

SCITUATE PLANNING BOARD MINUTES November 21, 2019

Members Present: Ann Burbine, Chairman; Stephen Pritchard, Vice Chairman; Patricia Lambert, Clerk, Benjamin Bornstein, and William Limbacher.

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

Members absent: Rebecca Lewis, Alternate Member

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

Location of meeting: Emergency Operations Center, Scituate Public Safety Complex, 800 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

- 11/21/19 Planning Board Agenda

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

Public Hearing – Special Permit – Accessory Dwelling – 355 Hatherly Road

Assessor's Map/Block/Lot:

Applicant/Owner: Deborah A. Risi

Documents

- PDF Application dated 8.21.19
- PDF Floor Plans
- PDF Risi Letter dated 8.21.19
- PDF Sewer Comment dated 8.12.19
- PDF Site Plan
- PDF Water Comment dated 8.8.19
- PDF Assessor' Card
- Doc Cover-transmittal letter 355 Hatherly

Attendees: Deborah A. Risi, Property Owner; Chris Alexander, Builder

Ms. Risi indicated that she has recently moved back to Scituate to care for her elderly parents; she grew up here. She has built a garage on her property and would now like to add a one bedroom apartment on the second floor of it. The apartment would be for either her parents or her children. She indicated that the structure is already built, with the exception of the apartment.

Ms. Burbine indicated that the only issue she sees is there is only one entrance/egress. Mr. Alexander said there is a sliding glass door that has a set of stairs to go down the back and pointed it out to the Board; on the west elevation there is a full set of stairs down from the slider for the second means of egress.

The Board indicated that the drawings will need to be updated and the public hearing will need to be continued. Revised drawings need to be in the Planning Board office by noon on December 5th.

The Board indicated they did not see any other issues.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Accessory Dwelling Special Permit until December 12, 2019 at 8:30 pm and to continue the time for action for filing with the Town Clerk until December 31, 2019.

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

Public Comments:

Mr. Peter Miller resident at 353 Hatherly Road said as neighbors there is no problem if those living in the apartment are parents or sibling, but is there any way to limit that it does not become a rental unit. The Board indicated no; Ms. Burbine said that as long as the main dwelling or the accessory dwelling is owner occupied it could be rented. Mr. Miller said that he has four young children that play in the yard and his yard abuts Ms. Risi, he didn't know what was allowed. He said he didn't understand the process, how a structure could be built and then someone could go in there without telling the neighbors. Mr. Pritchard indicated that legally no one could occupy the space, but this is the process to put someone in there legally. He indicated there are multiple uses of an accessory dwelling that can be approved in the zoning bylaw, i.e. elderly parents, children.

Minutes
Documents

No minutes

Accounting
Documents

PO #2004707 (\$6,159.00), PO #2004749 (\$3,575.72)

Ms. Lambert moved to approve the requisition of \$6,159.00 to Horsley Witten for peer review services Phase 2 for Seaside at Scituate, for \$3,575.72 to Horsley Witten for peer review services Phase 1 for Seaside at Scituate.

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

Liaison Reports:

Shellfish Advisory meeting - reported by Mr. Bornstein:

- Prepping for a meeting that was being held in Cohasset last night
- Waiting for Board of Selectmen (BOS) to vote on Rules and Regulations

Water Resource Committee (WRC) – reported by Mr. Bornstein:

- Water structure improvements planned for the fall are on track

- Completed ice pigging, water main repair or replacement on Gannett Rd., Mann Lot Rd., Booth Hill Rd. – mostly done except for final paving to be done in the Spring
- Completed 7 of 9 phases of the flushing program – has made a big difference – getting to the point where a real flushing program can be maintained.
- Improvement in the water with regards to high level of manganese
 - Water Dept. did re-sampling in October and compared to samples from June – marked decrease in manganese concentrations
- Water Study – Kevin Cafferty provided update at the WRC meeting
 - On track to have most of the study completed by mid-January
 - Meeting to be held in December – unclear as to who will be attending
 - Time lost on progress of the study due to working on the flushing program
 - At kick off committed to bi-weekly updates and provide in-progress information - Mr. Pritchard indicated that has not happened
 - Mr. Bornstein indicated that Mr. Cafferty said the updates, etc., have not been done.
 - Ms. Joseph will continue to ask for the updates
- Policy initiatives from the WRC
 - Regulation of private irrigation wells
 - Water restrictions on during periods of severe drought
 - On hold until water study is completed
 - Water offset policy – on hold, contingent on water study being completed

North Scituate Zoning- reported by Ms. Burbine:

- Cohasset and Scituate have come to a meeting of the minds for a regional sewer plan
 - Next step involve the engineers
 - January 29, 2020 meeting
 - Will go down South Main St. to Cohasset treatment plant
 - 200K gallons from Scituate to Cohasset, then to Hull
- Zoning initiatives – MAPC consultant
 - Commercial/ business/retail in the core of the village
 - Residents would not have control over the types of businesses that would come in
 - Residential – multi family, cottages
 - Will be a public hearing with Planning Board
 - Hope to go to Town Meeting April 13, 2020

Traffic Rules & Regulations Committee (TRRC) – reported by Mr. Limbacher:

- CJC Highway project
 - Don't care for 3 curb cuts, would prefer 2, but understand because of zoning why there are 3
 - First entrance and exit is of the biggest concern
 - Providing a letter to the Board with their comments

Planning and Development – reported by Ms. Joseph:

- Zoning workshop first meeting in January – North Scituate, Signs, Section 830
 - Mr. Pritchard does not think the Board should tackle signs
 - No one enforcing it – so why not just leave alone
 - Town faces legal implications by not changing it, town is very exposed
 - Proposing to hire a consultant

- Building department wants to fix Section 830 – derelict homes
- Stormwater Regulations - close to getting a final draft
- Design Review Committee (DRC) interviews – gathering resumes will be in January
- Filed for 4 units with State for the subsidized housing inventory at 50 Country Way
- Issued several outstanding certificates of compliance for stormwater permits
- Spending a lot of time on Seaside at Scituate

Public Hearing – Stormwater Permit – 16, 18 -20 Mann Hill Road

Public Meeting – Site Plan Review – Common Driveway – 16, 18-20 Mann Hill Road

Assessor's Map/Block/Lot: 27-7-9A

Applicant/Owner: Estate of Patsy Jo Terrell

Documents

- PDF 18.20 Mann Hill Stormwater Report
- PDF 380 WS Plan 8-23-19
- PDF 3804 CD 9-27-19
- PDF 3804 cd cvr ltr
- PDF 3804 Common Driveway Permit Application Admin Review –Signed
- PDF 3804 cvr ltr 9_30_19
- PDF 3804 Swp app
- PDF 3804 SWP Plan 9-23-19
- PDF 3804 SWP VR LTR 9-23-19
- PDF 3804 SWPP 09-20-19R
- PDF 19288 – PB Review Report #16, 18 and 20 Mann Hill Road, 11-12-19
- Email to Karen Joseph dated 9.27.19 from Robert R. Terrell
- Email to Karen Joseph dated 10.15.19 with comments from Fire Department
- Doc Transmittal – DPW_BOH_Con 16,18, 20 MH SW
- PDF ZBA decision 3-2017

Attendees: Paul Mirabito, Ross Engineering; Greg Tansey, Ross Engineering; Peter Palmieri, Town's Engineering Consultant, Merrill Engineering

Ms. Burbine read the legal ad.

Mr. Tansey provided an overview of the project.

- Property includes two 50' frontage lots
- 3 septic designs have been approved by the Board of Health (BOH)
- Seeking a Stormwater Permit and Common Driveway Special Permit
- Proposed – runoff control
 - Permeable pavement for common driveway and conventional lot
 - Controls stormwater runoff and stormwater recharge
 - Maintenance is less, less salting and sanding
 - Minimized amount of stormwater controls
 - Infiltration trench into a basin – maintained as lawn – discharges into a wide shallow swale
 - Swale will attenuate the runoff and convey it to the north – it will maintain the existing runoff pattern

- Proposing a lawn area with amended soil
 - Engineered top soil mix – combination of standard loam and sand, rototilled into the ground
 - Enhances the permeability of the site - controls runoff and provides additional recharge
 - Less scour and erosion issues and increases the aeration of the lawn and uses less water for maintenance
 - Used successfully in Cohasset – used on a project off of Beechwood Street, primarily a ledge project
 - Mr. Tansey opined it is always a good thing to avoid a detention basin or minimize it for several reasons
 - Provides stormwater quality control throughout the site in a decentralized location
 - Less mosquitoes
 - Less maintenance
 - Adds aesthetic value

Ms. Joseph indicated the project was sent out for Engineering Peer Review and the Peer Review Engineer is here; he identified a number of issues that will need to be addressed before any type of approval.

Mr. Peter Palmieri reported to the Board his review of the project.

- Recommend additional soil testing near permeable pavement, detention basins, and area near the infiltration trench
- Concerns about the limit of clearing – 3 lots going to be clear cut
 - Questions the timing of it and how it would all be coordinated, i.e. lots sold separately or all developed at one time
 - Highly wooded area – large trees have not been identified – going to be clear cut
- Soil amendments may have merit – concern is if it is a DEP approved Best Management Practice (BMP)
 - DEP should approve, additional information has been requested
- Check water quality design of the swale; it may not be deep enough
- More information for erosion control is needed; what is the disposition of the lots
 - Lots tied together so need more information
- Anything that is part of the drainage should be in an easement

Mr. Pritchard asked about the before and after conditions of the watershed; before it looks like it is all going one directions; the proposal makes it look like it is going in all different directions. Mr. Palmieri indicated the post development watershed plan shows water is all going in the same direction as the existing conditions, but he does not think the proposed conditions define the front area of the developed lots enough; the proposed grading should be checked and revised, the intent is there but not sure the grading shows it enough. There was discussion about the natural flow of water; it moves downhill. Mr. Palmieri indicated he is not sure the grading shows the intent of the water moving downhill.

Ms. Burbine asked why it is necessary to cut down every tree on the property. Mr. Mirabito said because the septic systems need to be mounted, the area of the homes would be cleared to be out of

the water table, driveways need to be cleared. He said most sites need to be cleared in order to meet the regulations.

Ms. Burbine asked how much fill will be brought in. Mr. Mirabito did not have that information at this time.

Mr. Pritchard asked if the drainage swale along the back could be pulled forward to leave some of the back lot line wooded. Mr. Mirabito said they can look into moving the swale. Mr. Palmieri said he thinks it is possible to move it and leave some buffer.

Mr. Bornstein said that he has a serious problem with the proposed stormwater plan. He asked if the whole back area is going to be clear cut; Mr. Tansey indicated yes. Mr. Bornstein further asked if there would be grubbing and removal of topsoil and then filling and regrading; Mr. Tansey indicated yes. Mr. Bornstein indicated he is not an engineer, but has an extensive background in this field and does not think this can be called low impact development and would like to see where in the state stormwater handbook the idea of bringing in an amended soil and rototilling it in is a best management practice (BMP). He opined the term LID (Low Impact development) is to minimize site disturbance and with all the clear cutting, grubbing and bringing in fill this is counter to the principles of low impact development; this is a quick way to meet the requirements of the bylaw and thinks it will be at the detriment to most of the abutters. He indicated he is familiar with the area and it is woodland of high ecological value and the existing trees and soil conditions may help to attenuate a lot of the overland flow and deal with water uptake. He indicated it is a wet area back there behind Christopher Lane; there is high ground water in the area. He also questions how hydrologically it will impact the water break down and how it will impact homes down gradient.

Mr. Limbacher is in agreement with Mr. Bornstein and does not see why the site needs to be clear cut as proposed. He said there should be a way to minimize the disturbance.

Ms. Lambert felt the same as Mr. Bornstein and Mr. Limbacher. Ms. Burbine agreed and felt the applicant could do better.

Public Comment:

Mr. Richard Minier resident at 29 Christopher Lane spoke to the back corner of the proposed middle property commenting there is an elevation change of about 8' in height over about 20' in distance and asked how that is to help facilitate runoff. He said it seems like a peculiar arrangement of land that is known to already be extremely wet. They don't want to have a swale that will be filled with water most of the year; he mentioned another project down on Ann Vinal where a swale seems to have water on regular basis. Mr. Tansey indicated the grades are controlled by Title 5 septic system; these are minimum grades to meet the criteria and have a 2% slope over the leaching areas and get the foundations above the estimated high ground water. He indicated they have to hold the 57 contour and graded down to minimize the impact; elevations of the houses and septic systems are driven by the groundwater. He indicated it is a 3:1 slope typically seen around town.

Ms. Kristen Kichefski resident at 30 Mann Hill Road said that the house in the upper corner will be essentially in their back yard and their lot is already wet in the corner. She said that their sump pump runs 24/7 there is so much ground water. She said they have a lot of concerns about the water, losing all the trees; they have a lot of hawks and owls, etc., as well as the change in the picture and culture of the street.

Ms. Marla Minier resident at 29 Christopher Lane said she appreciates the comments from the Board and the concerns about the nature of the lot and how it will be clear cut. She said they were very disappointed to hear the lot was going to be clear cut. She indicated there is a stone wall that separates her property from the property being developed that has some very sizable trees on both sides of the wall and asked that the developer be asked to leave the large trees to protect the people on Christopher Lane, hydrologically and visually. The stone wall is a common stone wall; it is the property line, they own to the center of the stone wall.

There was discussion about moving the swale to keep the trees. Mr. Pritchard opined from a low impact perspective the project should look at how much can be persevered versus how much can be wiped out; trees that are 12" or greater should be identified on the plan. Ms. Joseph asked the Board to provide the applicant with some guidance as to how much of a buffer the Board would like to see. Mr. Pritchard said they should give the maximum buffer not the minimum. Mr. Bornstein also mentioned that grading dictates a lot on site development, but there is the use of terraces and retaining walls and other landscape architectural features that can help obtain the grades necessary and preserve some open space.

Ms. Mariah Allavone resident at 33 Christopher Lane said she will be abutting the back of the property and that keeping a buffer would be great, but asked if whomever buys the property could come in and take the trees down. The Board said it has happened, but they would have to condition it in such a way to try and ensure that it does not happen.

Mr. Tansey reviewed the test pit locations.

Mr. Limbacher asked about the variation in the ground water. Mr. Tansey pointed out an area on the plan and indicated the ground water is about 38" down plus/minus 5-10", it doesn't vary too much.

Ms. Kirchefski asked about the effect of the basin at the top of the property that abuts hers. Mr. Tansey said he conducted a pre and post analysis; water shed runoff will run perpendicular with the contours, the permeable pavement produces no runoff and will seep into the ground, any water coming off the front property line will eventually follow north and be directed through an underground culvert or it will be intercepted by a basin so it does not discharge on to her property. The analysis showed there was less runoff in both pre and post development conditions in the area near her home. Ms. Kirchefski said she is worried about the appearance and if someone buys the home and wants to landscape how they will be affected; will the pipe clog up. Mr. Tansey said the area will be look like a slight grass depression and be maintained as lawn, they are proposing a lawn manhole when the pipe changes direction.

Mr. Todd Kirchefski resident at 30 Mann Hill road asked if the pipe will be impervious to clogging. Mr. Tansey indicated they are proposing to put in a lawn manhole so if it did clog it could be snaked or flushed from either end. Ms. Kirchefski is concerned that the property owners will not be aware they need to maintain it to be clog free. Mr. Tansey said it will be in their Operation & Maintenance plan, but it will be self-policing.

Ms. Burbine said Ms. Kirchefski made a very valid point; homeowners will need to maintain them, but there is no one there to enforce it; it needs to be simple and easy to use. Mr. Tansey agreed simplicity is very important, he opined the easiest way to have things maintained is to have maintenance done with standard landscaping.

Ms. Shari Wasserman resident at 12 Mann Hill Road said they were told not to worry about the lot next door 30 yrs. ago because it would never perk and they would never build on it. She said they have had winters where there has been 3' of water in their basement. She said they have seen streams of water going down the back of their property to the lot; it ponds in that lot. She agrees it is a beautiful lot and thanked Mr. Bornstein for everything he had to say. She asked how it works that a perk test can be dug and filled and then dug and filled again and be approved. She discussed the new housing on the west side of Mann Hill and the water problems. She asked how the piping going between her lot and the property will impact them. She noted that they may be up hill so it may not be any worse, but would like to understand how they are impacted. She said they would also like to retain as many trees as possible along the border.

Mr. Tansey indicated there is a stone infiltration trench that will capture runoff and pipe it to the back so that runoff from Ms. Wasserman's land flows over and will not get blocked off, but will be intercepted before it crosses the line. He also noted that fill is being brought in to keep the basements up from the water table so there will not be a need for a sump pump; there will be no sump pump discharge coming from the 3 homes to exacerbate any existing conditions.

Ms. Kirchefski asked if the homes didn't have basements would they have to alter the land so much. She said she has a lot of concerns about altering the land this much and redirecting the water through all of their properties. Mr. Tansey indicated that the ground water is approximately 38" down and even with a crawl space it would be down 24" and have footings that would be in the same general area. He said the houses need to be at this elevation to have gravity flow for the septic systems; the elevations of the septic systems are a driving force in the elevation of the homes. Mr. Tansey also pointed out the elevation for the septic system for the northern most lot. He said it goes from 49 to 43, it is a 3:1 slope and he described what it would look like when finished.

Mr. Kirchefski asked what happens if there is a failure in the septic or the leaching field. Mr. Tansey said a DEP approved system, has a barrier which prevents any type of break out; these septic systems are DEP approved and are designed with a reserve area.

Mr. Minier opined it seems like there is a lot on the plan that has been jury-rigged and should be further reviewed.

Ms. Burbine indicated the Board has a report from Merrill with comments that need to be addressed; she asked the applicant to re-think what they are doing; the idea of cutting everything down is appalling. She opined the applicant should try to minimize what they are doing and maximize and save as much possible as; it would be in everyone's best interests.

Mr. Tansey indicated they will respond to the Merrill comments and will be doing more test pits.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Stormwater Special Permit and Common Driveway Site Plan Review for 16, 18 and 20 until January 23, 2020 at 7:00 pm and to continue the time for action for filing with the Town Clerk until February 14, 2020.

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

Form A-ANR – 483 Country Way

Assessor's Map/Block/Lot: 32-07-014, 32-07-013A and 32-07-21

Applicant/Owner: Bradford A. Merritt and Princess Pine Realty Trust – Dennis Sullivan, Trustee

Documents

- PDF 2019-11-12 ANR Plan - Merritt Country Way Stamped
- PDF ANR Application – Merritt
- Jpeg Scituate ZBL Section 620.3 Setbacks
- Doc Transmittal 483 Country Way and Rear Country Way

Attendees: Kevin Grady, Grady Consulting; Brad Merritt, Property Owner

Mr. Grady provided an overview of the plan.

- Mr. Merritt owns the parcels shown on the plan
- Each lot has adequate frontage on Country Way, a public way
- Each lot has the required lot area, width and zoning
- Reconfiguring lot lines around Lot 3A

Ms. Joseph indicated this is the plan that was mentioned at the last meeting for the Residential Compound Development (RCD). She said they are changing the lot lines for 483 Country Way to better the lot lines for the RCD; all the lots have the proper access and frontage and can be endorsed. This is a step to join all the parcels together to be under one ownership for the RCD. The Board is not determining if it conforms to zoning; it is really for 483 which has access and frontage, lot 3A.

Mr. Grady said it is just a change of interior lot lines, reconfiguring the lot shape. He discussed a previous time about a year ago when the Zoning Enforcement Officer indicated the applicant had a merger issue so they had adjusted the lot line at that time.

Motion:

Ms. Lambert moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, Massachusetts showing a Division of parcels 32-07-014, 32-07-13-A and 32-07-021 prepared by Grady Consulting L.L.C. for Bradford A. Merritt dated November 12, 2019, as the division 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 a public way or way which the Town Clerk certifies is maintained and used as a public way, Country Way. 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."

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

Plan Endorsement – Mixed Use Special Permit – Drew Company/MBTA – 247 Driftway

Applicant: Drew Company, Inc.

Owner: The Residences of Driftway Place, LLC an affiliate of Drew Company (formerly MBTA)

Attendees: John E. Drew, Drew Company

Ms. Joseph indicated that Mr. Drew is here for plan endorsement tonight. She noted we have a set of prints and mylars all things that needed to be added to the plans have been added. Items required prior to endorsement have been provided –1.) A copy of the recorded easements and 2.) A separate sheet with conditions have been inscribed on the plan.

Ms. Joseph indicated the plans can be endorsed; there are a number of things that need to be done prior to the pre-construction meeting, but this is one of the first steps.

Motion:

Ms. Lambert moved that the Planning Board endorse the Mixed Use Special Permit Plans, Greenbush Development Permitting Plans, Scituate, Massachusetts, dated March 14, 2019 revised July 25, 2019 for the Drew Company as the following conditions have been met.

1. The recorded easement documents have been provided to the Planning Board.
2. All conditions have been inscribed on the plans

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

Mr. Drew gave a brief update.

- Changed architectural teams
 - New team is Cube 3 based in Boston
- Selected a contractor and are reviewing the conditions
- Expect to start construction in April
- Will bring new team around for introductions

He thanked the Board and said the approval process was a very constructive relationship and the project has improved since they began.

The Board discussed Curtis Estates and a couple of issues.

- Large tree fell over in the basin
- Historic house essentially taken down - picture provided
 - Meeting on Tuesday evening to discuss with Historic and Building

Documents

- Email to the Board from Karen Joseph dated 11.15.19 with meeting agenda and materials for 483 Country Way.
- Email to the Board from Karen Joseph dated 11.15.19 with meeting materials for 355 Hatherly Road.
- Email the Board from Karen Joseph dated 11.18.19 with meeting materials for 16, 18 and 20 Mann Hill Road.

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 8:41 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: December 12, 2019

