

SCITUATE PLANNING BOARD MINUTES March 23, 2017

Members Present: Stephen Pritchard, Chairman; William Limbacher, Vice Chairman; Ann Burbine, Clerk and Richard Taylor.

Others Present: Ms. Laura Harbottle, Town Planner.

Others Absent: Gerard Wynne, Alternate member.

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 Pritchard called the meeting to order at 7:30 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 3/23/17 Planning Board Agenda

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

Public Hearing – Zoning Article – Temporary Moratoria/Temporary Moratorium for the Sale and Distribution of Recreational Marijuana Vote recommendation to Town Meeting

Documents

- Temporary Moratorium on the Sale and Distribution of Recreational Marijuana
- Draft Planning Board Report to Town Meeting

Chairman Pritchard opened the public hearing for the zoning article for the temporary moratorium for the sale and distribution of recreational marijuana. Ms. Harbottle indicated that a state ballot question in 2016 resulted in citizens of the Commonwealth desiring sales of recreational marijuana. She indicated that the legislation that was passed generally omitted the regulatory pieces and provided a very short time frame for development of regulations and standards for intoxication by recreational marijuana. She said due to a backlash of Towns who did not support the initial legislation, the timeframe for enactment was extended so that regulatory pieces could be developed. She said the FACTS Coalition in Scituate approached the Town to enact a moratorium as drug use is a concern in Scituate. Ms. Harbottle said the moratorium sets the time for delaying opening of locations in Scituate until November 30, 2018. She indicated in the meantime regulations will be developed by the state (to come out March 15, 2018) and the Town can figure out if they want to allow these facilities within zoning districts or opt out of them all together. She said a total ban will be possible.

Barbara Quinlan of the Scituate FACTS Coalition said substance misuse is an issue in Scituate and it will increase with the availability of recreational marijuana. She indicated support for the moratorium and advocated attendance at an informational meeting at St. Mary's Hall on April 10, 2017 at 6:30 pm where a national speaker will discuss recreational marijuana. There were no other public comments.

Mr. Limbacher moved to close the public hearing and use the draft as written as the Planning Board's recommendation to Town Meeting. "The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on March 23, 2017, at which time the public hearing was closed and the Board voted unanimously to support passage of the Article at the April 26, 2017 Annual Town Meeting. The sale and distribution of recreational marijuana is a complex issue, with many social and economic ramifications. The Planning Board believes it would be wise to hold off on permitting recreational marijuana establishments until the State Cannabis Control Commission issues regulations, and until there is time to identify more of the impacts. Town Counsel drafted the moratorium revisions and it appears the Attorney General's office would not reject a moratorium if the reasons are given, as they are here. The Planning Board supports this article." Ms. Burbine seconded the motion. Motion was unanimously approved.

Form A – 21 Bulrush Farm Road
Assessor's Map/Block/Lot 14-3-1
Applicant/Owner: Paul & Kathleen Mogan

Documents

- Application, deed and Plan of Land Showing a Division of Parcel 14-3-1 21 Bulrush Farm Road in Scituate, MA dated 12/7/2016 by Morse Engineering Co., Inc.
- Transmittal to Departments dated 3/7/17

Gregory Morse, PE was present for the applicant. Mr. Morse indicated that the plan shows the division of two non-buildable parcels each of approximately 54,000 sq. ft. to be conveyed to abutting landowners on Sedgewick Drive so that they can increase their lot sizes for backyards. He indicated that the two parcels are labelled as non-buildable and no new buildable lots are proposed.

Ms. Harbottle indicated the parcels are being formed for land transaction purposes and there are no new buildable lots. She said there were no frontage or access issues. Ms. Burbine offered that there used to be a paper road with houses on Sedgewick and this is not the first time that people have added additional land to their lots. Mr. Taylor asked if the land was wooded to the marsh. Mr. Morse said there was some encroachment and there is salt marsh at the bottom.

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land Showing a Division of Parcel 14-3-1 21 Bulrush Farm Road in Scituate, MA prepared by Moran Surveying Inc. and Morse Engineering Co., Inc. for applicant/owner Paul and Kathleen C. Mogan dated 3-13-17 as the division of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or change in a lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw. Mr. Taylor seconded the motion. Motion was unanimously approved.

Form A – 84 Branch Street
Assessor's Map/Block/Lot 38-2-3
Applicant/Owner: Kenneth and Gale Michaud

Documents

- Application, deed and Plan of Land in Scituate, MA Showing a Division of Parcel 38-2-3 84 Branch Street prepared by Morse Engineering Co., Inc. dated 1/23/2017
- Transmittal to Departments dated 3/15/17
- Email from Deputy Fire Chief Al Elliott on Manor Road

- Email from Karen Joseph to the Board with backup from Morse Engineering for ANR for 84 Branch

Gregory Morse, PE was present for the applicant. He indicated that Branch Street, where the existing house is located, is an accepted public way. He said that the back of the lot has frontage on Manor Road which existed in 1928 as Flower Way. He said the applicant desires to cut out a 20,000 sq. ft. lot with frontage on Manor Road from their Branch Street lot. He said the existing house lot will remain compliant and Manor Road has suitable width, grade and character. He said further up on the road had lot development in 1958 as well as in 1996. He said this lot will be much closer to Lawson Road. Mr. Morse said that Manor Road varies in width and is gravel construction with water service available. Mr. Limbacher said it had many potholes. Mr. Morse said 27 Manor Road is accessed over this section of Manor Road and most of the other homes are accessed from the Branch Street side.

Ms. Harbottle said that frontage and access are needed for a Form A endorsement. She said the law specifies three possibilities for adequate access. The three include access from a public way, access from a way on an approved subdivision plan and access from a way in existence prior to zoning with the Board's finding there is adequate width, grade and construction to provide for municipal traffic including fire and emergency vehicles. She indicated that she concurs that Manor Road is a way in existence. Ms. Harbottle indicated that the plan has been routed around Town Hall and the Fire Department has responded that there is a new Massachusetts regulation that requires fire department access roads to be 20 feet wide. It does not differentiate whether the roads are public or private. She said Manor Road is a dirt way currently 11 – 12 feet wide and is laden with potholes. Mr. Morse contended that the regulation requires a clear width of 20 feet and that does not say improved. He said at the frontage of the lot the gravel width is 16 feet. Ms. Harbottle indicated that Deputy Chief Al Elliott would like the road constructed for a fire truck. She said the road needs to be constructed.

Chairman Pritchard commented that there is not much information on the status of the road in the application. Ms. Burbine said that she and Mr. Limbacher drove the road before the meeting and it was bumpy with a red truck parked in the road and they were able to pass the red truck. Chairman Pritchard said he did not see anything to show that the construction of the road has been met. Mr. Morse said he did a full topography of the road, although it is not shown on the plan. He said the road is between 0 to 5% slope across the frontage and of gravel construction. He said there is water and electricity in the road. He suggested that most roads get refreshed in the spring and this would be privately maintained. He said the 40 foot right of way provides plenty of width. He said the road could be graded to 20 feet. He said the Board has previously endorsed narrower roads as recently as 2010. He said the 20 foot width could be a condition.

Ms. Harbottle reemphasized that the way must be in existence having in the opinion of the Planning Board suitable width, grade and construction for the use and for installation of municipal utilities. Mr. Taylor asked Ms. Harbottle to reread the email from the Fire Department. Ms. Harbottle said the regulation was just passed in 2015 so previous Form A's would not have had to deal with this. She quoted that approved fire access roads...unobstructed width of 20 feet. Chairman Pritchard said that it seems that there is not sufficient width, grade and construction there now. Ms. Harbottle said that the road improvements must be on the ground prior to the Board endorsement. Mr. Morse said it sounds like the Board is seeking additional information so he may be best to withdraw the plan. Chairman Pritchard said there is a standard and the road needs to conform prior to Planning Board endorsement. Mr. Limbacher said that if one accessed from Bossy Lane then one would only need to go as far as the property, but if access way from the other end there would be a problem.

Mr. Taylor asked if more information could be obtained from the Fire Department. Ms. Harbottle suggested a site visit may be in order. Mr. Morse asked when the Fire Department correspondence came into the Board. Ms. Harbottle indicated on March 21 in the evening. Mr. Morse asked to withdraw the application. Mr. Limbacher inquired if Mr. Morse had seen the correspondence and provided him a copy.

Ms. Burbine moved move to accept the applicant's request to withdraw the ANR application for 84 Branch Street without prejudice. Mr. Taylor seconded the motion. Motion was unanimously approved.

Continued Public Hearing – 91 Humarock Beach

Assessor's Map/Block/Lot 72-4-18

Applicant/Owner: Jacquelyne Murphy/Jacquelyne G M Vaughan

Documents

- 3-15-17 letter from Ross Engineering requesting the accessory dwelling special permit application for 91 Humarock Beach to be withdrawn

Chairman Pritchard said he understood there was a request that the application be withdrawn. Ms. Burbine moved to accept the applicant's request to withdraw the application for the accessory dwelling special permit at 91 Humarock Beach without prejudice. The applicant is reminded that the Board of Health needs the completed deed restriction prior to their Certificate of Completion being issued. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Minutes

Ms. Burbine moved to approve the meeting minutes of 3/9/17. Mr. Limbacher seconded the motion. Motion was unanimously approved with Mr. Taylor abstaining as he was not present at the meeting.

Liaison Reports

Ms. Burbine said the EDC is holding its own. She said their budget has been slashed; however, they are moving forward. She indicated everything is moving ahead on the CPC and inquired about the dog park. Ms. Harbottle said the proponents of the dog park want grass; however, the Stanton Foundation wants the grass irrigated so there would need to be a private well. She said the issue is in flux at the moment. She indicated that the Friends of the Dog Park are not favorable to pea stone, rice stone or mulch as the Stanton Foundation desires. She said things are looking good for the grant and she thinks they are high on the list. Chairman Pritchard asked about the cost for irrigation and what happens with water restriction impositions. Ms. Harbottle suggested they may be able to reduce the amount of grass and put mulch on the outside. Chairman Pritchard indicated wells can cost \$10,000 to \$15,000 not including the irrigation system. Alternatives were suggested, but permitting could be a problem. Chairman Pritchard said it is a bad example to irrigate for the dogs when people are limited with irrigation. He asked if the foundation would not provide a 90% grant without irrigation. Ms. Harbottle said it will be very tough.

Town Planner Report

The Board briefly discussed the relationship between the Design Review Committee (DRC), Planning Board and ZBA. The Board determined that additional discussions were needed.

Ms. Harbottle said she had an informal discussion meeting with the Building Department and Conservation Commission and proponents of Herring Brook Meadow. She indicated that the new developers want to reduce the number of units from 60 to approximately 36 – 40. She said the proposed 40 b development is right off Route 3A in the floodplain. Ms. Harbottle indicated that the floodplain has become larger since the plans were first filed. She said the buildings are proposed to be elevated above the base flood elevation and there will be elevators in the buildings. She said she thought it would be difficult for people to accept what the development looks like with two big buildings. She said the Building Department thought that the DRC should review the buildings and the Board has previously expressed a desire that since the DRC is a subcommittee of the Planning Board there should be coordination with the Board. Chairman Pritchard said he would like the DRC to come to the Board so the Board can have input into their recommendations. He also asked if the state decision was written. Ms. Harbottle said that the state eligibility letter will need updating. Chairman Pritchard said he would like to see how sewer is being handled as it impacts the Town. Mr. Limbacher said that at a minimum the Board must know when the DRC is meeting on the project. Chairman Pritchard said it should be standard to involve the DRC with the Board for the Board's insight into matters.

Old Business and New Business

Documents

- Email to Board dated 3/20/17 from Karen Joseph with agenda for 3/23/17 meeting
- Email from Karen Joseph dated 3/22/17 with meeting minutes from 3/9/17
- Email from Laura Harbottle to the Board dated 3/21/17 with additional meeting materials on Manor Road, Recreational Marijuana and the DRT report from 3/21/17

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 8:30 p.m. Ms. Burbine seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Ann Burbine, Clerk
4-13-17
Date Approved