

## **SCITUATE PLANNING BOARD    MINUTES    April 9, 2015**

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

Members Absent: Richard Taylor, Clerk.

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, 600 C J Cushing Highway.

Chairman Limbacher called the meeting to order at 7:30 P.M. The meeting was being recorded for airing on local cable television. Mr. Pritchard arrived at 7:31 P.M. after the acceptance of the agenda, but prior to any other votes.

### **Documents**

- 4/9/15 Planning Board Agenda

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

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### **Public Hearing – Scenic Road Hearing – East of 255 Thomas Clapp Road**

#### **Assessor's Map/Block/Lot 23-1-3**

#### **Applicant/Owner: Town of Scituate Conservation Commission**

### **Documents**

- Application and plan for a Scenic Road hearing for access and parking to Conservation property
- Transmittal to departments dated 3/23/15

Frank Snow was present for the applicant. He indicated that the Conservation Commission would like to remove a section of stone wall on Thomas Clapp Road to create an access drive and parking area to the Crosbie property which will continue into the Appleton property. He said that a second opening is sought for parking for 2 to 3 cars and a gate. He indicated that when the Town acquired the Crosbie property the existing cart path did not seem appropriate for access so a new access was a condition of the sale. Mr. Snow indicated that they will take the stones from the wall openings and reuse them to flair the ends into the gravel road and parking area.

Ms. Harbottle said she wasn't sure the road was in the Town right of way, but has no problem with the access and parking. Vinny Bucca indicated he has a license to farm the Appleton property and has no problem with the wall opening; however, he said the right of way onto the field is not shown on the plan. He said the CPC application said the right of way would be replaced. Mr. Snow said that Morse Engineering surveyed the Crosbie property and prepared the wetland filing drawings. He said they have been asked to show the road extension into the field for the bid package which will be ready in about a month. He said the right of way will be shown on the bid package.

Ms. Burbine moved that the Planning Board vote to approve the removal of approximately two (2) twenty foot sections of a stone wall for a gravel access road and gravel parking for the Scituate Conservation Commission for Conservation property. No trees or saplings greater than 3" will be

removed and the stones taken from the existing wall will be used to flare out the walls at the driveway locations. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Mr. Snow briefly talked about other open space parcels in Town. He said they will be looking to improve parking for Bates Lane. He said they will propose parking for 10 to 12 cars half way up the lane. He said they also would like some parking for the Higgins McAllister property off of Holly Crest Road as well as additional parking for the Damon property off of Clapp Road. He said that the money for the surveying and parking was approved in the CPC articles. Cynde Robbins noted that since the CPC came into existence, 380 acres of conservation land have been added in the west end to make a total of 450 acres. Ms. Burbine asked who manages the land as she was concerned that some of the Ellis land seems to be a fire hazard. Mr. Snow said it is managed under the care and custody of the Conservation Commission. He said volunteers manage the trails. He said he hopes that a forestry plan will be developed to manage for wildlife habitat. Ms. Burbine offered that the EDC is working to help market trails and forestry.

## **Accounting**

### **Documents**

- PO # 1506472 (\$33.99), PO # 1506506(\$139.97), PO # 1506511 (\$108.54), PO # 1506620 (\$2,470.00)

Ms. Burbine moved to approve the requisition of \$33.99 to WB Mason for office supplies, \$139.97 to J & R Graphics for envelopes, for \$108.54 to Gatehouse Media MA for legal advertising in the Scituate Mariner for 44 Rebecca Road and for \$2,470.00 to Merrill Corporation for engineering peer review for 529 & 531 Country Way. Mr. Pritchard seconded the motion. Motion was unanimously approved.

## **Town Planner Report**

Ms. Harbottle indicated that there is a drainage issue at Inly School with the field where silt and runoff had gone over the hay bales into the abutter's property. She said she has been in touch with the school and asked that the fence at the edge of the field not be installed until the erosion is stabilized.

### **Form A – 35 Dreamwold Road**

#### **Assessor's Map/Block/Lot 33-06-31, 16 & 16A**

#### **Applicant/Owners: Susan A. Phippen Trust**

### **Documents**

- Application, deeds and Plan of Land in the Town of Scituate, MA showing a division of parcels 33-6-31, 16 & 16A 35 Dreamwold Road for the Susan A. Phippen Trust revised dated 4/9/15
- Transmittal to departments dated 3/30/15
- ZBA Special permit dated 3/16/15

Chairman Limbacher recused himself as he is a Board member of one of the charities the trust will benefit. He left the table and handed the meeting over to Mr. Pritchard.

Jeff Hassett of Morse Engineering said that a Form A on behalf of the Susan A. Phippen Trust has been filed to divide the property at 35 Dreamwold Road into 4 lots. He indicated that a special permit was received from the ZBA for two 50 foot frontage lots. He said there are wetlands in front of some of the lots and the plan shows an easement for a common driveway which will be before the Board soon. Ms. Harbottle said that 2 fifty (50) foot frontage lots were approved by the ZBA and there is a sliver of land located between the two frontage lots so one is separated and doesn't need to be off the same common driveway. She indicated that the wetland line has not been approved by the Conservation Commission and the agent reported today that there may be a vernal pool present on the site. Ms. Harbottle indicated the plan could be endorsed, but not released until the wetland line is approved. She said an updated plan will be required if the wetland line changes. She also indicated that Mr. Hassett said they may want to sell off Lot 1 separately. She said a new plan would be needed for that if it is proposed prior to the common driveway being finalized.

Mr. Vogel asked if the vernal pool was within the wetlands. Ms. Harbottle said there is a 125 foot no disturb zone to a vernal pool. Mr. Hassett said he was not aware of a vernal pool and it would be within the wetlands if it existed. Mr. Pritchard said that a vernal pool could change the configuration of the common driveway. Ms. Harbottle said Form A's are approved with the Board looking at frontage and access. She said that the frontage shouldn't change and the plan can be held until the wetlands are finalized. Ms. Burbine questioned that the ANR doesn't necessarily meet zoning. She said there is no access to some lots without the common driveway. Ms. Harbottle said that as long as there is access to the buildable portion of the lot, then endorsement can occur per case law. She said that since the common driveway is not approved, the plan is in limbo. She said the Board can hold the plan until the common driveway is approved. Ms. Burbine suggested that it may be appropriate to ask the applicant to withdraw the application and do the common driveway first. Ms. Harbottle said the access easement is on the plan. Mr. Hassett said the common driveway is coming in over the existing paved driveway which is as far away as it can be from the wetlands. He said the wetlands are at the toe of the slope and he believes their wetland scientist would have noted a potential vernal pool when he was out there. He said if the driveway changes, they can submit revised plans and he did minimize the easement area per the direction of the Town Planner. Ms. Burbine said she was more comfortable just approving a plan for Lot 1 at this time and holding off on the other lots until the common driveway was resolved.

Mr. Vogel said he does not think it reckless of the Board to approve the plan and hold onto it and if something changes they will need to refile. Mr. Pritchard said he was okay approving the plan now as long as the plan is held until the wetlands filing is completed. Ms. Burbine said that if the plan is signed and things change a new plan will be needed as opposed to asking the applicant to withdraw the plan. Mr. Greene indicated he was amenable to approving the plan and holding on to it. Maureen Hurley indicated that she and Kim Stewart are trustees of the Susan A. Phippen Trust and they are hearing about the potential vernal pool for the first time today. She asked if the Board is saying they will endorse the plan and hold it and not have it recorded until all the approvals are granted. Mr. Hassett confirmed that the Board could hold the plan until all approvals were granted. Ms. Harbottle said all the approvals could be recorded together for easier reference by future homeowners. Mr. Hassett said that if there is a buyer for Lot 1, then they will come in with a new plan if the buyer wants to close earlier than the common driveway approvals being complete.

Ms. Burbine moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, MA showing a division of parcels 33-6-31, 33-6-16 and 33-6-16A 35 Dreamwold Road prepared by Morse Engineering Co., Inc. for the Susan A. Phippen Trust revised dated April 9, 2015 as the division of the tract of land shown is not a subdivision because every lot

shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the public way of Dreamwold Road when the 50 foot frontage special permit approved by the ZBA is recorded. The plan shall be held in escrow by the Town Planner until proof of the recording of the ZBA special permit and common driveway special permit are furnished and the wetland line is approved by the Conservation Commission. Mr. Vogel seconded the motion. Motion was unanimously approved.

### **61 Border Street – Enforcement Issue**

Mr. Vogel is recusing himself from this matter as it may potentially come to the Building/Inspections Department for enforcement.

Chairman Limbacher said he received a call from Joe Bonomi regarding 53 Border Street. Mr. Bonomi said that his property is receiving stormwater from 61 Border Street as a swale and wall have never been built and he indicated the silt coming down is making his property hard to sell. Chairman Limbacher said both properties are for sale. He indicated he talked with Ms. Harbottle and Mr. Duggan who have had feedback from the Board of Health indicating that the septic system was not properly inspected and there are issues with the stormwater permit. He said no certificate of occupancy has been granted.

Ms. Harbottle said the lot is tight and they had to do blasting to fit all the site components. She said the abutter called last summer and the swale and wall were supposed to be put in, but nothing has happened. She said she is going to the site on Tuesday to meet the owners and their engineer and the Town's consulting engineer will be present. She also indicated the owners are coming in on April 23 for a discussion on the project. Ms. Harbottle said that the Board needs to think about other ways of enforcement besides occupancy permits. Mr. Pritchard asked if there was a rationale why the work was not done. Ms. Harbottle indicated she was not aware of one as the house is done and the hill seeded. She said that the swale is needed to direct the water. Ms. Burbine asked if there could be a fine issued. Ms. Harbottle said the bylaw would need to be modified. Mr. Pritchard asked for the original drawings to be sent along with a schedule for completing the work.

### **Preparation for Town Meeting**

#### **Documents**

- Article 19 Town Meeting report – Citizen Petition article for Planned Development District
- PowerPoint presentation on Article 17 – Accessory Dwellings
- PowerPoint presentation on Article 16 – Building Height in FEMA Flood zones
- Email on Bartlett Fields – Traffic Review letter
- Email on Bartlett Fields – Bartlett Fields website

Mr. Pritchard said he has been called out of Town on 4/13 and will not be able to do the Building Height presentation. It was determined Mr. Vogel would do building height, Chairman Limbacher will read the report for the citizen petition article and Ms. Burbine will do the accessory dwelling presentation. Ms. Harbottle said that a member of the Board of Selectmen will make the motion, the Planning Board then reads the report and gives it to the Town Clerk and then the Board discusses the article. Ms. Harbottle said there will be a double sided handout in the lobby for each of the 2 articles. Ms. Burbine moved to approve the report on Article 19- Changes to the Planned Development District as written. Mr. Pritchard seconded the motion. Motion was unanimously approved.

### **Use of Standard Conditions**

Ms. Harbottle said that at the end of the last meeting, concerns were raised about the time it takes to read all of the conditions. She indicated that she checked with Town Counsel and all of the conditions do need to be read; however, it is acceptable to have standard conditions that are referenced. She said there would need to be a public hearing for the standard conditions and that accessory dwellings and common driveways may lend themselves more easily than other types of projects. Mr. Vogel suggested that there seems to be standard conditions for subdivisions and maybe some of them relating to light, noise and working hours could become standard conditions for the Town. Ms. Harbottle said that most Towns don't have standard conditions like that. Mr. Vogel said that an attorney or applicant could still challenge a standard condition.

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

#### **Documents**

- Email to Board members with 3/31/15 Site Plan Administrative Review decision on Town Library filed with the Town Clerk
- Staff report for 4-9-15
- Email on Board and Committee Informational Meeting

These items were distributed to the Board electronically.

Chairman Limbacher said that the Town Administrator is having a meeting on April 21 from 6-8 pm at the Community Building to try to get residents interested in applying for positions on Town Boards and Committees. Ms. Harbottle said she would look to see if the Board needed to post for the meeting.

The Board was supportive that a GATRA bus will start in June.

Mr. Vogel moved to adjourn the meeting at 8:55 p.m. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Richard Taylor, Clerk  
4-23-15  
Date Approved