

## **SCITUATE PLANNING BOARD    MINUTES    February 13, 2014**

Members Present: William Limbacher, Chairman; Stephen Pritchard, Vice Chairman; Richard Taylor, Clerk; Robert Vogel and Robert Greene, Alternate Member.

Members Absent: None. Eric Mercer resigned effective 2-12-14.

Others Present: Ms. Laura Harbottle, Town Planner.

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

Location of meeting: Selectmen's Hearing Room, Town Hall, Scituate, MA.

Chairman Limbacher called the meeting to order at 7:34 P.M. The meeting was being recorded for airing on the local cable television station.

### **Documents**

- 2/13/14 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Taylor moved to accept the agenda. Mr. Pritchard seconded the motion and the vote was unanimous in favor.

Having accepted the agenda, Chairman Limbacher asked to modify it to have a discussion on the resignation of Eric Mercer. He said that Eric Mercer resigned effective 2/12/14. He indicated that the Town Clerk has been notified. Ms. Harbottle indicated that she talked with the Town Clerk who said that if the position needed to be filled prior to the election, the Selectmen and Planning Board would need a joint meeting to appoint someone to the position until the election. Ms. Harbottle said she also talked with Town Counsel who agreed that was the procedure, but that the Town Clerk could put the position on the ballot once she has been notified of the resignation. The Board concurred that since the election is in a couple of months it makes sense to leave the position vacant until then as the Board still has its alternate member who is currently sitting on several applications. The Board asked that Ms. Harbottle draft a letter to the Selectmen indicating their preference. The deadline for submitting papers is 4/7/14. Ms. Harbottle said the election is either May 24 or May 31. She said the Town is waiting for action from the Governor to move the election to May 31 so it won't be on Memorial Day weekend.

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### **Zoning Workshop – Village Business Overlay District**

#### **Documents**

- Proposed Changes Village Business Overlay District Bylaw dated 2/3/14 and 2/6/14
- Map of Village Business Overlay District dated 1/30/14
- Email dated 2/6/14 to Adam Brodsky on the VBOD workshop
- Email dated 2/13/14 from Adam Brodsky in support of the VBOD change
- Email dated 2/13/14 from Brandon Moss on zoning articles

Chairman Limbacher indicated that at the last Town Meeting there was a citizen petition article to expand the Village Business Overlay District (VBOD). He indicated that the Board reviewed the article, but wanted to postpone action on it until the Economic Development Commission (EDC) had completed their market study of the Town. He said that the draft report has been reviewed resulting in the Board proposing map and bylaw changes.

Ms. Harbottle outlined the original development of the VBOD. She indicated it resulted from concern about extension of the train into Scituate and development around the train station areas. She said the Board received a grant from MAPC and hired the Cecil Group who conducted neighborhood meetings to determine what residents wanted. There were recommendations for streetscape improvements and zoning for mixed use transit oriented development. These included design guidelines, affordable units, and density that would attract development while reflecting the character of the existing Scituate villages. Ms. Harbottle said the VBOD bylaw was passed in 2006, but the economy was stalled so it has not been used except for a recent application. She said the bylaw requires a special permit from the Planning Board with design requirements including roof pitch, glass façade, setbacks, parking reduction due to proximity to the train, affordability, open space, density bonus with a significant public benefit and parking behind proposed buildings.

She indicated a goal of the proposed zoning is to make the area around Driftway and New Driftway into a center of activity. A small area of new residential development could take advantage of the existing traffic light and cross walk to access the train while providing views to First Herring Brook. She indicated that a zoning map change would be necessary and would include most of the area from the citizen petitioned article last fall, with the addition of the parking lot that the MBTA is looking to sell. She said proposed changes to the bylaw would include a reduction in the amount of retail required in certain areas. There may not be enough demand to require 100% retail on the first floor of all proposed developments seeking to use the bylaw provision. The Board agreed to add New Driftway to the streets where more than 50% of the net floor area of the first floor of a mixed use building shall be occupied by retail uses. The proposed wording also adds a minimum frontage dimensional requirement of 20'. Mr. Taylor asked if there could be a highlighted version with the existing and proposed bylaw changes as requested at the fall town meeting. Ms. Harbottle said she was working on that as the Advisory Committee asked for that as well.

Jim Sandell, an architect and planner working with Chris Ford, said he was interested in how the bylaw affected the MBTA parcel. He also asked when the EDC Study would be finalized. Ms. Harbottle said it would probably be at the February 26 EDC meeting, but noted the Selectmen have not discussed the report yet. Bob Walsh, a commercial real estate consultant, asked about the affordability requirement. Ms. Harbottle said it was for moderate income not low income. She said it would have the same criteria for income and rents as 40B. Mr. Taylor asked if there was opposition to the article in 2006. Chairman Limbacher said generally no. Ms. Harbottle said that one Selectman was opposed as he thought the density was too great. Mr. Vogel asked if there would be pushback on the 20' frontage requirement. Ms. Harbottle said that 20' is narrow for a driveway.

Mr. Taylor commented that in the EDC Study, Greenbush had the highest traffic volume of all the stations on the Greenbush line. Mr. Pritchard questioned if there would be design criteria among the parcels so that the proposed area would look and feel like a gateway to Scituate. He indicated the Board should have the ability to set standards for sidewalk design, signage, lighting, pedestrian access, landscaping etc. so they would be integrated among all developments in the area. Chairman Limbacher said the permit will be a special permit which the Board can condition accordingly. Ms. Harbottle suggested that there should be a Master Plan of the area to incorporate design components. She indicated she hoped to seek funding for this in the future.

### **Town Planner Report**

Ms. Harbottle indicated that the Economic Development Commission will have a special meeting on February 26, 2014 to vote on the Market Study report. Mr. Taylor asked about the report on the 3A

Corridor Study. Ms. Harbottle said that the report has been finalized and is recommending a traffic signal at Henry Turner Bailey Road. Ms. Harbottle said she would forward the report to the Board.

## **Accounting**

### **Documents**

- PO # 1404890(\$1,600.00), PO # 1404992(\$777.50), PO# 1405010(\$202.50), PO # 1405084(\$221.10)

Mr. Taylor moved to approve the requisition of \$1,600.00 to Bluestone Group for professional graphics for the Village Business Overlay District for Town Meeting, for \$777.50 to Chessia Consulting Services, LLC for engineering peer review for 305 Country Way, for \$202.50 to Chessia Consulting Services for engineering review for Walnut Tree Hill and for \$221.10 to Gatehouse Media MA for legal ads in the Scituate Mariner. Mr. Pritchard seconded the motion. Motion was unanimously approved.

## **Minutes**

Mr. Taylor moved to approve the meeting minutes of 1/23/14 and 1/30/14. Motion was seconded by Mr. Pritchard. Motion was unanimously approved.

## **Liaison Reports**

Chairman Limbacher indicated that the CPC voted to approve articles for the bike trail, skate park, the Damon property and the Historical Society. He indicated that Lisa Fenton will be coming to a Board meeting on March 13 to discuss CPC items. Mr. Taylor asked if there would be an update on the train canopy at that time.

### **Continued Public Hearing - Definitive Subdivision Plan – 40 Curtis Street Assessor's Map/Block/Lot 26-1-4, 5, 6B, 7, 9R, 9S, 9T Applicants/Owners: Blanchard Farms, LLC**

### **Documents**

- Response to comments by Scott Ridder Landscape Architect dated 1/7/14
- Response to comments by Morse Engineering dated 1/8/14
- Blanchard Farm Estates Definitive Subdivision Plans Sheets 1-13 revised dated 1/7/14
- 2/4/14 email from Greg Morse on abutter meeting
- Construction Phase Operation and Maintenance Plan BMP's revised dated 12/20/13
- Site Cross Section Plan dated 12/20/13
- Sight Distance Plan dated 12/20/13
- Memo from DPW Engineering dated 2/4/14
- Landscape Memorandum revised dated 2/4/14
- Revised Amory Letter dated 1-13-14
- Email from Laura Harbottle to Greg Morse dated 2/4/14 on Traffic Rules meeting
- Declaration of Easements, Restrictions and Covenants for Blanchard Farm Estates 1-27-14
- Post Construction Operations and Maintenance dated 1/21/13
- Fire Flow test from J Hoadley and Sons dated 6/5/13 received 2/5/14
- Email dated 2/6/14 from Amory Associates on fire flow tests
- 11-23-13 email from DPW

- Email dated 2/10/14 from Morse to Laura Harbottle on road/improvements
- Email dated 2/13/14 from Morse indicating plans revisions to water and fire
- Email dated 2/13/14 from Deputy Chief Murphy on Fire Flows
- 40 Curtis revised staff report dated 2/1 3/14
- Email dated 2/13/14 from Jim DeBarros of the Water Division
- Email dated 2/13/14 from John Barry forwarding letter from Mr. Julianio

At 8:45 pm, Chairman Limbacher opened the continued public hearing for Blanchard Farms. John Tedeschi, John Barry, Greg Morse and Richard Henderson were present for the applicant. Pat Brennan of Amory Engineers was present for the Planning Board. Mr. Morse indicated that since the last meeting, the plans were revised on 1/7/14; the Board went on a site walk; the applicant held an abutters meeting and Homeowner's Association documents were submitted. He indicated the four major issues have been addressed including fire flows for which a revised plan was submitted earlier in the day. He said the first issue of the site elevations has been addressed by lowering the site by 1.5 feet reducing the amount of fill. He said this necessitated asking for a waiver to utilize ductile iron pipe which requires less cover than reinforced concrete pipe for the drainage system. He indicated this should address concerns of the Whittier Drive abutters and showed the Site Cross Section Plan which shows a true scale elevation across the site. He indicated the second issue was the amount of runoff created which has been addressed by reducing the roadway to 20' with 18" Cape Cod berms on both sides which will reduce the impervious surface and create less runoff. He indicated that the abutters liked this scenario due to less runoff and noted the stormwater facilities would still be sized to accommodate the 24' road. He indicated that additional percs were done on Lot 7 so that the septic system could be located in the front yard enabling the grading to be revised. Mr. Vogel asked if there would need to be an ejector pump for a basement washer and dryer. Mr. Morse indicated there would need to be an ejector pump. He said the fourth issue with the water distribution system will be resolved by a connection from the subdivision road through an easement across a lot on Country Way to the 10" line in that street. He said this increases flow and pressure for the subdivision as well as Curtis Street. He also indicated that two additional fire hydrants would be provided.

Mr. Morse indicated several other changes included:

- A sight distance analysis was completed with both vertical and horizontal distances being in compliance;
- The driveway on 40 Curtis Street will be relocated off of the subdivision road;
- The Landscape Plan shows a 5' tree easement beyond the right-of-way so that 21 new street trees do not conflict with underground utilities;
- The trench detail has been revised;
- The grass swale has been modified;
- The access to the drainage basin has been improved;
- The level spreader on Drainage Parcel A has been moved to be 10' away from property line and the level spreader on Drainage Parcel B is 3' off the abutting property owned by the applicant.

Pat Brennan of Amory Engineers indicated that for the most part, issues have been addressed. He said he sees 4 major issues:

- A waiver may be needed for the road pavement at the cul-de-sac. He said the street pavement is 84' and the cul-de-sac right-of-way is 100'. He said it is up to the Board's interpretation if the street pavement should be 100'.

- Easements adjacent to lot lines – Mr. Brennan says the plan shows them as centered on lot line whereas the bylaw can be interpreted to require them on one side of the lot line.
- The test holes for the recharge system were not deep enough. The applicant has added a note to the plans that they will excavate to be compliant with 4' of separation between the system and groundwater. Mr. Brennan said this could be a condition of an approval.
- Access to the basin – Mr. Brennan said it is tight and located in the yards of future homeowners.

Mr. Brennan said everything else has been addressed. He said the solution for fire flows and water is acceptable as is the ductile iron pipe.

Ms. Harbottle began her comments with the roadway width waiver. She said DPW feels 20' is too narrow and said 22' is the minimum they feel is acceptable. She said that 20' seemed acceptable to her based on her experience on Cape Cod; however, there will be younger drivers here. She indicated that the request to eliminate granite curb except at the entry and drainage structures was not preferable to DPW. She said that DPW prefers all granite curbing. She indicated that the transition curb detail should clearly label all granite pieces. Ms. Harbottle said that access to the drainage parcel is tight. She favors easements on one side of a property line so that only one owner is affected. She indicated that she was concerned about screening for the abutting properties as the trees around the perimeter are not thick and there was mention that the applicant wanted to do some selective clearing at the site visit. She also indicated that additional screening may be needed in between properties and that the large rhododendron on the 40 Curtis site could be moved to provide screening.

Ms. Harbottle expressed concern about the proximity of the level spreader on Drainage Parcel B to the property line. She indicated it was very close and the abutting lot off of Whittier is likely to be sold by the applicant at a later date. She recommended that the easement for the water line to connect to Country Way be obtained prior to approval. She indicated that the applicant has had several meetings with the abutters and the Town has received no information on the issues discussed. Ms. Harbottle said that the Sight Distance Plan should be made part of the recordable set.

Mr. Taylor asked about the DPW request that the walkway and curb on Curtis Street from the proposed road to Country Way be repaired. Mr. Morse said it was approximately 500 feet and the applicant was not inclined to agree to the work. Ms. Harbottle said the Board can ask that the work be done. A discussion on road width and granite curbing followed. Mr. Taylor and Mr. Pritchard said they were inclined to go with what the DPW recommends. Mr. Vogel said he would prefer a 20' road as he would like less impervious surface and he thinks the sidewalk should be repaired as two walks create extra impervious surface. Mr. Greene was inclined to agree with Mr. Vogel on roadway width and the sidewalk. He indicated in his short tenure on the Board, it has waived granite curb in several instances. Ms. Harbottle indicated that this has been mostly in Flexible Open Space Subdivisions. Mr. Henderson said that Chapter 41 does not make any distinctions between open space subdivisions and regular subdivisions. He opined that granite curb is dangerous and a safety hazard for children on bikes and scooters and it does not enhance the beauty of a road. Mr. Tedeschi said that granite curb is a future maintenance issue. Mr. Brennan said that a 20' wide road with granite curb would be too narrow and opined if berms were used it would be 23' for plowing purposes. Ms. Harbottle suggested that the waiver must be in the public best interest and on several of the Flexible Open Space Subdivisions where the waiver has been granted, the Town received open space and other beneficial items. She indicated that a reduction of impervious area is desirable, but the Board should consider street acceptance in the future.

Chairman Limbacher said that he does not want easements on 2 lots, that 22' road width seemed good, that granite curbing was needed at the entry and drainage structures and if the Board was waiving granite curb for the body of the road, then the applicant should be willing to patch the sidewalk and curbing on Curtis Street and add a crosswalk. He indicated that ductile iron pipe with 2' minimal cover was acceptable to him. Mr. Pritchard asked if the Street Acceptance Committee was likely to accept a 20' road. Chairman Limbacher thought not. Mr. Morse said that the abutters liked the 20' width as it would reduce the amount of runoff and it would be in tune with the neighborhood as Whittier is 20' wide as well. He said it was unfortunate that no abutters were present and that a 23' road is not a public safety concern. Chairman Limbacher thought that the property owners will suffer for a narrower road and the abutters will like the reduced drainage. Mr. Pritchard and Mr. Vogel concurred that the system is designed for a 24' road so it would not impact the abutters. Mr. Taylor thought that 20' was tight. Mr. Barry said that in lieu of granite curbing, the applicant was open to discussing offsite improvements. He said that Hanover is going through some significant costs for repairing granite curb 30 years after it has been installed whereas the berms, although scarred have held up. Mr. Vogel asked if there was an engineering opinion and if sloped granite was an option. Mr. Brennan indicated that if the Cape Cod berm is done monolithically with both coats, it is likely to endure. He said vertical curbing is needed when a sidewalk is immediately adjacent to a road to act as a barrier for safety purposes. He said it is a personal preference. Mr. Tedeschi said that sloped granite does not hold up. Ms. Harbottle said that the applicant would like to hold costs down, while the Town needs to consider curbing that will hold up over time. She said the Board needs to decide. Mr. Vogel questioned if a private developer could work on Town land. Mr. Barry said he would prefer some type of payment instead of working in the Town right-of way. The Board concurred with that thought. Mr. Tedeschi said that another benefit for the Town is another fire hydrant and additional water pressure for Curtis Street.

Mr. Pritchard summarized that the Board was inclined to go with a 22' road with granite at the entry and drainage structures. The Board voted the waivers as indicated below:

Section 7.2.1.8a Requirement: In Type II subdivisions, vertical granite curbing shall be installed in all streets.

Waiver: To allow vertical granite curb at the entry way for the full length of the curve plus a six foot straight section, vertical granite curbing at the catch basins and 18" bituminous concrete berm wherever vertical granite curb is not used.

Public Benefit: A monetary contribution toward fixing the curb and sidewalk on Curtis Street to County Way and providing a cross walk at the subdivision road and Curtis Street.

Mr. Taylor moved to require vertical granite curbing at the entry way for the full length of the curve plus a six foot straight section, at the cul-de-sac and at any catch basins and allow 18" bituminous concrete berm wherever vertical granite curb is not used. Mr. Vogel seconded the motion. Motion was unanimously approved.

Section 7.2.3/ Appendix Requirement: 24 foot roadway pavement width for minor streets.

Waiver: 20 foot roadway pavement with 1.5' Cape Cod berms on both sides.

Public Benefit: Reduces impervious surface and amount of stormwater runoff.

Mr. Taylor moved to allow the waiver for a 22' road width with 18" (1.5') Cape Cod berms on both sides. Mr. Greene seconded the motion. Motion was approved with a 4-1 vote with Mr. Vogel dissenting.

Section 8.2.1. 2. Requirement: Storm drains shall be reinforced concrete pipe and shall be laid with a minimum of 2.5 feet of cover over the top of the pipe.

Waiver: Ductile iron pipe with a minimum of 2 feet cover over the top of the pipe.

Public Benefit: Reduces the amount of fill and reduces the finished elevation of the development.

Mr. Taylor moved to grant the waiver as requested. Mr. Vogel seconded the motion. Mr. Pritchard verified that the ductile iron meets the Town specifications. Motion was unanimously approved.

The Board decided that a waiver from Section 7.3.1.2.f was not required and that as a condition of the project a test hole could be excavated during construction to verify that four feet of separation from seasonal high groundwater will be provided between infiltration structures.

A discussion on Section 7.6.1. followed regarding easements “where practical...shall be located adjacent to, but to one side of, a lot line.” Mr. Morse said that Sam Tilden Farm, a definitive subdivision, that the Board approved in 2006 had easements centered on the lot lines as proposed here. He said encumbering all of one property was bad and that the access easement was all on one lot. The Board thought that dealing with one property owner would be easier and lot lines could be adjusted. Mr. Henderson thought that the way the subdivision was structured it made sense for the easements to be as proposed. He thought that easements should not be in the setback area and structures should not encroach upon the easements. He said that the Homeowner’s Association will maintain the easements. A brief discussion on narrowing of some easements followed. Mr. Pritchard was not in favor of narrowing any easements. Mr. Barry requested a 5 minutes recess to discuss the matter. After the recess, Mr. Morse indicated that the Board has approved projects like this in the past including Sam Tilden Farm. He said the goal has been met where the easements are at the side of a lot. He indicated that he did not anticipate this as an issue as it is standard practice. He said the more people with vested interest in the drainage system the better. Mr. Tedeschi agreed it was standard practice. Chairman Limbacher said that this issue has not been discussed before. Ms. Harbottle said the easement is usually one side or the other of the lot line and suggested that people need to know where the easements are located. She suggested some type of ground monumentation may be installed. The Board concluded that no waiver was necessary as the language says where practical.

The Board discussed the access easement to the drainage parcel A. They discussed pulling it back 5’ so it is further from the proposed house. The Board concluded they would leave all the easements at 20’ and as located. As to the street location at the cul-de-sac, Mr. Morse indicated that the outside street diameter is the right-of way and not the pavement. He indicated that Deer Common and Elm Street were approved with similar circumstances. Ms. Harbottle indicated that this part of the regulations has always been interpreted as the edge of the right-of-way not the street pavement. Mr. Vogel asked if there was any input from the Fire Department. Mr. Morse said he would provide a graphic with the fire truck movement. He indicated he removed the cul-de-sac island at the request of the Board. Chairman Limbacher indicated that all of the waivers have been covered. He indicated that Tilden Farm installed a water line and sidewalk so it was fortuitous that the applicant has used it as an example. Mr. Barry indicated he was willing to provide a monetary payment for sidewalk repairs on Curtis Street. Chairman Limbacher asked for the applicant to coordinate with DPW to come up with a workable set of options for providing what is needed.

Chairman Limbacher indicated that at the next hearing session the Board would do Findings of Fact and Conditions. The Board proposed March 27 at 8:30. Mr. Barry suggested that was a very long time and they had waited 2 months for tonight’s session too. The Chair asked the Board if they would prefer a late meeting or an additional meeting. The Board said they preferred a late meeting. It was decided that it could be 10:00 pm on March 13. The Board said they would continue the

meeting to an earlier time, in the event that there was a postponement or early finish in the prior hearing.

Mr. Taylor moved to accept the applicant's request to continue the public hearings for the Definitive Subdivision Plan for Blanchard Farm Estates at 40 Curtis Street until March 13, 2014 at 8:35 pm and to continue the time for action until April 30, 2014. Mr. Pritchard seconded the motion. Motion was unanimously approved.

### **Old Business and New Business**

#### **Documents**

- Staff report for 2/13/14 meeting
- Draft of Market Study and Economic Development Report

These items were distributed to the Board electronically.

### **Continued Public Hearing – Accessory Dwelling Special Permit – 75 Moorland Road Assessor's Map/Block/Lot**

**Applicant/Owner: John F. III and Catherine M. McNamara**

#### **Documents**

- Email from Julie Johnson dated 2/5/14 with revised elevations with landscaping
- Email from Laura Harbottle to Jeff DeLisi dated 2/6/14 with house sizes in Moorland Rd area attached
- Email dated 2/10/14 from Karen Joseph to Jeff DeLisi on additional material the Board requested
- Email dated 2/7/14 from K Benning
- Email dated 2/12/13 from Jeff DeLisi requesting a continuance

Mr. Taylor moved to accept the applicant's request to continue the Accessory Dwelling Special Permit public hearing for 75 Moorland Road until March 27, 2014 at 7:30 pm. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Mr. Vogel moved to adjourn the meeting at 10:25 p.m. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Richard Taylor, Clerk  
2/27/14  
Date Approved