum \$135K
- Friends of Scituate for Recreation – skate park
- Walk for feasibility of Mordecai Lincoln property approximately 5 acres – owners to sell to the town for \$900k – historic preservation and recreation

BOS – reported by Ms. Lambert:

- Rehabilitation of field behind old Gates – Baseball field

Planning and Development – reported by Ms. Joseph:

- Zoning for Annual Town Meeting
 - Signs
 - North Scituate
 - Zoning article form Building inspector
 - Stormwater regulations – working group
- Design Review Committee –interviews, need to set a date – January 23rd
- Studley Farm – not ready for street acceptance
 - Plants from 4 years ago have died – will add 25 Inkberries in the raingardens and low depression areas – good compromise
- Deer Common surety reduction – December 12th

Town meeting follow up:

- Contentious
- People did not know it was happening
- Poorly attended
- Same 200-300 people that come – no young people
- Marshfield having override or \$41M - expansion for senior center, police station

Documents

- Email to the Board from Shari Young dated 11.8.19 with agenda.
- Email to the Board from Karen Joseph dated 11.8.19 with meeting materials for 443-461 Chief Justice Cushing Highway and 483 Country Way Residential Compound Development.
- Email to the Board from Karen Joseph dated 11.12.19 with meeting materials for 443-461 Chief Justice Cushing Highway
- Email to the Board from Shari Young dated 11.12.19 with meeting materials for 443-461 Chief Justice Cushing Highway.
- Email to the Board from Shari Young dated 11.13.19 with meeting minutes from 10.24.19.

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 9:20 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: December 12, 2019

