

SCITUATE PLANNING BOARD MINUTES May 25, 2017

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

Others Present: Ms. Laura Harbottle, Town Planner.

Others Absent: Richard Taylor.

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

- 5/25/17 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chairman Pritchard indicated there was a posted agenda. Mr. Limbacher seconded the motion for the posted agenda and the vote was unanimous in favor.

Chairman Pritchard thanked Reggie Wynne who resigned as Alternate Member for his time effort and commitment to the Planning Board. He welcomed Ben Bornstein who was elected on 5/20/17 and thanked him for his interest and expertise.

Informal Discussion with the Design Review Committee

Documents

- Email to the Board dated 5/22/17 with Planning Board agenda for 5/25/17 and information on communication between the Planning Board, Design Review Committee and Zoning Board of Appeals

John Roman and Hal Stokes were present for the Design Review Committee (DRC). Mr. Stokes said he did not set a formal agenda for the discussion, but the DRC serves the Planning Board and reviews designated properties for compatibility with Scituate including signs, multifamily housing and commercial developments. Chairman Pritchard thanked the DRC for its support. He said he is not certain they are providing what the Board needs, but the DRC does issue their recommendations and understands the Board has latitude to change the recommendations. He indicated that 13 Ford Place was an example where the plans were changed during construction and the Planning Board called the owner in to review the changes which were brought back to the DRC. He asked what teeth does the DRC and Planning Board have to see that the DRC recommendations are followed.

Chairman Pritchard said the Board did not give approval for the changes at 13 Ford Place and called the applicant in to meet with the Board after the changes were made. He said the Board expects people to follow the approved plans or come back prior to making changes so that if consultation with the DRC is needed it can occur. He said the DRC also supports the ZBA and the Board would like to know what recommendations are being made to them and suggested that keeping in touch with the Town Planner will be best for the Board. He suggested that minutes and agendas be sent to the whole Board so that continuity can occur. Ms. Burbine concurred as the Board and committees all work for the benefit of the Town.

Mr. Roman said he was not aware that projects can come from the ZBA. He suggested that front elevations of proposals along with elevations of the adjoining properties be provided. He said that would provide relevant information and he would not have recommended approval of 93-97 First Parish Road if he had seen an elevation with the adjoining home at 99 First Parish Road. He indicated that elevations show scale and surrounding which is important. Mr. Stokes inquired if the DRC has the latitude to create that requirement.

Mr. Stokes said he understands that the proving grounds property is coming in. Chairman Pritchard said he would like to see the DRC involved as the Board will be looking at architectural review. Mr. Roman indicated that he would like to see a scale model of that development showing the relationship to its surroundings. He said he thought budget should not be an issue for Toll Brothers. He said the DRC would also like to be able to do site visits with contractors. Ms. Burbine remarked that those tools would not have been helpful with 93-97 First Parish Road as the foundation was in before the Board saw the Site Plan Review application and the ZBA approved the plan. Chairman Pritchard said the DRC can do site visits and will let them take the lead. He said Mr. Taylor is the liaison to the DRC and he should be involved. Mr. Stokes said they will keep the Board informed. Mr. Limbacher asked if this can be before applications are presented to the Board.

Ms. Burbine asked if the DRC did receive a copy of the Toll Brothers plans. Ms. Harbottle said no architecturals were received and so the plans were not distributed to them. Ms. Burbine commented that the garage locations do need to be reviewed for a sense of community.

Chairman Pritchard asked for public comment and there was none. He said that signage would not be discussed tonight and would probably be on the June 8 Board meeting. Mr. Stokes inquired about the timing as their meeting for June is on June 13. Ms. Harbottle said the sign information could be distributed simultaneously to both the DRC and Board. Donna Bangert of the Beautification Commission said she has heard that there are plans to put signs in islands that the Beautification Committee maintains. She asked that the Beautification Commission have input prior to any signs appearing in islands. Chairman Pritchard said he was not aware of the issue. Ms. Harbottle said that some of the pedestrian wayfinding signs are planned to go in the island by the Harbormaster's office, opposite One Mountain Bank and the Welcome to Scituate Harbor sign. Ms. Bangert asked if the locations were planned or being considered. Ms. Harbottle said considered as the Board of Selectmen must approve the locations and some handicap accessibility issues have been raised. She indicated she would touch base with the Beautification Commission and indicated that the Economic Development Commission is the lead commission on these branding signs. Chairman Pritchard emphasized that communication between the groups is vital.

Update progress on engineering for Permanent Swale – Blanchard Farm Estates

Documents

- As Built of Topography of Lot 7 dated 5/24/17 Sheet 1 of 1

Greg Morse said that he submitted materials to the Board for the May 11 deadline for the temporary drainage swale fix. He said at that time he did not include as-builts as the site work was not in compliance with the plan. He said the contractor did revisions in the field and he completed surveying about May 18 and has now done a certification statement that the swale will not provide off-site flooding. He said he has included pictures of the swale in his package and has heard of no issues with the swale since it was corrected. Abutters Frank Kelly and Tom Quinn both indicated they have had no water since the swale was corrected; however, Tom Quinn indicated there has not

been a significant rain event. Chairman Pritchard indicated that the Board has just received the as-built and will be looking for its consulting engineer to review the information. He inquired as to the long term performance of the swale and entire drainage system. Mr. Morse said he reran all the calculations with the as-built condition and provided post construction calculations that are in tune with what was designed. He said the system is functioning as intended. Chairman Pritchard asked if the swale elevations were reconciled with the information from Mr. Quinn's consultant, Hodge Water Resources. Mr. Morse said he has had no correspondence with them. Chairman Pritchard said he would like the letter and profiles reconciled. Mr. Morse said the consultant indicated there was a high spot on Lot 7 and now it is gone. Chairman Pritchard indicated that the Hodge material identified the nature of the swale not being a swale that would take water to its destination as water could accumulate along the way and spill over onto abutting properties. He said the Board needs to know that all of the design storms are accounted for. Mr. Limbacher agreed. Mr. Morse said he ran the 2, 10, 25 and 100 year storms based on the as-builts and will defer to Merrill Associates to make sure it works. Chairman Pritchard said he only saw the as-built for Lot 7 and he wants it verified that the swale will not back up onto other lots. Mr. Morse said he could put the plans along the back together onto one plan. Chairman Pritchard emphasized he wants all of the pieces put together with the Hodge data and a permanent resolution.

Tom Quinn said that in the last two weeks there have been changes to the topography on Lot 7 where the height of the slope has increased and the slope has moved closer to the property line. Chairman Pritchard said he just heard that Mr. Morse certified the plan. Mr. Morse said he certified the plan in accordance with the special permit conditions which are that drainage won't have a negative impact on abutters. Mr. Quinn said that there is a large hill between Lot 8 and Lot 7. Mr. Morse said that as a result of the survey, Lot 7 and 8 had to be reconciled so that each grading worked together and did not stop at the property line resulting in water potentially going offsite to the Quinn property. Mr. Morse said that Lot 7 was not appropriately graded until now. Chairman Pritchard inquired if fill was brought in so that the parts of Lot 7 and 8 that were supposed to drain to the street would drain that way. Mr. Morse said that fill was brought in to make the subcatchment delineation work as intended. Mr. Quinn said there was no plan for a modification to the subdivision submitted and he indicated over a year ago that the grades were different. Mr. Morse said the Board is not approving individual lot grading, but that the drainage assumptions made on the subdivision plans work with the grading for the individual lots. Mr. Quinn said that Lot 7 changed too. He said that Mr. Hassett signed off on the septic as-built on November 22, 2016 and it certifies no water runs to other properties. Mr. Morse said that was for the Board of Health and septic and not for grading as related to stormwater. Chairman Pritchard said that the Board looked at the side entry and the final grading is being reviewed and there will be an independent review of the drainage and stormwater calculations.

Patrick Hunter of 9 Blanchard Farm Lane – Lot 7 asked when this ends. Chairman Pritchard said that the Board is close. He said the Board wants to make sure the stormwater will work for the subdivision in perpetuity. He said the current problem seems to be resolved, but it has to be verified by the Town's consulting engineer. Mr. Hunter asked what if the engineers differ in their opinion that the matter was resolved. Chairman Pritchard said that then we will all have to discuss that at the next meeting. Mr. Morse indicated that all the data has been submitted. Chairman Pritchard said that the data from Hodge Water Resources and overall swale plan must be part of the materials for Merrill to review.

Terri Kelly of 34 Whittier said the stone wall was knocked over behind her house during the construction process. Mr. Morse said the builder was aware of it. John Rehm, of K & E

Construction the builder of Lot 7, said the wall will be fixed when the major work is done and he said he would contact the Kelly's. Ms. Harbottle asked the Board if they want a timeline committed to in writing as seeding and landscaping are also waiting to be done. John Rehm said they cannot commit to a timeline until they receive confirmation that the drainage is correct. Ms. Harbottle said assume it is the next meeting. Chairman Pritchard said it is key to getting the drainage correct as it impacts flooding and multiple homeowners and information will be presented at the next meeting. He said the Board will try to get it correct as neighbors have been flooded. Ms. Harbottle said that the screening plantings on Lot 8 are an issue as some have died. Mr. Morse said he would reach out to Don Gillespie, the Lot 8 builder. Ms. Harbottle said that the Town Administrator also observed what she had previously observed on the swale toward the stone trench appears to go uphill. Mr. Morse said that has been corrected and the latest survey includes the correction that was done. Ms. Harbottle said that the Town Administrator visited the site on Monday May 22 after the work was done. Mr. Morse offered to visit the site with Ms. Harbottle. Mr. Hunter asked what if he plants things and then can't water. Ms. Harbottle said there are usually guarantees on the plants and watering can be discussed. Mr. Quinn said the original natural swale was in a no cut area and now an engineering swale exists within an area that has been disturbed. Mr. Morse said that the materials in Appendix A include the predevelopment contours and the shallow swale which is all being reviewed.

Endorse Site Plan Administrative Review Plan and Sign Common Driveway Agreement

Documents

- Common Driveway and Stormwater Permit Plan Sheet 1 of 1 endorsed 12/1/16 and Common Driveway Agreement dated 5/17

Greg Morse said the Common Driveway was approved before the Board a year ago; but the mylar was not signed and recorded at the Registry of Deeds even though the site is built and a conveyance is about to occur. Chairman Pritchard asked if there were changes and asked about as-builts. Ms. Harbottle said as-builts will be required. Ms. Joseph indicated that the Board previously voted to sign the mylar and a vote was filed with the Town Clerk and the Board has a signed plan. Ms. Harbottle said the new mylar is because the vote was over six months ago and the Common Driveway Agreement needs to be signed too.

Ms. Burbine moved that the Planning Board sign the Agreement between the developer of the Common Driveway at 700/704 Country Way, the owners of the two lots sharing the Common Driveway and the Planning Board, which requires maintenance and repair of the driveway and stormwater management system, the latter according to the Operation & Maintenance Plan approved by the Planning Board and endorse a mylar prepared by Morse Engineering. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Review Scope of Services for Consulting Engineer for Seaside at Scituate

Documents

- Scope of Services for Project Peer Review dated

Ms. Harbottle said the Town developed a Scope of Services for Horsley Witten (HW) for Seaside at Scituate and HW countered with a revised scope and they provided her with an estimate for the cost based on similar projects they had encountered. She said portions of the scope were lighter than what the Town wanted as they didn't have a Licensed Site Professional (LSP) and analysis for

actionable releases was different. Chairman Pritchard asked if Ms. Harbottle was prepared to edit the draft and get the differences resolved. Ms. Harbottle said she was having difficulty tracking down the people to have conversations with. Ms. Burbine said that sends up a red flag to her if they are hard to reach. Ms. Harbottle said she will let them know that this contract is a substantial amount of work and will ask them if they are able to handle it. Chairman Pritchard said the Board needs to know that they are on board for the duration of the project.

Ms. Harbottle said they are also proposing that all materials be submitted to them 21 days before a hearing and asked if the Board was acceptable to that. Chairman Pritchard thought that the scale of the work requires it. Attorney Jeff DeLisi and Dave Buckley from Toll Brothers were present. They indicated that they were already within the 21 day timeframe for the Conservation Commission to have a hearing. They were concerned with the Notice of Intent review occurring for the Conservation Commission hearing which opened three weeks ago and a continued hearing is on June 7. He asked for wetlands and stormwater review prior to this hearing. He also asked for a bifurcated review so they can get underway with the Commission and they have something to talk about on June 7. They asked when the initial hearing for the Planning Board would be. Chairman Pritchard said the Board is looking at July 13. Chairman Pritchard asked if the Board had any objection to HW starting the review for the Conservation Commission before the scope was finalized as they were hoping to do just one scope of services. Ms. Harbottle said that it is desirable for Planning and Conservation to have a joint hearing for stormwater. She said Conservation can start their hearings before Planning and do wetlands issues. Mr. DeLisi said the Conservation Commission hearing on June 7 will be continued and they welcome joint hearings on environmental and stormwater issues. He said HW can start to look at Notice of Intent issues not related to stormwater. He said the Conservation Commission has an application and plans and Toll Brothers will send a check tomorrow for the review to begin.

Mr. DeLisi asked if the Board was going to vote on the final scope of services. Chairman Pritchard said there will be changes so that he doesn't think a vote on every change is necessary as they are agreeing to a base scope. Chairman Pritchard said the Board needs to have the resources to help them answer the questions for the project. Mr. DeLisi said that he noticed in the original document and HW's response that there was to be review under the subdivision rules and regulations. He indicated that this is not a subdivision and not all the subdivision requirements are applicable. Mr. DeLisi said it will be a special permit review and findings are somewhat different and a full blown subdivision review is not necessary. Mr. DeLisi said subdivision regulations are under Ch. 41 and zoning is under Ch. 40. He said the project should be reviewed under zoning as there should be findings that the project is in harmony with zoning bylaws, superior to a conventional subdivision plan and meets the design standards in the bylaw. Chairman Pritchard said he expects the review to occur with guidance of the subdivision regulations. Mr. DeLisi said the project is the only land in this zoning district which allows residential cluster. He said he thought the Board should be tighter with what they are asking HW to do with respect to the subdivision regulations and said everybody is dealing with this bylaw for the first time.

Ms. Harbottle said the Conservation Commission feels they are covered for stormwater in the scope of services. She said they are working on a traffic consultant and the choice will be Vanasse and Associates. She said there will need to be review of the Fiscal Analysis and a third party architectural review and a Licensed Site Professional (LSP) needs to be on the HW team. Ms. Burbine asked if there was a possibility of having a clerk of the works. Ms. Harbottle said inspections aren't included at this time and that is a good idea for a separate scope later. Mr. Limbacher asked the build out time. Mr. Buckley said 5-6 years based on the market. Mr. Bornstein

said a LSP is needed and he would like to see a registered landscape architect on the team for review of landscape, lighting and stormwater so that the design can be sensitive to the environment and a multidisciplinary approach to design is taken. Chairman Pritchard asked Mr. Buckley for his reaction to the desire for a scale model as requested by the DRC. Mr. Buckley said that is not typical. He said they will have a 3D animation fly through view on the computer that will be in their presentation. Chairman Pritchard asked if the edges would be captured in this model. Mr. Barkley said that they haven't built 3D models of the neighboring houses. He said they have the edge of woodland in the model and a feel for the landscape design can be obtained. Mr. DeLisi said a 3D model would serve no purpose as the zoning bylaw requires open space and buffers. He said comparing the massing with the neighborhoods may be difficult and not yield much information. Mr. Buckley said the seven single family homes along Hatherly Road are in the model and the views to the ocean beyond. Mr. DeLisi said those lots are designed to meet the criteria of the zoning district they are in just like ANR lots. Chairman Pritchard said the plan will be reviewed comprehensively. Ms. Burbine commented that she doesn't want all the garages and doors on the street. She said she would like to see a neighborhood

Chairman Pritchard said Ms. Harbottle will authorize HW to begin Notice of Intent review and get them on board and moving. Mr. DeLisi said he would coordinate with Ms. Harbottle for the dollar amount tomorrow.

Declare Planning Board Alternate Seat Vacant

Ms. Harbottle said that the Town Clerk said that a new alternate to the Board can be appointed with a joint appointment by the Board and Board of Selectmen right away and then the person would have to run for election at the special election on September 16 or the Board could wait until the September election for a new alternate member. She said it may be a good idea to have an appointment right away with the big projects coming in and travel plans of the Board. Ms. Burbine said by the time a meeting is scheduled with the Selectmen it would be the end of June. Ms. Harbottle said an article could be put in the paper for people with the proper background as sometimes an appointment with the proper credentials is important. Ms. Burbine asked if the person would need to run in September and again next May. The Board discussed and agreed that they would wait until the September election for the position to be filled. Mr. DeLisi confirmed that no members of the Board are abutters to the Seaside at Scituate project.

Ms. Burbine moved to declare the Alternate Planning Board member position vacant and to request the Board of Selectmen to put the position on the September 16, 2017 election ballot. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Reorganization of the Board

Documents

- Planning Board Liaison List dated 2/24/2017

Ms. Burbine nominated Mr. Pritchard for Chairman. Mr. Limbacher seconded the motion. Motion was unanimously approved. Mr. Limbacher nominated Ms. Burbine for Vice Chairman. Motion was seconded by Mr. Bornstein. Motion was unanimously approved. Ms. Burbine nominated Mr. Bornstein for Clerk. Mr. Pritchard seconded the motion. Motion was unanimously approved. The Board agreed that Mr. Bornstein will be the new liaison to the ZBA. Ms. Burbine said the Board

needs a new representative to the South Shore Coalition and the Board should discuss this when Mr. Taylor is present.

Accounting

Documents

- PO # 17111196 (\$225.00), PO #1711197 (\$220.97), PO # 1711028 (\$1,820.00)

Ms. Burbine moved to approve the requisition of \$225.00 to Tracey Sales for toner for the large format printer, for \$220.97 to J & R Graphics for envelopes and tickets for Planning Board fines and for \$1,820.00 to Merrill Corporation for engineering peer review for 4 Union Street. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Liaison Reports

Ms. Burbine said indicated the EDC has a good Greenbush visioning session on May 20. She said it was well attended and a final report is being prepared and will be available in the fall. She said the EDC would like to do a visioning session for North Scituate in the fall. Chairman Pritchard said the Board will need to update the Masterplan with items the EDC is working on.

Town Planner Report

Ms. Harbottle indicated that she met with the Town Administrator and the Quinn's and the meeting was productive. She said the Board needs to look at ways to prevent what happened from ever happening again. Chairman Pritchard said a lesson learned is the disconnect between the developer and the individual builders needs to be sorted out prior to the next subdivision approval as well as schematic representations of the houses and driveways. He said a better way needs to be found to address that in the approval so there is accountability and flexibility. He said the Board also does not want Certificates of Occupancy issued prior to key elements of the subdivision not being done including certification of grades on individual lots. Ms. Harbottle said the Planning Board and Conservation Commission now have the ability to sign off on occupancy permits. Chairman Pritchard said that visual impacts from cars, elevation changes and consideration of how a new development is integrated into an existing neighborhood all must be thought about in the approval process. Ms. Harbottle said that fill was needed on Blanchard Farm Estates in order for walk out basements to be on the north side and she suggested 3D modeling may be useful in the future. Chairman Pritchard said the Board did not realize what was approved until they saw it just like what the DRC said for First Parish Road. Ms. Harbottle said developing a list of what is required to bring to the DRC is important and perhaps a separate application is necessary. Chairman Pritchard said there needs to be caution there as Mr. Limbacher said so that developers work cooperatively with the town to achieve the best results for them and the Town. Mr. Limbacher said the problem the Board faces is when a project comes to it after it has been approved by the ZBA and DRC then there is little room for input from the Planning Board. He said the Board should have the ability to comment to the ZBA.

Ms. Burbine asked about 529-531 Country Way. Ms. Harbottle said that the new engineer is trying to obtain drainage calculations from the original engineer.

Ms. Harbottle said she is working with the Coastal Resource Officer to develop a coastal protection bylaw which would bring FEMA requirements into the zoning bylaw. She said the Town is looking

to have more control over the velocity zone, limit of moderate wave action zone and the floodplain. She said it will limit some expansions and new building which could be controversial; however the goal is to protect the vulnerable areas and ensure safety for first responders in emergencies. Ms. Burbine said the town needs to seriously consider this. Chairman Pritchard said he would like to see the bylaw well before the fall Town Meeting.

Old Business and New Business

Documents

- Email to Board dated 5/5/17 from Karen Joseph with agenda for 5/11/17

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting 9:40 at p.m. Ms. Burbine seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Benjamin Bornstein, Clerk

7-13-17
Date Approved