

SCITUATE PLANNING BOARD MINUTES May 8, 2014

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

Members Absent: Richard Taylor.

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 7:32.M. The meeting was being recorded for airing on the local cable television station.

Documents

- 5/8/14 Planning Board Agenda

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

**Public Hearing – Definitive Subdivision Plan Modification – Colonel Mansfield Estates
55 Colonel Mansfield Drive
Assessor's Map/Block/Lot 30-1-10R
Applicant: Craig W. Hoffman
Owner: Richard W. & Helen V. Hoffman**

Documents

- Application and Waiver list for Definitive Subdivision Plan modification
- Amended Subdivision Plan for Colonel Mansfield Estates dated 1/23/14 by Ross Engineering consisting of 4 sheets
- Email dated 2/14/14 to Paul Mirabito on missing information
- Transmittal to departments dated 2-19-14
- Comment from the Water Department dated 2/24/14
- Comment from the Board of Health dated 2-24-14
- Email dated 3/6/14 from Laura Harbottle on Traffic Rules and Regulations meeting
- 4/1/14 letter from the Fire Chief
- Email dated 4/10/14 from the Fire Chief
- Picture of entrance at 55 Colonel Mansfield
- ZBA frontage decision dated 8/30/1971
- Email from Pat Gallivan to Laura Harbottle dated 5/8/14
- Email from Pat Brennan to Laura Harbottle dated 5/8/14 with Stormwater Review for the Conservation Commission
- 5-7-14 letter from Traffic Rules and Regulations Committee
- 5-8-14 letter with Revised Amended Subdivision Plans, Sheets 1-5 dated 5-5-14

Chairman Limbacher opened the public hearing for the definitive subdivision modification for 55 Colonel Mansfield Drive at 7:33 pm. Present for the applicant were Attorney Bill Ohrenberger, Craig Hoffman, Richard and Helen Hoffman and Paul Mirabito. Attorney Ohrenberger indicated that on May 7, 2014 the Conservation Commission closed its public hearing for an Order of

Conditions and a Stormwater Permit. He indicated that the Town's consulting engineer, Amory Engineers, had signed off on the Stormwater Permit. He indicated that comments have been received from the Fire Chief and believes the hammerhead turnaround meets health and safety standards. He indicated that there is only one additional lot proposed where 3 or 4 could be developed, thus the list of waivers reflects that limited development.

Mr. Mirabito indicated that the applicant met informally with the Board in December 2013 and the presented plan falls in line with what was previously discussed. He said the existing conditions plan shows the 5.23 acre site, existing home and the bordering vegetated wetlands. He said access will be from Colonel Mansfield Drive with a cul-de-sac created for legal frontage. He indicated the original subdivision was accepted in 1974. Mr. Mirabito said the topography and utilities are shown. He said there will be an on-site septic system and underground water, electric, telephone and gas lines. He said there would be a hammerhead turnaround within the cul-de-sac which would have its recharge infiltrated and an infiltrator berm which are part of the Stormwater Permit. Mr. Mirabito said the Fire Chief favors the hammerhead and there will be a new hydrant on site. He indicated that the Board of Health approved the plan and a detail sheet was added in response to adding hydrant details. He said stormwater issues for the entire site have been addressed by the Conservation Commission. He said they have asked for a number of waivers.

Ms. Harbottle said that this is a request for one additional lot for a subdivision that was previously approved. She indicated that the lot at 55 Colonel Mansfield needed a variance for frontage in 1971. She said a condition of the variance was that a cul-de-sac be provided; however this was not done. She said it would be difficult to impose a full cul-de-sac today as the property is owned by one individual. She said that the Traffic Rules and Regulations Committee recently said that a full cul-de-sac would be required, but in a memorandum received today they now say it is not required. She indicated a full cul-de-sac would benefit the people in the development, but take a large piece out of the lot. She said creating two lots is different from what the variance originally envisioned.

Ms. Harbottle indicated that the Stormwater was reviewed under the Conservation Commission. She said the Board would usually look at the stormwater in a subdivision and the drainage from existing road. She said the Board does not have any of the Stormwater information that was filed with the Conservation Commission. She said the Board should probably look at the Stormwater information. She also indicated that the green area by the hammerhead will have some utilities going through it so it will be less treed than shown. She said the green area between the two houses is good so that there will be privacy and screening if one house is sold to a non-family member in the future.

Attorney Ohrenberger said Ms. Harbottle's reference to the variance is irrelevant. He said a 50 foot frontage special permit was obtained in 1971, but it lapsed prior to the Hoffman's owning the land. He said the Hoffman's built the house 10 years later and received a building permit. He indicated that the applicant is providing for fire safety. He said Traffic Rules Committee met, but the applicant was not present and the Fire Chief hadn't responded yet. He said with the Chief's response, the issue is adequately addressed. He indicated that with the Stormwater, the regulations say there will not be duplication of efforts so the Stormwater was reviewed by the Conservation Commission with Amory Engineers as the peer review engineer. Attorney Ohrenberger indicated that stormwater for the whole site was reviewed and Amory Engineers approved the plan. He said no stormwater is going into the municipal system. He also indicated the space will be green space where the underground electric is.

Mr. Pritchard inquired about the cul-de-sac not being built as part of the subdivision. Ms. Harbottle said it was a variance for the lot and not part of the subdivision. Attorney Ohrenberger said that it was not part of the subdivision and the Hoffmans built after the road was accepted. The Board agreed that the previous variance and its requirement for the hammerhead were mute at this point. Attorney Ohrenberger said that the applicant has agreed that there will only be the two lots and there will be no further subdivision of the property. He said if a full cul-de-sac is going to be required, they will have to build additional houses. Ms. Harbottle said the green space referred to earlier was a tree line. Attorney Ohrenberger said there will be underground utilities and the space above will remain green. Mr. Pritchard concurred, but said it would not be treed as that would impact the underground utility.

Mr. Vogel asked about surface water flow. Mr. Mirabito confirmed that water from the cul-de-sac flows to an infiltration area onsite. Mr. Vogel indicated he was satisfied assuming the Conservation Commission dealt with all the stormwater, there were no other impacts and the Fire Dept. was satisfied. He didn't see why more information was needed. Mr. Greene thought the treed site would help mitigate stormwater impacts and asked about the hydrant previous to the one on the site. Mr. Mirabito said located the hydrants on a map and said that if they need to extend the existing water line by a few lengths to the new hydrant they would do so. He said that the Fire Dept. is not requiring flow tests in response to Mr. Vogel's question about concerns over a dead ended water line as it is really a water service to the house.

Chairman Limbacher indicated he was astonished that the turnaround was not provided. Attorney Ohrenberger said many subdivisions in the 60's and 70's were designed this way as they thought future expansion was possible.

Shawn Harris, representing himself and not the Board of Selectmen, said he has known the Hoffman's professionally for years and believes they are looking to do the job right. There was no other public comment.

Chairman Limbacher led a discussion on the waivers.

Section 6.3.2 Required Sheets

Required: Cover w/ index, locus & legend; Index Sheet w/1"=100' subdivision, Subdivision Plan; Layout Plan and Profile; Topographic Plan; Landscape Plan; Erosion & Sedimentation Control Plan; An Easement Plan; Details

Provided: Cover, lot layout, topographic, utility and grading and details.

Discussion: Mr. Vogel asked about an Erosion and Sedimentation Control Plan. Ms. Harbottle said that if it was part of the Stormwater Permit, the sheet could be added to the subdivision plan as it is normally covered under the subdivision regulations. Mr. Mirabito said the revised set delivered to the Board today had an erosion control plan. Ms. Harbottle inquired if the Landscape Plan was the only plan they were seeking a waiver for. She inquired if they were seeking a waiver for the easement plan and erosion and sedimentation control plan. Mr. Mirabito said the erosion control was part of the Stormwater Permit. Ms. Harbottle told the Board that she had not seen the permit application and the Board does not have a copy. Attorney Ohrenberger said the Board did not receive a copy as the Conservation Commission is the permitting authority. Chairman Limbacher asked for a copy of the Stormwater Permit. Attorney Ohrenberger said it would be provided and the Town's consulting engineer was making changes until yesterday. Mr. Mirabito said he would provide the plans. Chairman Limbacher said the intent of the stormwater bylaw was to share the

information. The Board summarized that what is being provided is what the applicant intends with the detail sheet added.

Section 6.3.3.4 Layout Plan and Profile

Required: Plan and Profile with layout of utilities and layout data for the road

Provided: NO plan or profile for the hammerhead

Discussion: Ms. Harbottle said there is nothing to look at for how the hammerhead is constructed. She suggested a profile as required for roads and common driveways. Chairman Limbacher asked if there were dimensions. Mr. Mirabito said that the grading of the hammerhead and a cross section is shown. He said the grading will govern as the hammerhead is too small for a profile. The Board agreed to the waiver as a cross section is provided.

Section 6.3.3.5.h Locate 12" trees

Required: Locate 12" or larger trees not within an area not to be disturbed

Provided: None. All trees in the area of the hammerhead, house, driveway and septic system will need to be removed.

Discussed: The Board agreed the applicant will not have to locate 12" trees.

Section 6.3.3.6 Landscape Plan

Required: Plan prepared by a Registered Landscape Architect with proposed landscape plantings for landscaped areas and screening for stormwater facilities, stone walls and existing specimen trees over 12"

Proposed: None. No proposed landscaping in the area of the cul-de-sac.

Discussed: The Board agreed the applicant will not have to provide a landscape plan.

Section 6.3.3.7 Erosion and Sedimentation Control Narrative Plan

Required: Description of construction activities, sequence and schedule of construction, proposed erosion and sedimentation control measures, measures to prevent sediment from being tracked off site, stockpile control, dust control etc.

Proposed: None. Applicant desires it to be reviewed under Conservation Commission in the Notice of Intent and Stormwater Permit.

Discussed: The Board agreed it was provided under the Stormwater Plan with the narrative.

Section 6.3.3.1 (6.3.4.1) Observation Pits

Required: Centerline of road and stormwater facilities with soil profiles

Proposed: None. The hammerhead is adjacent to an existing paved and stable driveway. The cross section is adequate for the proposed pavement.

Discussed: The Board agreed not to require observation pits.

Section 6.3.4.2. Stormwater Management System

Required: Report and calculations describing the stormwater management system with pre and post development flows for specific storms and catchment areas with soils data included

Provided: None. The Conservation Commission will issue a Stormwater Management Permit for Lot 2 which covers similar and/or the same criteria.

Discussed: The Board approved this.

Section 6.3.4.5 Traffic Circulation and Safety

Required: Documentation necessary to determine conformance with regulations including street alignment, sight distance, grade and all other information governing locations of and construction of roads

Proposed: None. The only increase is from one single family lot.

Discussed: The Board agreed to the waiver.

Section 6.3.4.6 Draft Homeowner's Agreement

Required: Draft Homeowner's Agreement for maintenance of road and stormwater facilities

Proposed: None. As none exists for this older subdivision and none is proposed for the one proposed dwelling.

Discussed: The Board agreed to the waiver.

Section 6.3.4.8 Aerial Photo

Required: Aerial photograph at 1:1,200 from 1995 or later indicating the property to be subdivided

Proposed: None. There is only one house proposed and the plans submitted provide more accurate detail than one would see on an aerial photo.

Discussed: The Board Agreed to the waiver.

Section 6.11.5 As-Built Plan

Required: As-built showing prepared by a Registered PE or Land Surveyor showing the road and all improvements

Proposed: None.

Discussed: Mr. Vogel didn't see the need. Mr. Pritchard said the hammerhead will be private. Ms. Harbottle said that a condition could be placed that the hammerhead never be accepted by the Town. The Board agreed.

Section 7. Design Standards

Required: Dead end streets shall have a cul-de-sac with an outside street line of 100 feet, curbing, sidewalks

Proposed: None. Private Hammerhead turnaround for emergency vehicles is being proposed where none exists. No curbing, sidewalks or street trees will be installed.

Discussed: The Board agreed to the waiver as the information was present in the detail.

Section 7.3 Utilities

Required: Storm drainage, water supply, sanitary sewer, electric, telephone and other utilities – all to be underground

Proposed: None. No stormwater utilities are being installed in the cul-de-sac

Discussed: The Board agreed to the waiver.

Section 7.4 Erosion and Sedimentation Control

Required: All subdivisions shall be designed to prevent erosion and sedimentation as a result of the disturbance of the natural landscape and construction of roads, houses etc.

Proposed: None. The applicant proposes it be addressed by the Conservation Commission under the Stormwater Permit and Notice of Intent.

Discussed: The Board agreed it was in the Conservation Commission information.

Section 7.5.5 Street Trees

Required: Required along new subdivision roads

Proposed: None. The applicant will provide landscaping for a single family home.

Discussed: The Board agreed with the waiver.

Appendix A Section 4.1 Project Review Fee

Required: Review according to the judgment of the Planning Board

Proposed: None. The applicant requests the Conservation Commission to review the stormwater and wetlands issues and sees no need for duplication.

Discussed: Mr. Vogel thought there was nothing to review. Ms. Harbottle suggested the Board may want to consider the construction of the hammerhead as it will need to support a fire truck. Mr. Mirabito said he will layout the site and that the Conservation Commission requires as built drawings. He said that there is test pit data available and the glacial till will be removed prior to the pavement section being placed. Ms. Harbottle suggested that this is similar to a common driveway where inspection is required. Mr. Pritchard said he thinks the road should be inspected and follow the same standard. Attorney Ohrenberger asked if it could be Amory Engineers since they are already familiar with the site. The Board concurred. Chairman Limbacher asked if Amory was going to be reviewing the grading. Mr. Mirabito indicated he was and that is why they want to use the same consultant. Chairman Limbacher said the report should be issued to the Board and the Conservation Commission.

Mr. Pritchard voted to grant the waivers as modified or discussed except for the Appendix A project review fee with the addition to get a commitment to receive the stormwater development plans. Mr. Vogel seconded the motion. Motion was unanimously approved.

The Board discussed several draft conditions. These included: there would only be 2 lots and no further subdivision of the site; the hammerhead and driveway would be private and privately maintained; contingent upon receiving Conservation Commission approval for the wetlands filing and Stormwater Permit; maintenance of the stormwater system; DPW approval for the hydrant and cement lined ductile iron pipe must be used if the water line needs to be extended to the hydrant; there should be a draft Homeowner's Agreement for the maintenance of the hammerhead as either of 2 properties as the property could be sold in the future; no idling trucks or starting before 7:00 am; and the standard conditions.

Chairman Limbacher said the Board will need to continue the hearing. Mr. Pritchard moved to accept the applicant's request to continue the public hearing for the Definitive Subdivision Plan Modification for Colonel Mansfield Estates at 55 Colonel Mansfield Drive until May 22, 2014 at 7:00 pm. Mr. Vogel seconded the motion. Motion was unanimously approved.

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

- 5-1-14 email from Jeff DeLisi with Request to continue the public hearing to June 26, 2014

The applicant's representative sent in a request to immediately continue the public hearing as only 4 members would be present and a supermajority vote is needed. No testimony or evidence was taken.

Mr. Pritchard moved to accept the applicant's request to continue the Accessory Dwelling Special Permit public hearing for 75 Moorland Road until June 26, 2014 at 7:30 pm. Motion was seconded by Mr. Greene. Motion was unanimously approved.

Minutes

Mr. Pritchard moved to approve the meeting minutes of 4/10/14 and 4/24/14. Mr. Vogel seconded the motion. Motion was unanimously approved.

Town Planner Report

Ms. Harbottle indicated that the zoning articles approved at Town Meeting have been approved by the Attorney General's office. She also indicated that the Coastal Manager Officer position has been advertised. Ms. Harbottle indicated there has been a lot of interest in the MBTA property and she would be attending a site briefing next Wednesday at 10:00 am. Chairman Limbacher said that the EDC is having a public meeting on May 20 to share the market study with the Town.

Zoning Initiatives for 2015

Ms. Harbottle indicated that she has compiled some information on lot coverage and floor area ratio (FAR). Mr. Vogel said he would do some research on Wellesley and coastal communities. The Board agreed to go forward with some type of FAR bylaw, but wants to know the lay of the land first. Mr. Pritchard said that a lot shape factor is also needed to eliminate "rattails".

Elizabeth Petit and Carole Fitzgibbons were present to discuss lot coverage. They are concerned about oversized homes on small lots ruining the beauty of Scituate. Ms. Fitzgibbons said she was particularly concerned about the Frist Cliff area where she lives. She said that the residents of Scituate opposed mansionization 10 years ago and now the character of the neighborhoods is changing and will continue to change with sewer availability. She said she wants to preserve the character of the neighborhoods in the A-3 zone. She said the bylaws need to change. She indicated that drafting a legal bylaw will be difficult. She would like to reach out to the Historical Society and Community Preservation Committee for their input. She suggested high school students may be able to help with social media.

Ms. Fitzgibbons said that a formula is needed and homes must be built to use space more efficiently. She said most people are turned off by big homes blocking views and dwarfing the smaller homes in the neighborhood. Ms. Harbottle suggested it would be good for the Board to be involved. Chairman Limbacher said that the Board is heading in the same direction. Mr. Pritchard said defining the parameters will be hard as there will always be different ideas. Ms. Petit said that the concepts are in the Masterplan and asked if the Board had tried to implement them. Mr. Pritchard said that the mixed-use bylaw resulted from the Masterplan revision. Mr. Vogel said that the Board tried to rewrite the Accessory Dwelling Bylaw, but Town Meeting rejected it. The Board asked the Town Planner to be involved in the bylaw creation. Ms. Fitzgibbons said that the bylaw could be worked upon and then public input sought. Mr. Pritchard said he would want to know some other perspectives first. Ms. Harbottle said that some egregious examples could be provided and a look at other towns would be helpful. The Board agreed that lot shape factor, accessory dwellings and a rational buildable lot were items they wanted to look at this year.

Endorsement

**Flexible Open Space Special Permit & Definitive Subdivision Plan – 214 Thomas Clapp Rd.
Assessor's Map/Block/Lot 18/1/2
Applicants/Owners: Fern Properties, LLC**

Documents

- 4-3-14 deed for gift of land and conceptual trail plan

Ms. Harbottle said the applicants are looking for endorsement. She indicated that the plans are revised to include the conditions of approval and the elimination of the walking trail by the basin, the applicants have met with the Selectmen and they have agreed to accept the open space parcel, a covenant has been provided for the Board's signature and a Homeowner's Association document is being reviewed by Town Counsel. She indicated that the Board could vote to endorse the plans, but keep them in escrow until the Homeowner's Association is approved by Town Counsel.

Mr. Pritchard moved to endorse the Flexible Open Space Definitive Subdivision Plan for Benjamin Studley Farm Definitive Subdivision at 214 Clapp Road. The Planning Board has received a covenant dated May 8, 2014 to secure the construction of the way and installation of municipal services and will hold the signed mylars in escrow in a locked area within the Treasurer's office pending approval of the Homeowner's Association by Town Counsel. Mr. Vogel seconded the motion. Motion was unanimously approved. Attorney Watsky took the signed deed to the open space to send to EOEa for approval of the conservation restriction.

Old Business and New Business

Documents

- Staff report for 5/8/14
- Letter from Town Counsel on 50 Country Way dated 4/30/14
- South Shore Coalition Legislative Breakfast flyer
- White Ash Farm Draft Definitive Subdivision Plan decision dated 4/29/14
- 305 Country Way draft Scenic Road decision dated 4/29/14
- Blanchard Farm Estates Definitive Subdivision Plan draft decision dated 4/30/14
- Attorney General letter of 5/1/14 approving zoning articles from 2014 Town Meeting
- Email dated 5-5-14 with press release for EDC Study meeting
- Email dated 5-5-14 forwarding letter to the Board on FAR and height

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 9:25 p.m. Mr. seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk
5-22-14
Date Approved