

SCITUATE PLANNING BOARD MINUTES February 27, 2020

Members Present: Ann Burbine, Chairman; Stephen Pritchard, Vice 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:

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

- 2/27/20 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.

Continued - Public Meeting – Site Plan Administrative Review – Common Driveway – 115 Grove Street

Assessor's Map/Block/Lot 32-2-2 and 5R

Applicant/Owner: Henry Holmes

Documents

- PDF 18-147 – SW Plan – REV 2.19
- PDF 18-147 – SW Report – REV 2.19
- PDF 18-147 ECR Planting Plan
- PDF 18-147 Response Letter to Peer Review Comments
- PDF 18-147 Revised Stormwater Report REV 1.30.20
- PDF 18-147 Sight Distance Plan 1.30.20
- PDF 18-147 Stormwater & Common Drive REV 1.30.20
- Email from to Ann Burbine from Jared Cianciolo dated 1.31.20
- PDF 19318 – PB Review Report, 115 Grove Street, 02-06-20
- Email to Karen Joseph from Fire Department with comments dated 2.21.20
- PDF Response Letter 2.19 from Morse Engineering
- Doc Draft Motion Common Drive 115 Grove St
- PDF 19318 – PB Review Report Grove Street, 2-24-20
- PDF Morse Certification on no degradation

Attendees: Greg Morse, Morse Engineering; Steve Bjorklund, Applicant's representative

Mr. Morse indicated there have been two rounds of plan changes.

- Rain garden has been relocated from the southern lot line to a more central location between the house lots

- Moved location of drywells associated with the new house to between the driveway and the foundation
- Reduced fill in the back yard of the new house; originally planned 2'-3' of fill, now leaving at natural grade
- Planting plan by Wetlands Scientist and Botanist
 - Planting in the rain garden
 - Along 50' buffer zone
 - Plantings along the southern lot line to help screen abutter
- Latest letter from Merrill Associates dated 2.24.20 indicated all comments have been satisfactorily addressed with respect to drainage
- Fire department is satisfied with the layout of the common driveway

Ms. Joseph indicated the Town's Engineer, Merrill is satisfied with the stormwater. She has been coordinating with the Conservation Commission and Board of Health (BOH). BOH still has some issues and the applicant is working to resolve those issues, but they are minor in nature. BOH will sign-off once issues are addressed. Conservation is waiting for the Planning Board to sign-off on stormwater. She indicated a draft common driveway agreement was submitted, but needs some work; she has conditioned that a new agreement needs to be to the Planning Board office within 2 weeks of the Planning Board approval.

Ms. Joseph further noted that on the plan the Lot 2 areas is dependent on 10,000 sq. ft. of upland being added to the lot (Parcel A), approved by a Form A in December 2019. A note has been added on to the plan that nothing can proceed without Parcel A being transferred, the transfer of land has not yet happened; all departments are aware.

There was discussion about the lots shown on the plan and Parcel A. Mr. Morse indicated that Parcel A on the ANR Plan is not on the current plan, it is still to be conveyed and the intention is to combine it with Lot 2 to make a buildable lot with the correct amount of upland. Lot 2 is not a buildable lot without the 10,000 sq. ft. of land. There is a signed Purchase and Sales Agreement (P &S) contingent on approvals.

Mr. Bjorklund said in order to get the financing they need to get everything approved.

Mr. Limbacher asked about the rain garden plantings; which plants get planted and where. Mr. Morse reviewed the planting plan. He said the Wetland Scientist has identified the location and species to be planted. Ms. Joseph said the Board could condition that the Wetland Scientist needs to field locate the plants in the rain garden. The Board opined they would like to add that condition.

There was additional discussion on the reasoning for not doing the land transfer beforehand. Mr. Bjorklund indicated that approvals are necessary in order to obtain the financing; a note is on the plan that a building permit cannot be issued until the land transfers and all the approvals are in place.

Mr. Pritchard opined he has not seen this happen before, where the land has not been transferred. Mr. Pritchard indicated he has not ever seen this note before. Mr. Bjorklund said this is done all the time, approvals are sought prior to actual transfer of land. Mr. Bjorklund said the note has never been placed on the plan before; it is there because Ms. Joseph requested it.

Discussion continued about the timing of conveying the land of Parcel A of the approved ANR Plan from December 2019. The Board was not comfortable that the land had not yet been conveyed. Mr. Bjorklund insisted financing would not be available without all necessary approvals and an ANR plan does not make a lot buildable. Permits are needed to make it a "buildable lot" and that is what the banks will finance. He said there is a valid purchase and sales agreement to purchase the 10,000 sq. ft. of land. He said a building permit will not be issued until the land is conveyed.

There was continued discussion about the note on the plan for Parcel A and Lot 2 and the Board said they have never seen such a note before. Mr. Morse said it is not a note that is required by an engineer, the town's consulting engineer did not require it; the town planner asked for it in an abundance of caution.

Ms. Lewis said the whole thing will be conditioned upon the purchase of the property; she said she sees this all the time with people she has represented; people don't transfer the property until they have gotten all the permits.

Mr. Morse said the Board is permitting a common driveway and stormwater, not a building permit; a building permit and zoning is enforced by the Building Commissioner.

Ms. Joseph indicated that all departments know nothing can happen until the transfer takes place; she said she has conditioned it and put it into the finding of facts.

Mr. Bjorklund said that for permitting a valid P&S is all that is needed.

Ms. Joseph indicated the P & S has not yet been supplied, but the Form A application was signed by both parties. The owner of the property signed the application so there was no P & S needed.

Mr. Morse said that they are not doing anything on Parcel A and it has no bearing on the common driveway because there is no change to Parcel A.

Ms. Burbine indicated the purpose of this meeting is for the permitting of a common driveway and stormwater. Ms. Joseph agreed the Board is permitting a common driveway and stormwater. Stormwater has to do with the development of a site, the development contains a house, a septic system and a driveway, but the Board is permitting a common driveway and issuing a stormwater permit; it is a combined permit.

Ms. Burbine said that part of the "confusion" is the Board is permitting a stormwater permit for the properties a new house on a parcel of land that is not part of the project at this time. Ms. Joseph said that is correct; it is graphically shown on the plan to be part of the property, but there is a note that they cannot get a building permit until the land is transferred.

Mr. Morse said they are not doing any work on the Moonigan property (Parcel A); Mr. Holmes has a signed P & S agreement. He said there is nothing in the regulations that prohibits this from moving forward.

Mr. Bornstein said that the Form A was done to transfer an amount of upland to make the combined lot conform to the zoning. He opined the question for the Board procedurally is if the common driveway/stormwater can be issued to a lot that is not yet "buildable" per the zoning. Ms. Joseph indicated she spoke with the Building Commissioner and with a valid P & S, he could probably issue

a building permit. The Building Commissioner could issue a letter that the applicant will have the proper amount of land per the zoning and a building permit could be issued. The applicant will have the proper amount of land when the land is transferred. All is predicated on the Board's approval, Conservation and BOH approvals.

Mr. Limbacher said the piece that is missing is the P & S agreement; but there could be a condition that a P & S needs to be provided prior to the release of the permit.

Mr. Pritchard asked how the common driveway addresses all stormwater needs; do the homeowners have common responsibility for the whole thing. Ms. Joseph indicated there is a common driveway agreement that needs to be amended and she has conditioned the final draft needs to be provided to the Planning Board office within 2 weeks of the Boards approval. It is a standard agreement that has been used in the past. She has added that there be a condition about "no parking" be put into the agreement.

Mr. Bornstein asked about the planting plan; is there a rain garden seed mix, is there green fill, etc. Mr. Morse indicated the plan shows rain garden seed mix with live plants. Mr. Bornstein commented that shrubs are typically specified by container size or root ball size where currently they are specified by height, which is hard to follow. He also clarified what a "2" plug" is for the Board and noted it is an infrastructure planting not an ornamental planting.

Mr. Bornstein asked Mr. Morse to discuss the pre-treatment of the runoff. Mr. Morse indicated the pre-treatment runoff from the driveway before it gets into the rain garden; there is a pea stone diaphragm that then goes to sediment forebay to achieve the 44% TSS removal. Pre-treatment is for sediment control not like an oil-water separator or vegetated pretreatment; it is just for suspended solids coming off the driveway. Homeowners will be responsible for cleaning it out. Mr. Morse showed where the forebay is located on the plan.

Motion:

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

1. Henry Holmes (the "Applicant") filed an application for a special permit and stormwater permit for a common driveway serving two lots at 115 Grove Street known as Assessor's Map/Block/Lot 36-2-2 & 5R (the "Property") with the Town Clerk on November 25, 2019. The applicant's deed is recorded with the Plymouth County Registry of Deeds at Book 48835, p.134.
2. One common driveway is proposed. According to the application which measures the drive from the property line, the length of it is 151'. The plan scaled common driveway length is approximately 148.5' from the property line and 159.5' from the street line. It serves 2 lots.
3. The property at 115 Grove Street contains about 109,291 sq. ft. according to the plan and is in the Residence R-1 Zoning District in addition to the Water Resource Protection District with a portion of the site within the Zone II. The Planning Board endorsed a Form A Plan dividing the property into two lots and Parcel A on December 12, 2019 adding approximately 10,205 sq. ft. to the original land area of approximately 99,082 sq. ft. No deed has been provided to show Parcel A has been transferred and recorded.

Add language for copy of P & S has been made available.

4. The site is in the Water Resource Protection District Zone II. The zoning bylaw establishes a Water Resource Protection District "to include areas significant to the Town's drinking water supply source which require zoning protection." The Water Resource Protection District requires all runoff from impervious surfaces to be recharged on the site, diverted toward areas covered with vegetation from surface infiltration to the extent possible or as otherwise directed from the Scituate DPW and Scituate Conservation Commission. 1" of roof runoff is recharged and the first inch of runoff is recharged for all impervious areas according to DEP requirements.
5. The zoning bylaw requires rendering impervious any lot/parcel more than 15% or 2,500 sq. ft., whichever is greater, unless a system of artificial recharge is provided that will not result in degradation of water quality is prohibited. The Applicant maintains that no more than 16.8% of Lot 1 and 6.8% of Lot 2 is rendered impervious for the entire development and the water quality will not be degraded as evidenced in a signed and stamped statement by engineer Gregory P. Morse, P.E. dated 2/26/20.
6. The standards of the common driveway indicate that the location and construction of the Common Driveway should minimize soil disturbance, vegetation removal, and drainage impacts, and preserve existing trees over 12" caliper and other natural features of special significance. The plan shows soil disturbance and vegetation removal as generally limited to what is necessary for constructing the common driveway, its' drainage systems, and a new 3 bedroom single family dwelling and 1 septic system. The proposed stormwater management system has been reviewed by the Town's consulting engineer, Merrill Engineers and Land Surveyors whose comments indicate the stormwater system has been adequately addressed with the revised plans. Based on the Findings of Fact presented in numbers 1-6, the common driveway meets the standards of Section 720.7A
7. The common driveway is 14 feet in width with two foot grass shoulders on each side. The Fire Department has indicated that 14' is acceptable to service two lots. The common driveways meet the requirements of Section 720.7B.
8. The common driveway is accessed from Grove Street, a public road in Scituate. The common driveway is not connected to any other common driveway. The common driveway meets the requirements of Section 720.7 C.
9. The Common driveway shall be located in an easement which allows space for installation of water lines and utilities. The water line is shown on the common driveway plan in the easement. No other utilities are shown. ~~Utilities are shown as underground utilities.~~ The common driveway meets the requirements of Section 720.7 D.

Water services will be underground, electrical services comes from pole that is across the street. If there is gas it would be underground up the driveway. There was discussion about the feasibility of the utilities underground; electric comes off Grove Street on the opposite side of the street; it was determined it was not feasible.
10. The common driveway cross section shows a top course of 1 ½" of bituminous concrete top course Type I-1 over a 1 ½ bituminous base Type I-1 over a 12" processed gravel base Type C gravel borrow per Mass DOT Spec M1.03.1. The common driveway meets the requirements of Section 720.7 E.
11. The common driveway is approximately 159.5' long measured from end of the hammerhead to the street line. This is less than 1000 feet and meets the requirements of Section 720.7 F.

12. The Applicant has stamped and certified there will be no increase in rate or volume of runoff to abutting properties for the 1, 2, 10 and 100 *year* 24 hour storm events. Merrill Engineers and Land Surveyors indicated the stormwater management system is satisfactory and runoff draining to abutting properties shall not exceed that which existed prior to construction of the Common Driveways. The common driveway meets the requirements of Section 720.7 G. As the site is in the Water Resource Protection District Zone II, surface infiltration of surface runoff is maximized by a swale running to the rear of the property which will remain as existing vegetation, by infiltration chambers for roof runoff and by a vegetated rain garden. The standards of review for Section 770.6 E have been met.
13. No impervious areas are located above the major components of the proposed septic system. The common driveway meets the requirements of Section 720.7 H as no impervious areas are above the proposed septic system. The proposed septic system will meet all Board of Health requirements. The standards of review for Section 770.6 D. have been met.

Applicant will meet all BOH requirements – property lines will put on the plan, exact square footage and dimensions of the lot – condition says that it has to meet all BOH requirements.

14. The Common Driveway is buffered from Grove Street. Two 4" caliper oak trees are shown as proposed replacement plantings in the Grove Street right of way as required from the Scenic Road approval. Existing trees are proposed to remain at the south end of the property line and street right of way line with selective removal of vegetation under 3" *in diameter* for sight lines. ~~This may provide better traffic safety and reduce visual impacts on abutting properties.~~ There is a vegetated strip proposed at the south end of the site according to the landscape plan. The common driveway meets the requirement of Section 720.7 I for screening and Section 770.6 A. for protection of adjoining premises against detrimental and offensive methods of utilizing the site.
15. Turnarounds for emergency vehicles shall be provided with a minimum length of 30' and width of 20' in locations approved by the Fire Chief. The Scituate Deputy Fire Chief indicated there was no issue with the hammerhead. The common driveway meets the requirements of Section 720.7 J.
16. The Town's consulting engineer has indicated that stopping sight distance requirements and intersection sight distances at the Common Driveway entrance has been met and meets American Association of State Highway and Transportation Officials (AASHTO) standards. The plans indicate that vegetation under 3" in diameter within the sight triangles will be removed *and maintained* as necessary. The common driveway meets the requirements of Section 720.7 K and Section 770.6 B and C.
17. Lot width for lots served by a Common Driveway may be measured parallel to the Common Driveway, except in the case of fifty foot frontage lots. The lot width of lot 2 ~~and Parcel A~~ is measured parallel to the common driveway. The common driveways meet the requirements of Section 720.7 L.
18. Spill control provisions will be required on site. Fill is proposed only where needed on site. Length of stone wall removed has been minimized. Erosion control will be provided. Outdoor lighting will minimize glare to adjacent properties. The requirements of Section 770.6 F, G, H and I are met to the extend practical for a residential common driveway.
19. Based on these findings and information submitted by the applicant and reviewed by the Board, the common driveways meets the requirements of Section 720 and Section 770.6 of the Scituate Zoning Bylaw.

Mr. Limbacher moved to approve the findings of fact as amended. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Ms. Burbine moved based upon the testimony presented at the Public Hearing, plans, documents and comments submitted and the Findings of Fact, I move to approve the Site Plan Administrative Review for a common driveway at 115 Grove Street subject to the following conditions:

1. The Common Driveway shall be constructed according to plans entitled Common Driveway and Stormwater Permit Plan for 115 Grove Street Assessor's Parcel 36-2-2 & 36-2-5R, prepared for applicant Henry Holmes by Morse Engineering Co., Inc. dated 10/17/19 with revisions through 2/26/19/2020; Sight Distance Plan dated 1/30/20 by Morse Engineering Co., Inc; Planting and Landscape Plan dated 1/30/20 by Morse Engineering Co., Inc; Stormwater Permit Application for Administrative Review for Low Impact Projects for 115 Grove Street dated November 13, 2019 with revisions through February 19-26, 2020 and as further revised to meet these conditions.
2. Lots 1 and 2 shall access over the Common Driveway as depicted on the plans. No further extensions or attachments of any other roadways or Common Driveway, or other access to any other lots besides those created by the plan shall be permitted. The Common Driveway shall remain private in perpetuity and shall never be considered for acceptance as a Town road and that all maintenance and repair of the Common Driveway and drainage facilities shall be the responsibility of the owners of the property. A note shall be placed on the plan and deed for each lot serviced by the Common Driveway stating the above with proof provided to the Planning Board prior to occupancy of the first unit.
3. The Applicant shall mean the current applicant and all its successors in interest (the Applicant). This site plan review shall lapse within two years from the date of its issuance, which shall not include such time required to pursue or await the determination of appeal under Mass General Laws Chapter 40A , from the grant thereof unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9. The Planning Board may extend such period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which shall provide a detailed description of good cause necessitating an extension. The Planning Board office must receive written notification within 48 hours of any change of ownership of the property occurring during construction.
4. There shall be no further division or subdivision of any lot shown on the plan for purposes of constructing additional units or buildings. There shall be no further expansion of any building or impervious surface on the site. No additional dwelling units shall be added. No additional expansion of the limit of work is allowed without further approval of the Scituate Planning Board.
5. The Applicant shall consent to allow members and Town officials from the Planning Board and other persons acting under the Planning Board or its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their effort to verify that the layout, design and construction work for the special permit are satisfactory and conform to Town specifications and requirements of the Board.

6. Prior to the pre-construction conference, the applicant must obtain all necessary approvals and meet all requirements from the Board of Health (BOH), Conservation Commission, Fire Department, Building Department and Department of Public Works (DPW), and these shall be deemed conditions of the Planning Board approval. Any state and federal permits must be obtained if required and supplied to the Planning Board Office prior to scheduling the preconstruction conference and are also deemed to be conditions of the Planning Board approval.
7. Construction of this Common Driveway is subject to the Planning Board's ~~approval~~ *approved* of a Scenic Road Permit and any conditions imposed by the Planning Board in connection with approval.
8. Construction shall meet all requirements of the Scituate Zoning Bylaw. All contractors are responsible for all conditions shown on the plan and in the written decision.
9. No new in ground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water. In accordance with this policy rule, all irrigation systems installed in Scituate must be supplied by on-site sources at the expense of the property owner. Fines for violating this rule may be levied on the homeowner as well as the system installer.
10. The septic system shall meet all the requirements of Title V and 310 CMR 22 including a reserve area. Any changes to the plan necessitated by compliance with any BOH provision, requires notification of the Town Planner to determine if the change is significant and requires further input from the Planning Board.
11. No work is allowed beyond the limit of work/tree line without approval of the Planning Board. The entire limit of work is to be staked with erosion control during construction. Fines shall be imposed for disturbance beyond the limit of work in accordance with Town of Scituate General Bylaws. Any disturbance beyond the limit of work will be subject to full restoration with a restoration plan to be submitted to and approved by the Planning Board.
12. The Post Construction Operation and Maintenance Plan shall be strictly adhered to so that 90% Total Suspended Solid (TSS) is achieved at all times. An annual report is to be provided to the Planning Board yearly by March 30 certifying all required maintenance has been completed per the plan.
13. The water line will be placed underground.

Common Driveway Agreement

14. A Common Driveway Agreement shall assign to the owners of Lots 1 and 2 the responsibilities and costs of maintenance and repair of the Common Driveway (including snowplowing), as well as the swale, rain garden, drainage devices, grading and all other improvements for stormwater management in the Common Driveway Easement.

The responsibilities of maintenance in the Common Driveway Agreement shall include all requirements of the Operation & Maintenance Plan, which shall be attached to the Agreement

together with other typical maintenance such as snow-plowing, driveway repair and any cape cod berm repair.

The Agreement shall require annual certification by an engineer that the stormwater system is being properly inspected and maintained per the Operation & Maintenance Plan. The Operation & Maintenance Plan shall also be provided to the Planning Board as a stand-alone document.

The standard format from the Planning office shall be used. A final draft of the Agreement shall be provided to the Planning Board within two weeks of the approval of this Site Plan Review. The Agreement shall be recorded at the Registry of Deeds with the Site Plan Review Permit. No preconstruction conference or building permits will *be issued* without a recorded Common Driveway Agreement.

15. The locations of the dwelling shown on the plan shows general location and grading of the dwelling to conform to the stormwater design and minimize impacts on surrounding neighbors. Any material deviations from the plans require notification of the Town Planner and impacts from the proposed deviations shall be addressed prior to issuance of any building permits. Material deviations include but are not limited to moving of a dwelling by more than four feet and changing grading by more than 1 foot.
16. The use of pesticides and fertilizers shall be strictly prohibited.
17. Prior to the start of construction, the limit of work shall be staked in the field. The location of the stakes shall be reviewed in the field by the Planning Board consulting engineer in conjunction with the Town Planner and DPW.

Construction

18. A pre-construction conference will be required prior to the start of construction including the Planning Board's consulting engineer, a representative of DPW, the site design engineer, the owner, the site contractor and the Town Planner.
19. Prior to scheduling the pre-construction conference, the applicant shall provide to the Town Planner:
 - a. Record the plan, decision and Common Driveway Agreement at the Plymouth County Registry of Deeds and provide proof of recording;
 - b. Proof that Lot 2 contain the requisite 40,000 sq. ft. of upland;
Add language to provide proof of acquisition and provide proof of registry of deed prior to release of the permit.
 - c. An initial deposit with the Town Planner of \$5,000 under G.L. c. 44 s 53G to secure construction review and inspections by the Town of Scituate consulting engineer. The deposit shall be applied toward the cost of construction inspections for the common driveway. The specific amount provided to the Planning Department shall be based on the consulting engineer's estimate and shall be subject to amendment from time to time and be supplemented by the Applicant as requested;
 - d. The Applicant shall provide surety for \$10,000 \$25,000 in a form acceptable to the Planning Board prior to beginning construction of the Common Driveways-to guarantee completion of the common driveway(s), the drainage system(s), site work, landscaping

and clean-up of the site. After the Town Planner has inspected the site and found grading, loaming and seeding, clean up of earth materials and construction debris to be complete, these funds shall be returned to the applicant; and

- e. A schedule of construction activities including approximate dates for installation of erosion control and other site stabilization features for all phases of the project and all applicable items in the Subdivision Rules and Regulations 9.1.3 shall be given to the Town Planner and the Applicant shall provide funds to cover the cost of inspections and attendance at the pre-construction conference by the Town's consulting engineer. Temporary drainage measures shall be provided onsite in the initial phase of construction prior to house construction.
20. The Town Planner is to be notified when construction begins and when construction is completed.
 21. Prior to scheduling the preconstruction conference, the Applicant shall provide the Town Planner with permits from the Scituate DPW for street openings and a curb cut. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Any upgrades, modifications, or connections shall be at the Applicant's expense. The consulting engineer along with the Town shall review the construction activity to assure compliance with the Town's rules and regulations.
 22. The property line and boundary of the limit of clearing shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of five days prior to the start of construction. The property line shall remain staked in the field throughout construction.
- Change language to "area of work"*
23. A stabilized construction entrance as shown on the plans must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing.
 24. All clearing and earth moving operations shall only occur while erosion and sedimentation control measures, approved by the Town Planner and shown on the plan are in place. Such control measures shall remain in place until the Town Planner determines that the danger of erosion or sedimentation no longer exists.
 25. Erosion control shall remain in place and be maintained during the construction phase. Limits of disturbance shall be staked in the field and inspected prior to the start of any tree clearing and maintained throughout the project life. Special attention shall be made to the erosion control placed at the southerly limit of the project until all slopes are vegetated and stable.
 26. Any proposed changes in grading from the approved plan must be reviewed by the Town Planner and town's consulting engineer to determine if they are materially significant. The Applicant shall certify that such changes shall result in no impact on the drainage system and shall not increase runoff onto Grove Street, abutting lots, or the rate and volume of the post condition from the predevelopment condition.
 27. All lawns shall have a minimum of 6" of screened loam.

28. The rain garden and grass lined swale shall be constructed and fully vegetated before stormwater is directed toward them (i.e. before the driveway is paved).
29. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant is available at the water treatment plant for construction use.
30. The inspections for this development will be done in accordance with Section 9.1.3 of the Town of Scituate Subdivision Rules and Regulations. The Town's consulting engineer shall perform these inspections with costs paid by the Applicant. All required inspections shall take place and be inspected by the consulting engineer including water (along with DPW). Weekly reports shall be submitted to by the Applicant and Planning Board stating results of all required inspections including test pits unless more frequent reports are needed.
31. Construction of the Common Driveways, site drainage systems and water system shall be supervised by a registered professional engineer approved by the Planning Board who shall certify in writing to the Planning Board at completion that the driveways, grading, drainage structures and utilities were constructed in accordance with the approved plans. This certification shall be accompanied by as-built plans, signed and stamped by a registered professional land surveyor and the supervising professional engineer. No Certificate of Occupancy shall be issued until the Planning Board is satisfied that access, construction of the driveways, grading, installation of drainage structures and stormwater management features, installation of utilities and site stabilization are in full compliance with the approved plans, special permit and 3' separation to the maximum groundwater exists. The stormwater system must be functioning in accordance with design requirements and the as-built certification must include a statement that any variation in grade is immaterial and does not materially alter the performance of the stormwater system.
32. Prior to the issuance of an occupancy permit, the Board's Consulting Engineer shall inspect the lots and notify the Board and Building Commissioner that the common driveways, grading drainage, site utilities and stabilization conforms to that shown on the Common Driveway plan.
33. Construction work shall not begin prior to 7 am on weekdays and 8 am on weekends and shall cease no later than 7 pm or sunset whichever is earlier. No construction is permitted on Sundays and federal/legal holidays. Construction work includes any operation of machinery and idling of vehicles. The name and phone number of a 24 hour contact shall be provided to the Town Planner, Building Department, Police Department and Department of Public Works to be used in the event of an emergency.
34. There shall be no parking, staging or idling of vehicles on Grove Street or adjacent public roads during construction.
35. Stockpiles shall be located as shown on the plans and must be protected with erosion controls including but not limited to silt socks and temporary seeding.
36. Construction activities shall be conducted in a workman like manner at all times. Noise mitigation and proper dust controls shall be taken so that levels conform to Mass DEP policies. All equipment that emanates sound shall be kept in proper working order through regular maintenance. Street sweeping shall be used to control dust from leaving the site. A wheel wash station may be required to prevent sediment from leaving the site. Blowing dust or debris shall

be controlled by the Applicant through stabilization, wetting down or other proper storage and disposal methods.

37. Construction activities on site shall conform to Town of Scituate General Bylaws.
38. Sight lines on Grove Street shall be maintained per the plans.
39. All construction shall comply with all applicable requirements of the Water Resource Protection District in Section 520 of the Zoning bylaw. No finished slope shall exceed 4:1.
40. No Certificate of Occupancy shall be issued until both the Planning Board and Building Commissioner are satisfied that access, construction of the Common Driveway and installation of necessary utilities are in full compliance with the approved plans and the special permit and *stormwater*.
41. Any mosquito control required shall be organic in nature.

Administration

42. This site plan review shall run with the land and be void if it is not recorded at the Registry of Deeds within 90 days of the expiration of the appeal period. The Applicant shall provide proof of this recording to the Planning Board.
43. Failure to comply with any condition of this special permit shall cause it to be deemed invalid.
44. *The design Wetland Scientist shall field located the plants in the rain garden in the field during construction and certify they are the correct size.*
45. *Spill control provisions shall be provided on site.*

The Board discussed the provision for protecting and preserving mature trees and thought it was covered in condition #7. Mr. Bjorklund said they would not be clear-cutting the lot.

The Board discussed the need for all stormwater permits to have a provision for long-term operations and maintenance plans. Ms. Joseph noted it is under condition #14 and the Common Driveway agreement. Mr. Bornstein opined it is a bigger issue than just this permit and would work on something for the future.

Mr. Limbachar moved to approve the motion as amended. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Form A – ANR Plan – 18 and 24 Beaver Dam Road

Assessor's Map/Block/Lot: 45-2-56 & 57

Applicant: Christopher and Janis Flynn

Owner: Christopher & Janis Flynn; John E. Campbell & Kevin P. Labonville

Documents

- PDF 18 & 24 Beaver Dam, Land Swap Mylar 2.13.2020
- PDF Form A to Planning
- Doc Draft Motion Form A 18 and 24 Beaver Dam
- Doc Transmittal 18 and 24 Beaver Dam

Attendees: Greg Morse, Morse Engineering

Mr. Morse reviewed the plan.

- Purpose to swap land between the two properties, 18 and 24 Beaver Dam Road
- Parcel A being taken out of existing house at 18 Beaver Dam and being conveyed to vacant lot.
- Vacant Lot changing lot line and conveying Parcel B to the existing house at 18 Beaver Dam Road
- R-3 Zoning – both lots comply with area and frontage requirements, both Jericho Road and Beaver Dam are public streets

Ms. Joseph indicated that both lots have access and frontage and the plan should be endorsed; doing this to hook up to sewer.

Motion:

Ms. Lambert moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, Massachusetts 18 & 24 Beaver Dam Road Assessors Parcels: 45-2-56 & 45-2-57 prepared by Morse Engineering Co., Inc. for applicant Christopher and Janis Flynn and property owners Christopher and Janis Flynn and John E. Campbell and Kevin Labonville dated February 12, 2020 as the division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the accompanying plan has frontage of at least the distance presently required under the Scituate Zoning Bylaw on the public ways of Beaver Dam Road and Jericho Road. 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. Lewis seconded the motion; the vote was unanimously in favor.

Public Hearing – Zoning Amendments for Annual Town Meeting – Vote Planning Board Reports to Annual Town Meeting

Sign Bylaw – Section 710

Documents

- Doc PB Report Signs
- Doc ScitSignZBLv7
- Email from Andrew Goodrich dated 2.26.20
- PDF Town Counsel Comments

Attendees: Judi Barrett, Barrett Consulting

Ms. Joseph indicated the Sign bylaw amendment was postponed after last town meeting.

- Worked with consultant - Judi Barrett
- Goal to make bylaw comply with Reed vs. Gilbert and make more understandable and user friendly
 - Remove political and civic signs
 - Add temporary signs
 - Many of the existing conditions are in the proposed bylaw

Ms. Barrett indicated she worked to address Reed vs. Gilbert and reorganize the bylaw

- Substantive requirements were left alone
- Re-organized bylaw
- Basic rules in each district are the same
- Added definitions
 - Different types of signs
- Bylaw retains existing purpose statement of Section 710
 - Signs allowed in residential districts unchanged
 - Signs allowed in commercial district unchanged
 - ZBA ability to grant special relief unchanged
- Added section for Sign Permitting
 - Mostly administrative, establishes whatever someone is proposing to do meets the minimum requirements of the bylaw
 - Makes clear that a permit is required
 - Enables Building Commissioner to enforce the bylaw
- Prohibited signs listed are already in the current zoning bylaw
- Exemptions are close to the current zoning bylaw
- Political Signs and Church/Civic signs sections have to be removed
- Temporary Signs Section
 - Does not deal with the content of a sign
 - Deals with time in which a sign can be installed, size and placement – health, safety and welfare
 - Illuminated signs regulated - currently in the sign bylaw
 - Time limit – without it is it is not a temporary sign
 - Can't regulate the time of sign to an event of which it relates to
 - Town election – can't say the sign has to come down a certain number of days after it happens – the Building Department has to read the sign to determine whether the event has happened to which the sign relates, it then becomes a content rule
 - Don't want to require the Building Department to interpret what is on the sign
 - Restriction on the number of signs – this can be regulated
- Reed vs. Gilbert - is about not having sign regulations that speak to the content of the sign
 - Can't use a sign ordinance to regulate speech
 - Ruling does not say there cannot be regulations on size, placement, etc.
- General provisions of signs section 710.7 is out of current bylaw
- Off premise/off site sign is already in the bylaw now in one place
 - Sign by definition is an accessory
 - Currently have a provision for directional signs

- Sign maintenance provision is new – make sure it is safe and does not put anyone in harms way.

Ms. Joseph indicated the Board needs to decide if they want to keep 45 days for temporary signs or more, suggested to change to 60 days and if 2 temporary signs per lot is acceptable. Currently, the bylaw does not have “temporary signs”.

Ms. Burbine opined we now have a true definition of what a temporary sign.

The Board discussed the length of time for a temporary sign and what would stop someone from putting up a sign for 45 days taking it down and putting it back up a couple of days later. A new permit would be required with this new proposed bylaw.

Ms. Barrett indicated that most towns have a permit system for signs otherwise there is no way for enforcement.

There was discussion how this effects elections. Ms. Barrett said the way she has seen it done in other towns is the candidate goes and gets the permit on behalf of an individual; there has to be some way to know the sign conforms. It is an administrative permit in the building department.

Mr. Vogel, the Building Commissioner, said it sounds like a nightmare; we would have to hire 3-4 part-time people to help enforce and do the paperwork.

Ms. Lambert said that in another town where she lived the candidate would fill out the permit application and the permit would be to the candidates address, not the individual homeowner's address that wishes to display a sign. If a candidate wanted to put up 100 signs they would make one permit for 100 signs to their address, they would then be responsible for taking the signs down at the end of the allowable time period.

Public Comments:

Mr. Steve Bjorklund recommended putting dates on political signs; that is not allowed, as it would require someone to read the sign to determine compliance. Mr. Pritchard said all signs could have dates on them then it would not be regulating content.

Mr. Mike Hayes said one of the concerns he has about permitting for temporary signs would be the opportunity for selective enforcement. He is also concerned with the limit of 2 signs per lot. The Board can allow for more signs; however, the Board needs to be cognizant of unintended consequences. Mr. Hayes opined this is a solution looking for a problem.

Ms. Joseph said there is an illegal bylaw right now; we are trying to make it legal. Mr. Hayes said it is illegal for a specific reason and if you eliminate that reason then it is no longer illegal. Ms. Joseph said that is what we are attempting to do. Mr. Hayes said, “No, you are not, you are re-writing the whole thing”. Ms. Joseph said we are taking out the illegal stuff and putting it in a class of “temporary signs” to take the place of what was illegal.

Ms. Barrett said the bylaw already has rules about a variety of temporary signs, it is not just about political signs and the Board should think about that. Ms. Barrett said that most towns have a

section on temporary signs and encouraged the Board to review other town bylaws. She opined this is the way it is done there are signs, temporary signs, permits and sign maintenance provisions. Mr. Bjorklund asked how this would affect a sign being put up during construction of a subdivision or home; those signs would not be temporary signs and would be subject to the district bylaws.

There was discussion about fees for signs and permits.

Mr. Bornstein opined this is a strong revision of the sign bylaw overall, the biggest issue for him is the permitting of the temporary signs. He is fine with 45 days and feels there should be some limit to the number of signs on a lot, but thinks it could be more than two.

Ms. Barrett said temporary signs do not have to be permitted if the Board chooses, without it there could be a situation where no one is ensuring the signs conform and it becomes an issue if there is a request to enforce on a time limit and there is no record of when the time started.

Mr. Hayes said there could be an issue that a permit is issued June 1st, but a sign is not put up until July 1st and then it may have to come down in two weeks with time limit of 45 days.

Ms. Lewis said she liked the way the proposed bylaw has been put together; it is much easier to read.

The Board made the below changes to the proposed bylaw amendment.

- Temporary signs will be exempt from permit requirements
- 60 day time period for temporary signs
- No more than 4 signs allowed per lot

Ms. Barrett said there is a balancing between free speech and a reasonable way for government to exercise valid police power for public health, safety, and aesthetics.

Mr. Pritchard asked what the rationale was for changing off-premises signs not to exceed 20 sq. ft. versus the current bylaw of 100 sq. ft. Ms. Joseph indicated that was requested by the Building Commissioner. Mr. Vogel said he felt a 10x10 sign seemed to be big with respect to where these signs are being allowed. Mr. Pritchard said if it becomes an issue a motion can be made on the floor to change it; this does not affect signs that already exist.

Section 830 – Repair and Restoration of Nonconforming Structures and Uses Documents

- Doc 830-Version 4 clean
- Doc 830 – Version 4 edit of original
- Doc PB Report Section 830

Attendees: Bob Vogel, Building Commissioner

Mr. Vogel indicated the proposed amendment has been simplified by the ZBA since the last time it was discussed with the Planning Board. He said that blighted homes in Scituate per the current language under Section 830 can't be rehabilitated. Typically, homes have been abandoned, burned, destroyed by the ocean or storms that are on non-conforming lots or setbacks are too close to lot lines to make them non-conforming run the risk of not ever being able to be restored. Trying to give

value to such properties either for the owner or a developer; want to give owners a path to go forward when the time limits are up. Currently the limit is 3 years for a building permit and 4 years to finish the project, if that does not happen then the property is in limbo. Add to the existing language that after the time limit expires there would be a special permit finding from the ZBA available to an owner or developer of such a property.

Ms. Burbine asked if houses that were lost in storms 30-40 years ago would be able to be rebuild. Mr. Vogel said no; this would only apply to properties that exist as of the approval from the Attorney General.

Mr. Vogel said the ZBA would have the jurisdiction to allow a special permit if the time period was expired, i.e. 5 years has past. If such a permit were granted an applicant would then be able to proceed with the regular permitting processes. The ZBA would have digression to grant the special permit to rehabilitate a property; it could be combined with a Section 6 finding. Mr. Vogel said there is some housekeeping language that would also be made to change if someone were to be rebuild a property it has to be "less non-conforming than the original structure" the proposed change would be to make the language read "not more non-conforming". This would allow an applicant to potentially re-use a foundation that exists, but might not meet all the current setbacks.

Mr. Pritchard asked what the ZBA would use as their decision-making criteria. Mr. Vogel opined the criteria would be to look at the facts of the case, but also review under the guise of "substantially not more detrimental to neighborhood". The ZBA would not evaluate why someone waited longer than allotted time period.

Mr. Pritchard asked for some clarification on the phrase in the bylaw "as established by the proper authorities". Mr. Vogel indicated it refers to a process in the building code in order to condemn a structure the Building Inspector convenes a committee made up of the Building Inspector, Fire Chief or designee and an independent contractor from the area. Mr. Vogel indicated he would look back into the building code for specific name of the committee.

Public Comments:

Mr. Steve Bjorklund asked how far back this change would extend, does it only work for the future. Mr. Vogel indicated that if a structure or part of a structure exists today this change would apply today; the ZBA would potentially have to rule on what is allowable as existing, i.e. foundations from the 1700's. There was discussion about not applying it to something that existed prior to zoning; that would take out structures from 1700's. Mr. Vogel and the Board opined going back prior to zoning may be too far. Mr. Bjorklund said this would pertain to everyone in Scituate, except for his property at 141 Turner Road. The Board said they would not support this amendment based on this discussion.

Mr. Mike Hayes said there are recent Supreme Court cases that do allow restoration, enlargements, and improvements on pre-existing non-conforming to allow for an increase to non-conformities under a special permit. He said this would be more restrictive than state law and would be illegal.

The Board does not want this amendment to have unintended consequences.

Mr. Bjorklund asked the Board why it would not be okay to request relief from the ZBA if a structure was destroyed a while ago from the 1700's, 1600's or the 1900's; it would be up to the

ZBA to determine if it should be rebuilt or not. He does not understand the problem; he said do away with the time frame if it is a single family home and let the ZBA address if one can rebuild what was there before and get a special permit. He opined it does not matter if it was 1978 or 1998; it should not make a difference.

Mr. Pritchard said it matters because there are some places that are in harm's way that require public utilities, etc. and public responders to respond to areas that should not be rehabilitated. He said he would not be in favor of doing that.

Mr. Vogel said the check is the Conservation Commission, FEMA, and Mass Building codes are strict with what can be done in those danger zones. If someone were to rebuild in these areas they would be held to all the restrictions of those entities.

The Board needs to take this under advisement.

Mr. Pritchard moved to continue the public hearing for zoning to later this evening. Ms. Lambert seconded the motion; the vote was unanimously in favor.

**Continued - Public Hearing – Special Permit – Residential Compound Development & Stormwater Permit – 0 Country Way, 0 Rear Country Way and 483 Country Way
Assessor's Map/Block/Lot: 32-7-21 and 32-7-13-B
Applicant/Owner: Bradford Merritt**

Documents

- Email to Karen Joseph from Board of Health with comments dated 2.11.20
- PDF Application for Residential Compound Special Permit – Amended 2020-010-10
- Email to Karen Joseph from John Chessia for SWPP Review dated 2.18.20
- PDF GC Response 2020-01-02 – Chessia Review 2019-12-31
- PDF GC Response 2020-02-13-Chessia Review 2020-02-13
- PDF Letter to Planning Board Feb 26 2020
- PDF Operation and Maintenance Plan
- Doc Rev 3
- PDF Stormwater Report – Residential Compound Development – Country Way 2020-01-09
- PDF Subdivision Merritt – 2019-11-14-1

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Residential Compound Special Permit for 0 Country Way, 0 Rear Country Way and 483 Rear Country Way until April 9, 2020 at 8:00 pm and to continue the time for action for filing with the Town Clerk until May 1, 2020.

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

Curtis Estates - Lot Releases

Documents

- Email to Karen Joseph dated 2.13.20 requesting lot releases
- Doc Draft Motion form Lot Releases

Attendees: Mike Hayes, Attorney; Paul Sheerin, Developer; Don Gillespie, Developer; Paul Mirabito, Ross Engineering; Greg Morse, Morse Engineering

Mr. Hayes indicated the applicant is here to request the release of all remaining lots; they are in various stages of selling 10 additional lots. Mr. Hayes indicated they believe there are six issues that need to be addressed.

Ms. Joseph reminded the Board that previously the Board said for more lots to be released the septic system needed to be complete; the septic system is not completed. She indicated that the Board of Health (BOH) anticipates being able sign off next week. Additional signage delineating the Conservation land was to go up as agreed upon by Mr. Gillespie at a meeting in January and has yet to be placed.

Mr. Hayes addressed issues from the applicant's point of view.

- Septic System – as built has been provided to BOH
 - The Board could vote releases are contingent upon BOH sign-off
- Historical Farm House
 - Agreement was to keep it and restore it
 - Changes made are required by the building code
- Berm is complete – Ms. Joseph confirmed
- 40 Scale plan has been provided as requested
- Bond has been paid for upcoming year
- Drainage in basin 4

Mr. Mirabito indicated that basin 4 was dry last week; he said it is draining. Ms. Burbine opined there is a lot of sediment and it needs to be cleaned out. Ms. Joseph said she has never seen it dry; it has gone down but it has not been dry with the exception of last summer when they did some work on it. He opined it is about maintenance and the all basins will have to be addressed prior to final sign off. Mr. Hayes said cleaning out of the basin will be done weather permitting. Mr. Sheerin said basin 4 would not be cleaned out until April; the consequence of that is it holds water. The applicant said it drains very slowly.

Mr. Bornstein said this basin is part of a permanent system and asked how it is being cleaned out. Mr. Mirabito indicated that last year all the weeds were removed and it had been hydroseeded twice but the seed never took over time the silt was washing down towards the low end. Mr. Bornstein asked operationally how it is cleaned out. Mr. Sheerin said there is a trench in the basin that needs to be taken out, the rocks, the filter fabric and that is clogging. There is no temporary basin for sediment during construction. They need maintenance; they will have to deconstruct it and will need to reconstruct the basin. Ms. Burbine said this will be an ongoing issue that will need to be maintained; Mr. Sheerin agreed. Mr. Mirabito said the water in the basin is coming from the catch basin in the street, not the house lots.

Ms. Joseph said the basin will need to be cleaned out without the use of machinery. Mr. Sheerin agreed and said that it will be done with 2 men who will take it apart as it was done that way in the fall.

Ms. Lambert asked about a wall that is going to be put in front of the farmhouse, is it structural or for landscaping? The applicant said it is structural/retaining wall because there is a drop-off; it will be the same materials as the wall that is in the front of the subdivision. She also asked why the septic system is not done; the applicant said it is done and deferred to Mr. Morse for further explanation.

Mr. Morse indicated the septic system is 90% done, the collection system of pipes, etc. are installed, the pump station is up and running and the shared leaching system has been started up. He said what remains to be completed are a couple of recordings at the Registry of Deeds. He said the system is 100% up and running; they have gotten final comments from BOH on what needs to be recorded and an operations and maintenance contract has been signed and provided to the town. Ms. Joseph indicated that she has been coordinating daily with the BOH, but the seeding of the meadow mixture will have to take place in the spring.

Mr. Sheerin said they are asking for all the lots to be released, they have 10 varying stages of agreements with new homes, the bond is set \$250,000 and applies to anything in the subdivision if not finished.

Ms. Joseph indicated she has written a draft motion, but did not know how the Board was going to proceed.

Mr. Pritchard discussed the restoration of the farmhouse and the disappointment the Board has expressed. The historic house was part of the public benefit of the subdivision. There was discussion about what happens now that the public benefit does not exist. Mr. Sheerin said the farmhouse was never intended to look like it did once it was moved. Mr. Pritchard said that is not what was discussed during the permitting process. Mr. Sheerin said it could not be what it was; it was all rotted and needs to meet building codes. Mr. Pritchard discussed the project at 50 Country Way; that project had the same issues and in the end, they did a replication. Mr. Sheerin claimed there was not guidance. Ms. Burbine agreed there was no guidance and said there was a communication break down; we can't undo it, it was a hard lesson and the Board is working with the Historical Commission to come up with a process. The Board opined the applicant should have come back to discuss the project when problems were discovered and the applicant did not. Mr. Hayes said the applicant made an effort to preserve the house, but could not do so because of state and local building codes. Mr. Limbacher said the house was the tipping point as an advantage to the town that persuaded him to vote in favor of the project.

Ms. Joseph indicated the applicant is looking for the remainder of all the lots, 1, 3, 5, 7, 10, 11, 12, 14, and 15.

Motion:

Ms. Burbine moved to accept Paul Sheerin and Don Gillespie's request, as Managers of 90 Ann Vinal LLC, to release Lots 3, 5, 7, 10, 11, 14 of Curtis Estates Flexible Open Space Development approved by the Board on 2/8/2018 and endorsed on 4/12/2018 from the covenant dated 4/10/2018 and recorded 5/15/2018 in the Plymouth County Registry of Deeds in Book 49800 Page 91 as a bond has been provided in the amount of \$250,000.000, and that the Town Planner hold the lot releases

until additional signage for the open space has been installed as agreed upon with Mr. Gillespie on 1/29/20 and a sign off is received from the Board of Health that the septic system is complete. Proof of the recorded lot releases must be furnished to the Town Planner prior to application for any additional building permits.

Ms. Lewis seconded the motion; there was continued discussion.

Mr. Limbacher and Ms. Lambert were both opposed to releasing all the lots.

Mr. Sheerin said that the Board has surety in the amount of \$250,000. Mr. Hayes said the releases could be held by Ms. Joseph until all the legal paperwork was completed, i.e. BOH recording of documents, etc.

Mr. Limbacher suggested the Board release four lots of the applicant's choice; there are too many issues pending.

Mr. Gillespie and Mr. Sheerin said they have 10 agreements in place, but people are coming in every week. Mr. Sheerin said the Board has \$250,000 surety why do they need to hold lots. Ms. Burbine said they Board could hold Occupancy. There was some discussion about holding Occupancy permits; the applicant cannot have occupancy unless the BOH signs off on the all items dealing with the septic system.

Ms. Joseph discussed how the lot release would work; they would be held until all items were recorded with the BOH and proof provided to the Planning Board office. Ms. Joseph should be asked to sign the building permit and can sign at her digression if she is not satisfied.

Ms. Burbine moved that all the lots be released; the Board further discussed if they were voting to release all lots or just a few. Ms. Burbine opined the Board had enough leverage. Mr. Limbacher said the Board has listened to all the problems associated with the project, none of which are the Planning Board's. He said the Board has issued its permit watched it being built, there is still a lot to be built and every time it rains he is up at the site. He opined the release of the lots is one of the few controls the Board has, regardless of the \$250,000.

Mr. Sheerin said the control is in the Occupancy permit; if they don't get the sign-off they can't sell the houses. The applicant anticipates asking for occupancy permits in a couple of weeks. Mr. Sheerin said there is no reason for the Board to hold on the occupancy permits; their goal is to make sure the subdivision is complete. Mr. Pritchard indicated that Mr. Limbacher already pointed out the Boards goal is to make sure the project is done the way the applicant said it was going to be done; at this point it hasn't been done the way it was planned, i.e. the moving of the historic house and the septic system. Mr. Hayes said there are two major issues, 1. Conservation Commission being satisfied and showing Ms. Joseph the Commission is satisfied and recording of the covenants, which should happen next week, and 2. Maintenance of the basin, which will be done by hand.

Mr. Sheerin said they cannot get into the basins to maintain them until the ground is thawed. Ms. Joseph agreed, but she advised the Board to be cautious about the applicant coming to request the last occupancy permit and the basins are still full of silt.

Mr. Sheerin said they have done what they said they would do; this issue over the cape he says there was no guidance from the town; it was determined by the Historical Commission not the Planning

Board, the basins are an ongoing maintenance issue; they basins will be proven to work before final sign-off. He said Mr. Mirabito and the Town's design engineer have said they work. Mr. Sheerin said they have to sell houses; there are two houses ready to close on once these issues are taken care of. Mr. Hayes suggested holding two lots. Mr. Limbacher opined four lots was meeting in the middle.

The Board discussed how many lots they would hold, 2-3 lots. The Board wants the applicant to come back for the remainder of the lots, demonstrate the maintenance on the basin has been done, and provide a schedule when the next maintenance will be done. Mr. Pritchard said the Board hears this every time the applicant comes in that it is a maintenance problem, nothing would grow. Mr. Mirabito said the basins have been installed for a year and half and there is a homeowner's association set up that will have to take care of the basin once every year; Mr. Pritchard said right now the applicant is responsible for the maintenance.

Mr. Hayes suggested the Board continue to control lots 12 and 15 and release the rest.

Mr. Limbacher and Ms. Lambert said no.

Mr. Bornstein said he was okay, but still had concerns operationally about the stormwater system and additional site work will continue to exacerbate the issues. Mr. Sheerin said it will, but asked what that has to do with releasing lots - he said it is a maintenance issue. Mr. Mirabito indicated that the plan is all in the SWPPP that the Board has. Mrs. Joseph said there should more street sweeping and filter sacks to help minimize the siltation that is going into the drainage system along with general diligence.

Mr. Pritchard wanted to keep three lots and have the applicant come back in a month for the remainder; tell the Board they have done maintenance stuff and what the plan is. The potential maintenance problem could be made worse.

Mr. Sheerin said the basins are there and they are going to work, they did maintenance in the fall and they need to do it 2 or 3 times a year while construction is going on; the basins drain slowly they are working however not in the time they are supposed. Mr. Sheerin said the basins are detention basins not infiltration basins; he said they don't work in the winter time because the ground is frozen and they don't work in heavy, heavy rain situations. Mr. Pritchard said he has not heard that before. Mr. Sheerin said the system has been reviewed and approved by the Town's review engineer.

Ms. Joseph said in the end the applicants design engineer has to certify that everything works; Mr. Sheerin needs to stop pinning it back on the Town's Engineer; both engineers will need to sign-off. Mr. Sheerin said okay fine.

The Board will be holding lots 1, 12 and 15.

The Board voted to release 3, 5, 7, 10, 11 and 14.

The Board gave direction to the applicant on what needs to be done in order to get the rest of the lots.

- Maintain the basins
- Temporary sedimentation controls – siltation barriers
 - Part of erosion control and sedimentation plans in the SWPP

- Stabilized construction entrances on every lot
- SWPP reports on weekly basis
- Need to keep a cleaner site, needs house keeping
 - Roadways need to be swept
- Signs need to coordinate with Amy/Conservation to set up a walk thru
 - No-disturbance signs should be the same to deter neighbors dumping
 - Mr. Gillespie to contact Ms. Walkey

Ms. Burbine moved to approve the motion as amended. Ms. Lewis seconded; the vote was 4 to 1. Mr. Limbacher opposed.

Vote on Town Reports:

Mr. Pritchard moved to re-open the public hearing on zoning. Mr. Limbacher seconded the motion; the vote was unanimously in favor.

Report to Annual Town Meeting: Sign Bylaw

Ms. Burbine moved the Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on February 27, 2020 and closed on the same date. On February 27, 2020, the Board voted unanimously to support passage of the Article at the April 13, 2020 Annual Town Meeting.

The changes to the Sign Bylaw are a necessary legal adjustment in the bylaw to comply with current case law. Definitions, Prohibited Signs, Temporary Signs and Maintenance of Signs has been added in addition to clarifications for regulation of signs in residential and commercial districts. The Planning Board supports this article.

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

Report to Annual Town Meeting: Section 830

Ms. Burbine moved the Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on February 27, 2020 and closed on the same date. On February 27, 2020, the Board voted unanimously NOT to support passage of the Article at the April 13, 2020 Annual Town Meeting. The article is too ambiguous and potentially opens up repair, restoration on non-conforming lots to an uncertain time frame.

The Board opined the change is just not ready.

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

The Board closed the public hearing.

Minutes **Documents**

- Meeting minutes 2.13.20

Ms. Lambert moved to approve the meeting minutes for February 13, 2020.

Mr. Limbacher seconded the motion; four of the members voted in favor. Mr. Pritchard did not vote he was not present at the February 13th meeting.

Accounting
Documents

PO #2007590 (\$5,081.25), PO #2007446 (\$882.00), PO #2007452 (\$375.00), PO #2000510 (\$8,439.72), PO #1912194 (\$1,100)

Ms. Lambert moved to approve the requisition of \$5,081.25 to Horsley Witten Group, Inc. for peer review services for Seaside at Scituate associated with Phase 1, for \$882.00 to Horsley Witten Group, Inc. for peer review services for Seaside at Scituate associated with Phase 2, for \$375.00 to Merrill Engineers for peer review services for Curtis Estates, for \$8,439.72 to Harriman Associates for work on the Master Plan, for \$1,100.00 to Merrill Engineering for work on Stormwater Regulations.

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

Liaison Reports:

Master Plan Advisory Committee – reported by Mr. Bornstein:

- Update meeting next week with Advisory Committee to be held on March 4th
- Working with school on 8th Grade project is on hold

BOS – reported by Ms. Burbine/ Mr. Bornstein:

- Stormwater discussion – from North and South River Watershed Committee
 - MS4 Topic – deals with the Towns stormwater liability
 - Conversation shifted to stormwater permits, which is private property
- Town is working on stormwater regulations over the past 2 yrs.
- BOS didn't know where permits come from

Ms. Burbine let the Board know about a meeting to be held at the Senior Center in Cohasset on March 3rd regarding Route 3A with the MassDot. Discussion is about Route 3A from the Cohasset train station all the way down to Henry Turner Bailey Road, i.e. widening the road, etc.

CPC - reported by Ms. Burbine:

- CPC recommended to the BOS for Annual Town meeting
 - Purchase of Mordecai Lincoln property
 - Steverman Rink
 - Country Way trail – continuation of sidewalk

Mr. Pritchard briefly discussed the water study; he indicated it is really the same thing that was already been presented. The real analysis on how to deal with capacity has not been finished.

Planning and Development – reported by Ms. Joseph:

- Signed-off 12 Certificates of Occupancy for Toll Brothers

- Seaside is working in Phase 2

Documents

- Email to the Board from Karen Joseph dated 2.24.20 with meeting materials for the Sign Bylaw, Section 830 and 18 and 24 Beaver Dam Road.
- Email to the Board from Karen Joseph dated 2.24.20 with meeting materials for 115 Grove Street and Curtis Lot Releases.
- Email to the Board from Karen Joseph dated 2.24.20 with meeting materials for 483 Country Way, 0 Country Way and 0 Rear Country Way Residential Compound
- Email to the Board from Karen Joseph dated 2.24.20 with meeting agenda for 2.25.20 and 2.27.20
- Email to the Board from Shari Young dated 2.25.20 with meeting minutes for 2.13.20
- Email to the Board from Shari Young dated 2.27.20 with AMENDED agenda for 2.27.20
- Email to the Board from Karen Joseph dated 2.27.20 with meeting materials for Sign Bylaw, Section 830, 115 Grove Street and Curtis Estates

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 10:27 p.m. Ms. Lambert seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Chair

Date Approved: March 12, 2020

