

**SCITUATE PLANNING BOARD    MINUTES    September 26, 2019**

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

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

Members absent: Stephen Pritchard, Vice Chairman; Patricia Lambert, Clerk.

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

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

Chairman Burbine called the meeting to order at 7:03 P.M. The meeting was being recorded for airing on local cable television.

**Documents**

- 9/26/19 Planning Board Agenda

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

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**Public Hearing – Scenic Road – 61 Border Street**

**Assessor's Map/Block/Lot: 6-2-B**

**Applicant/Owner: Lou DeFranco**

**Documents**

- PDF Application
- PDF Site Plan and Photos
- Doc Transmittal 61 Border Street
- Doc DRAFT motion
- PDF Abutter Maloney Letter

Attendees: Lou DeFranco, Property Owner

Ms. Joseph indicated that plans from 2013 show the area of stone wall proposed to be removed for the use of a second driveway appears to be on private property. A certified plan provided shows the rebuilt portion of the stone wall where the second driveway opening is proposed is on private property. The Board has received several letters for the project some for and some against; but it is private property so it is not within the jurisdiction of the Board. Ms. Joseph indicated that the first driveway in 2013 was in the Board's jurisdiction; the front face of stone wall was on the edge of the right of way.

Mr. DeFranco indicated that they will use the rocks being removed to fill in the rest of the wall and make it look more robust.

Ms. Joseph informed Mr. DeFranco that he will have to go to DPW to get a curb cut permit and he then may be required to go to Traffic Rules and Regulations Committee.

Mr. Bornstein asked why this was filed; Ms. Joseph indicated the plan was not reviewed at the initial meeting about the removal of the wall. She indicated that in 2013, the second wall opening should have probably been granted back then as it looked to be on private property. Ms. Burbine indicated that in 2013 the second driveway was just a hammerhead and not on the original approved plan at that time the Board required that the applicant put the wall back. Now there is a new owner and the wall is on private property.

*Motion:*

Ms. Burbine moved to close the Scenic Road Act public hearing and to approve the removal of 27 linear feet of stone wall at 61 Border Street for a for a second driveway access of approximately 25' wide for a single family home at 61 Border Street, Assessor's Parcel 6-2-B, for applicant Lou DeFranco on the condition that a curb cut be obtained from the DPW and any other necessary permits be obtained from the Town of Scituate.

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

*Public Comment:*

Mr. Steve Bjorklund commented that there is no action needed from the Board regardless of the length of stonewall being removed because it is on private property and the Planning Board has no authority.

**Discussion – Surety Reduction – Seaside at Scituate**

**Documents**

- PDF Easy Read Bond Spreadsheet
- Doc HW Basin Photos
- HW Scituate Bond Reduction Estimate 091719

Attendees: Keith Curran, Toll Brothers

Mr. Curran indicated they are asking for a reduction in the bond from \$8.6M to \$4, 192,000 M. He indicated that after peer review it was suggested the bond amount be \$4.321M.

Ms. Joseph's recommendation is \$4.5 M because there are some items that are not included on the estimate, i.e. curbing, new light at Turner/Hatherly, new remediation, additional drainage on Hatherly Road, not giving credit for the planting as most has died.

Mr. Limbacher asked if the items differ and that is the discrepancy between the estimates; Ms. Joseph indicated no, there are just some things that have come up during the process. The percent completion is where the difference lies between Toll Brother's numbers and the Town's.

The applicant agreed to the number recommended by Ms. Joseph.

*Motion:*

Ms. Burbine moved to accept Toll Brothers request to reduce the amount of the bond being held for the Seaside at Scituate Residential Cluster Project by the Planning Board from \$8,600,598.00 to \$4,500,000.00 for completion of the project. The current bond is to remain in effect until the new bond is provided to the Town Planner.

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

The applicant will supply a new bond.

#### Minutes

#### Documents

- Meeting minutes 9.12.19

Ms. Burbine moved to approve the meeting minutes for September 12, 2019.

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

*Addition was made - page 11 of 23 – one member stated that the seniors deserve a senior center but this one is not it.*

#### Accounting

#### Documents

PO #2002836 (\$430.00), PO #2002843 (\$2,250.00), PO #2002835 (\$5,763.70) PO #2000510(\$6,090.00), PO # 2002701 (\$1,350.00), PO #2002700 (\$1,350.00), PO #1912194 (\$500.00)

Ms. Burbine moved to approve the requisition of \$430.00 to Image Resolutions for printing of the Zoning Bylaws, for \$2,250.00 to Horsley Witten for peer review inspections of Phase 2 Seaside at Scituate, for \$5,763.70 to Horsley Witten for peer review inspections of Phase 1 Seaside at Scituate, for \$6,090.00 to Harriman Associates for consulting services for the Master Plan, for \$1,350.00 to Merrill Corporation for stormwater peer review at 207 Old Oaken Bucket Road, for \$1,350.00 to Merrill Corporation for stormwater peer review at 424 Tilden Road, for \$500.00 to Merrill Corporation for Stormwater Regulations.

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

#### Liaison Reports:

##### **Master Plan Advisory Committee Meeting– reported by Mr. Bornstein:**

- Second meeting was a debrief of the first public workshop
- Next public workshop is October 22<sup>nd</sup>

##### **Shellfish Committee – reported by Mr. Bornstein:**

- Presenting Rules and Regulations to Selectmen next week
  - Presenters from Waterways, Shellfish Advisory Committee and Representative from the State Department of Marine Fisheries
- **Water Resource Committee** – presenting Water Offset proposal to Selectmen again

##### **EDC – reported by Ms. Burbine:**

- 2 new members

- Ms. Burbine only a liaison for Planning Board no longer voting member
- Friends of North Scituate moving along with laundry list of items to be addressed
  - Fire hydrant on Country Way- Glen Wilder has agreed to allow on his property
  - Replaced all light bulbs that had been burnt out
  - Replacing sleeves around decorative light fixtures
  - Banners – half will be Seaside at Scituate log, TBD on other half

#### **CPC**

- North Scituate train canopy will be finished, \$85K – will be requested at Special Town Meeting

#### **Housing Trust - reported by Ms. Lewis:**

- Looking for a new member – Ms. Lewis reaching out to 3 people who may be interested; hoping for a realtor
- New housing plan – looking to review with Mr. Washburn
  - Will need to go to CPC to get more money

#### **Advisory Committee – reported by Ms. Burbine:**

- Discussed zoning articles - will be going back on Oct. 3 to discuss further
- 3 citizen articles on upcoming warrant
  - Water moratorium on water hookups
    - Suggest to have to elected Water Commissioners
    - Ms. Burbine opined a moratorium may not be in the Town's best interest and elected officials may be more of a popularity contest; need people that know what they are doing.
    - Elected Committee could work in conjunction with the BOS
      - Can't create elected position without changing the charter

#### **Planning and Development – reported by Ms. Joseph:**

- Going to Advisory next Thursday 10/3 – review zoning articles
- Multiple Accessory dwelling and Stormwater permits
- Working on updating fee schedule – requires public hearing
- Draft of Stormwater Regulations
  - Working with Conservation
  - Will have a public hearing with Planning Board
- Received first of 4 potential definitive subdivision plans to freeze the zoning in the VCN District
  - Need to file within 7 months to have the freeze in effect
- Using applications from training session for Village Center and Neighborhood District – if comments please provide them
  - Application forces the applicant to really know their project

#### **Informal Discussion – Curtis Estates – Soil Absorption System**

#### **Documents**

- Photo of new drip dispersal system – provided at meeting

Attendees: Paul Sheerin, Manager 90 Ann Vinal, LLC; Greg Morse, Morse Engineering

Mr. Morse reviewed the proposed changes to the septic plan originally presented at permitting.

- 16 lot subdivision, with 2 cul-de-sacs
- Roadway has sewer piping, directs sewage to common septic system from all homes; no changes to this aspect of the design
- Leaching system has changed
  - 26,000 sq. ft. area of soil absorption
  - Originally system made of leaching chambers
  - Change to drip dispersal system
    - Replace chambers with tubes; .5" diameter tubes
    - Every 2 ft. along tubing there is a drip hole, small amount of water pumped out on a 2 hour cycle
    - Benefit – smaller foot print – original 7' mounded system will now only be 4' mounded system
    - System approved by the MassDEP
    - Grading is within boundaries of septic system
    - Does not alter any of the drainage or water coming off the lot
  - Board of Health (BOH) is reviewing new proposed plan
  - Pump system is required to have minimum 24 hrs. of storage - same pump with new system as the original design
  - No grinders are needed
  - All homes have individual septic tanks – homeowner responsible for servicing
  - New system only deals with liquids, solids caught in septic tanks
  - Drip system requires a maintenance contract – bi-annual inspections
    - Filters placed for access areas
    - Check functionality of the pumps

Ms. Joseph indicated the BOH has 45 days to review. She said there will be less fill brought in for the system thus it will be less obtrusive to the environment.

Mr. Bornstein noted a condition that was made in the landscape plan to replicate the wildflower and grass meadow and asked if that will still be done; Mr. Morse indicated there is no problem planting over the system on the septic lot.

Ms. Joseph indicated the Board needs to decide if this is a field change or a modification; nothing has been officially filed with the Board.

There was discussion as to what the Board is approving. Ms. Joseph indicated it is a change to the subdivision and special permit plans that have been approved and that is what is being approved not the septic system. She said the Board will want to see how the grading ties into the surrounding area; it will need to be peer reviewed to make sure all grading works. If the Board accepts it as field change, the applicant can begin the process of getting everything ready to submit once the BOH has signed off on the system.

Mr. Limbacher asked what prompted the change. Mr. Morse noted several factors, a lower mound, less fill; drip system is preferred by DEP, cost savings and aesthetic savings.

There was discussion about the height of the system. Mr. Morse indicated in the traditional system the chamber is 16" high and then a foot of fill placed on top; with the drip system the cover is only 6"-9" allowing the mound to be reduced. The system is required to be 4' above ground water.

*Motion:*

Ms. Burbine moved accept find that the potential grading change to the soil absorption system is a field change as there are less impacts to the environment with less fill to be brought in and move to approve the filed change subject to the following conditions:

1. The Board of Health shall approve the design of the changed septic system prior to implementation;
2. The installed system shall be in substantial conformance to the system approved by the Board of Health;
3. The Planning Board's consulting engineer shall review the proposed site design for grading and drainage to verify there are no additional impacts to the subdivision and special permit conditions;
4. A 40 scale plan of the soil absorption system and how the grading ties into the surrounding lots shall be provided to the Town Planner for review and approval prior to any work on the soil absorption system;
5. The soil absorption system shall remain as a field grass area as specified on Sheet 12 of 22. No substitutions are permitted as the soil absorption system was indicated in the Findings of Fact to increase the perceived open space.

Mr. Limbacher asked to switch 3 and 4; plan to be given to planner prior to consulting engineer.

There was discussion on the advantage of a field change versus a modification. A modification requires a public hearing and would take about a month to get on the hearing docket. The applicant would like to install the system in the fall and the Board has said they want the system installed as well.

Mr. Bornstein and Ms. Lewis do not think it needs a full modification process.

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

Ms. Joseph reiterated there will need to be a formal filing with the Planning Board.

**Public Hearing – Zoning Amendments – Special Town Meeting**  
**Humarock – Extension of Humarock Village Residential Overlay District**  
**Greenbush – Village Center & Neighborhood District – Clarifications**  
**Sign Bylaw**

**Documents**

- PDF Citizend Petition -- 2018121
- PDF Humarock Overlay Extension Draft -- 20181114
- PDF Neighborhood meeting info
- PDF Sign Bylaw\_clean\_9.11.19
- PDF Sign Bylaw\_redline posting 9.11.19
- PDF VCN Zoning Amendments Revision for TM 9.4.19 – Redline

- PDF VCN Zoning Amendments Revision for TM 9.4.19 - Clean Copy

Attendees: Adam Brodsky, Attorney; Brad Washburn, Direct of Planning and Development; Ted Brovitz, Zoning Consultant

Ms. Burbine read from the public hearing legal ad for the proposed changes to the zoning bylaw and map for the Scituate Planning Board.

1. Zoning for Humarock Village Residential Overlay District amend the zoning map
2. Zoning for Greenbush Driftway area amend zoning map and zoning bylaw
3. Sign Bylaw amend zoning bylaw

Humarock:

Mr. Brodsky representing the South River Marina Realty LLC, property owners of 21 Central Ave., presented the proposed bylaw change.

- 21 Central Ave. located in the Business district and portion located in the Humarock Village Overlay District
- Proposal is to place the entire parcel within the Overlay District
- Article was a citizen petition at 2019 Annual town meeting
  - Withdrawn at town meeting – referred to the Planning Board
  - Board has agreed to sponsor the article going forward
- Property has been used as boat yard and marina
- 2007/2008 town rezoned the area to promote economic development
  - Encouraging multi-family use in the district
  - Originally the entire parcel was included in the Overlay District
  - Portion of the property was excluded
    - Excluded during workshop meeting for the proposed change
    - Preserve the waterfront/boatyard, existing uses of the property
- Proposal is to put the parcel in the Overlay district as it had been originally intended
- Property Owners intend to maintain some marina activities
- Explore multifamily use
- No project presently proposed – an project would require site plan approval
- Per the Boards request a neighborhood meeting was held to discuss the proposal
  - Meeting held August 29<sup>th</sup>
  - Meeting minutes provided to the Board

Ms. Joseph indicated the proposal is just an expansion of the overlay district to include the full parcel at 72-1 9-5; in 2008 a portion was taken out at the request of the then owner and this change is just to include the entire parcel.

Ms. Lewis said she agreed the last time to put it back and still feels the same.

Mr. Bornstein commented that before this goes to town meeting the bridge should be added into the graphic. He hopes the owners take advantage of the mixed use provision of the Humarock Village Overlay District with the frontage on Marshfield Avenue and retain some of the commercial enterprise and keep it a walkable downtown area for Humarock.

Mr. Limbacher said he was here when it was taken out and thinks it should be put back in.

No public comment.

*Motion:*

Ms. Burbine moved to approve the proposed zoning amendment to extend the Humarock Village Residential Overlay District to include the entire parcel of land at 72-19-5 and to amend the Zoning Map as such.

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

*Greenbush - Village Center Neighborhood District:*

Ms. Joseph indicated the Greenbush Village Center Neighborhood District (VCN) was adopted by the Town at town meeting last spring. Since its adoption some applicants have attempted to use the bylaw which has been challenging and there are some issues that need to be addressed from the Attorney General's approval letter. She indicated the re-organization is done to create a more user-friendly version, i.e. definitions have been moved to the appropriate location, map changes have been identified in Section 320, Table of Uses Section 420 addresses comments from the AG regarding Child Care in all districts, adding clarifications for mixed use building, cottage courts, and boat storage.

Mr. Washburn indicated that the changes identify some housekeeping administrative updates that need to be made; putting text that was already in the bylaw into definitions, streamlining tables. There are no substantive changes; it is just to make it easier to understand and simplify. He indicated that the Board has received materials for the changes and the materials have been made available online and in different locations around town as noted in the legal ad.

Ms. Burbine said it is basically just housekeeping.

There was discussion about where boat storage was being added back in and why it was not there to start. Ms. Joseph and Mr. Washburn indicated we are a coastal community and we need; it is being put back into the district where it is now; acknowledging what is there now, NDTV subdistrict of the VCN

Mr. Brovitz indicated that MAPC also looked at the bylaws and thinking about the future of North Scituate made suggestions to make it more efficient and more user-friendly. He said this was an ambitious undertaking in the spring there was some language that could have been made better and that is what we are trying to do.

No public comments.

*Motion:*

Ms. Burbine moved to approve the proposed changes to the bylaw reorganizing portions of the Village Center & Neighborhood District to provide clarifications, make more user-friendly and address comments from the Attorney General with the acceptance of the Zoning changes made at the Annual Town Meeting in April 2019.

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

*Sign Bylaw:*



Mr. Washburn indicated the proposed change is to reclassify signs in the districts; currently the bylaw treats a variety of signs differently, i.e. for rent signs, political signs, signs for churches or civic groups. Amendment would put all signs into one category as "temporary" and treat them all the same; make consistent and fair and comply with case law.

Working with Town Counsel on exact language, however it has been modeled after towns that have made similar changes and gone through the Attorney General process, but there may be some minor modifications.

There was discussion about how many signs can be displayed on a lot and for how long, 60 days or 30 days. Mr. Washburn indicated it is 60 days prior to any type of the state, municipal elections and 3 days after they need to be pulled down and there is no max on how many can be on your lot. There was continued discussion about the differences between provision A and C; C must reference an election, someone running for something.

Ms. Lewis opined that "C" needed to say something about an election to make it clearer. Mr. Washburn indicated that is the catch all signs need to be treated the same. Currently our sign bylaw does not. Mr. Washburn said this is to hopefully put the town in a better position for the upcoming elections; if there needs to be further modification for the Spring Town Meeting we can do that.

Mr. Bornstein questioned "B" and if establishment included a household; it is just in reference to a business.

No public comments.

*Motion:*

Ms. Burbine moved to approve the proposed changes to the Sign bylaw to provide necessary legal adjustments to comply with current case law by providing for temporary signage in all residential zones and removing church and civic group signs.

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

Ms. Burbine moved to close the public hearing. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Ms. Burbine read each report to go to town meeting.

VCN:

The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on September 26, 2019 and closed on the same date. On September 26, 2019, the Board voted unanimously to support passage of the Article at the November 5, 2019 Special Town Meeting.

The changes to the Village Center & Neighborhood District Zoning Bylaw provide a more concise user-friendly version by reorganizing some changes to the Greenbush-Driftway area adopted at Annual Town Meeting in April 2019 by relocating definitions and design standards to the appropriate sections of the bylaw; clarifying the Table of Use by addressing comments from the

Attorney General approval letter regarding child care use facilities; and correcting typographical errors and other clarifications to wording for ease of use. The Planning Board supports this article.

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

Signs:

The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on September 26, 2019 and closed on the same date. On September 26, 2019, the Board voted unanimously to support passage of the Article at the November 5, 2019 Special Town Meeting.

The changes to the Sign Bylaw are a necessary legal adjustment in the bylaw to comply with current case law. The change in the bylaw is a re-classification of signs in all Residential Districts to Temporary Signs and removes Church and Civic Group signs. The Planning Board supports this article.

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

Humarock Village Residential Overlay District:

The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on September 26, 2019 and closed on the same date. On September 26, 2019, the Board voted unanimously to support passage of the Article at the November 5, 2019 Special Town Meeting.

The changes to the Zoning Map will allow for the extension of the Humarock Village Residential Overlay District to extend to the full parcel identified on the Town of Scituate Assessor's Maps as Parcel ID: 72-19-15 as was originally proposed in 2008 when the area was first rezoned. The expansion of the Humarock Village Residential Overlay District to this parcel would allow for potential redevelopment of the site. The Planning Board supports this article.

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

**Documents**

- Email to the Board from Karen Joseph dated 9.18.19 with meeting materials for Seaside at Scituate
- Email to the Board from Shari Young dated 9.20.19 with meeting agenda for 9.26.19
- Email to the Board from Karen Joseph dated 9.20.19 with meeting materials for Seaside at Scituate and VCN Zoning
- Email to the Board from Karen Joseph dated 9.20.19 with meeting materials for VCN Zoning
- Email to the Board from Karen Joseph dated 9.20.19 with meeting materials for Sign Bylaw, Humarock Zoning and 61 Border Street.
- Email to the Board from Shari Young dated 9.23.19 with meeting materials for 61 Border Street

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 8:23 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: October 10, 2019

