

SCITUATE PLANNING BOARD MINUTES June 23, 2016

Members Present: Stephen Pritchard, Chairman; William Limbacher, Vice Chairman; Richard Taylor, Clerk, Ann Burbine, Robert Vogel and new Alternate member Gerard Wynne.

Members Absent: None.

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, 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

- 6/23/16 Planning Board Agenda Amended

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

Discussion – North Scituate Visioning Ted Brovitz, Consultant to EDC

Documents

- N Scituate Village Vision Plan Draft 6/20/16
- Email from Laura Harbottle to the Board dated 6/20/16 with above material

Ted Brovitz, a consultant to the EDC, was present to discuss plans he has been developing with the EDC for a vision of North Scituate and what it could look like in terms of future economic development. He said the village of North Scituate is in a good location with the MBTA commuter rail present, the WPA building and single family homes. He said most of the property there is owner occupied or occupied by people who live in the community. He said the average age of the buildings is about 100 years old with about 158,115 net sq. ft. of space. He indicated the tax value is about 1.35 million an acre with about 89 employers employing approximately 300 people in small businesses. Mr. Brovitz said the lack of sewer is the biggest issue and sewer is necessary to facilitate expansion. Any expansion is at a minimum of three to five years out.

Mr. Brovitz said that there are 279 MBTA parking spaces present. He indicated that North Scituate has the second highest rate of ridership; however, ridership has not met the projected rates. He indicated installing gateway signs and landscaping and having some public parking in the WPA lot would help facilitate invigoration of the village. He suggested the pocket park by Bound Brook could possibly be made into a dog park with trail access along the brook. He indicated that the old train canopy is a great gathering spot and the post office building would be a great potential mixed use building. He suggested that the public parking should be reorganized to have it on both sides of Gannett Road which would slow traffic down by being narrower with more streetscape improvements. Ms. Burbine said that North Scituate looks all like pavement now and there are only five principal landowners which could make potential improvements easier to do. She said the speed limit will need to be enforced. Mr. Brovitz said that will usually happen with landscaping and

buildings closer to the street. Mr. Taylor said that the Cecil Group recommended utilities be placed underground. Mr. Brovitz said that is very expensive.

Mr. Brovitz said that the visual preference survey indicates that people want small mixed use spaces with outdoor spaces incorporated. He said there is opportunity for more retail, especially food services like a full service restaurant along with some office space. He indicated the base zones are R-2 and business with the Village Business Overlay District and Floodplain and Watershed District which is a limiting factor. He said the goal is to develop a vibrant village through redevelopment of underutilized and vacant property which will require cooperation between the public and private sectors. He said significantly more parking is needed for this to happen. He also suggested that the housing authority land may want to be redeveloped into a cottage type area with 1 to 1 ½ story buildings of approximately 1,000 sq. ft. He suggested the post office building could be redeveloped closer to the road with a second story and shared parking to the rear. Ms. Burbine offered that a plan is 5 to 15 years away, stakeholders need to be communicated with and the goal is to have a plan in place for when sewer comes to North Scituate.

Mr. Brovitz said that a strategic action plan may involve creating a new base district and modifying the existing design standards for the Village Business Overlay District into Form Based Standards. He said sewer, a return on investment analysis and a smart growth district are the top priorities. The Board asked how much public input has been involved thus far. Ms. Harbottle said that the EDC wants to sit down with the stakeholders and the Town. Ms. Burbine said the public will be involved. Chairman Pritchard said that the Board needs to carefully read the plan and then regroup. He said a sewer discussion needs to occur.

**Continued Public Hearing- Residential Compound Development Special Permit
101, 103 & 105 Hatherly Road**

Assessor's Map/Block/Lot 39-6-16, 16A & 17

Applicant: Diamond Development Realty Trust

Owner: Diamond Development Realty Trust/Bertha & William Brady c/o John Y Brady

Documents

- Comment from Anthony Antoniello dated June 21, 2016

Mr. Steven Bjorklund represented Diamond Development Realty Trust before the Planning Board. He said the hearing was kept open last time so that he could provide the Town Planner with a copy of the SWPPP Plan which shows construction entrances, storage areas and items to meet the EPA standards. He indicated he was asked to provide the sewer permits which he did the next day. Ms. Harbottle said the SWPPP is the basic plan for controlling erosion during construction. She indicated it was not reviewed by the consulting engineer, but the drainage was. Mr. Bjorklund said a Stormwater Permit was filed along with the special permit for the residential compound development.

Mr. Vogel asked if Diamond Development was intending to develop the homes. Mr. Bjorklund indicated that they will stay involved to make sure that all conditions that protect the property are completed, but he is not sure they will develop all the homes. Mr. Taylor asked about the character of the homes. Mr. Bjorklund said he gave Ms. Harbottle draft Homeowner's Association and Covenant documents. He said he and his partner will be trustees until the houses are sold.

Ms. Harbottle said that a memo was received from Anthony Antonello dated June 21 which highlights that the proposed development does not comply with the Town of Scituate Sewer Connection Policy dated 2/25/2013 as the proposed development property does not abut an existing municipal sewer connection main. Ms. Harbottle said that she talked with Kevin Cafferty who said a sewer stub was there since 1976 and there is no need for a sewer extension. She indicated that Mr. Cafferty said that was the way the DPW was handling sewer now; however, she does not have that in writing. Several members of the Board asked for that in writing. Mr. Bjorklund said he has letters and really doesn't think the Planning Board needs more information. Ms. Harbottle asked for the letters for the file. Chairman Pritchard asked Ms. Harbottle if she was comfortable with the DPW approach and she indicated she was.

Anthony Antonello said that this is a violation of the current and past sewer regulations. He said the property needs to abut a sewer main which is not the case here. He said the connections will be to a sewer manhole. He said there is no sewer in Hatherly Road and allowing the connection is a violation of the Selectmen's policy. He asked if Al Bangert reviewed the sewer request as it is not per the bylaw or town rules and regulations. He asked if the consultant reviewed the sewer. He said he objects to the sewer tie in as it is a violation of the town policy and will file an appeal if the project is approved. Mr. Bjorklund said there is a manhole at the driveway with an 8" pipe coming out that goes to the site. He said Mr. Cafferty asked him to replace the pipe to the manhole and seal the penetrations for the three new connections. He indicated he talked with Mr. Bangert who also had no issues. Mr. Bjorklund said the sewer manhole was the same as the manhole in Marion Road Extension and said it is not a Planning Board issue. He reaffirmed that he has letters from the DPW Commissioner.

Mr. Antonello said Mr. Bjorklund's comment on the sewer in Marion Road Extension is off base. He said there is a sewer line in the road and the house connections come off the sewer line. He said Mr. Bjorklund is connecting four houses to the manhole and indicated that people have been trying to develop the site for years but couldn't. Mr. Vogel asked Mr. Antonello if he had talked with Mr. Cafferty. Mr. Antonello indicated he had and told him the sewer main did not exist. Mr. Vogel said it sounds like the dispute is with DPW and not the Planning Board. Mr. Antonello said he will file a legal appeal with DEP as the sewer cannot be extended without correcting inflow and infiltration issues and capacity issues as these are violations of the Town's consent agreement. He indicated that the Board should contact the Board of Selectmen (BOS) as anyone could follow suit and people have been waiting for years to connect to sewer. Nancy Antonello of 34 Marion Road Extension said she would like Mr. Bangert and the BOS to weigh in on the matter. Ms. Harbottle indicated she has had no comments from them, but the DPW has looked at the issue and she will try to get something in writing from them. Chairman Pritchard said that he would like to resolve the issue to avoid litigation. Mr. Limbacher agreed.

Mr. Bjorklund said the sewer stub was put in so the property can be developed. He said the sewer from Marion Road goes to a manhole and then to the ocean. Chairman Pritchard said that the Board is not the decision making authority on sewer and there should be a written response to Mr. Antonello's June 21 letter. Mr. Bjorklund said an appeal would not affect the special permit. Mr. Taylor asked if the Board could approve the project pending a statement from the DPW. Mr. Bjorklund said there can be a condition that says the necessary permits are received for proper sewerage to the homes. He indicated he would not have engineered the project without the sewer letters. He indicated he could build in three to four days with the SWPPP and if he had all the other permits in place. Ms. Burbine said with Mr. Bjorklund's condition added, she is fine as the Board's issue is the Residential Compound Development. Chairman Pritchard disagreed and said it is the

Board's responsibility to look at all infrastructure and he would like the June 21 letter addressed. Mr. Taylor and Ms. Burbine inquired as to whether any of the departments have weighed in on the issue. Ms. Harbottle said that the Board does not get comments and signoffs from all the departments. She said they generally respond if there is an issue. Mr. Limbacher suggested the Board look at the conditions.

Jeb of Marion Road Ext. said he received a letter that an engineer is coming to give a determination of 50 feet of frontage on Hatherly Road. John Adams of 66 Booth Hill Road said he owns 99 Hatherly and had to put in a grinder pump. He said he received a notice from the Conservation Commission for a hearing next week. He said that Mr. Bjorklund needs other permits and cannot be on the site in three to four days as he said he could do because he has his SWPPP Plan. Chairman Pritchard said the Conservation Commission will issue an Order of Conditions. Mr. Bjorklund said that he could be on the site in four days under the SWPPP itself if all his other permits were in place, but they are not and he will not start construction until the permits are in place. He said the Conservation Commission will not determine if there is 50 feet of frontage, but they will determine how the driveway is constructed within 100 feet of a wetland. Mr. Bjorklund indicated the SWPPP Permit is usually the last permit obtained, but the Planning Board wanted the plan prior to a decision.

The Board decided to keep the hearing open so that it could do its due diligence and get a response to Mr. Antonello's June 21 letter. Mr. Bjorklund said that the Board is really asking for a letter to say that the March letter is still valid in June, but the Board does not approve sewer. Ms. Harbottle said that there is language in the residential compound standards talking about the rural character of Scituate and that could tie into the waste disposal issue. Mr. Bjorklund reluctantly agreed to an extension.

Mr. Limbacher moved to accept the applicant's request that the Public Hearing for 101,103 and 105 Hatherly Road Residential Compound Development Special Permit be continued until July 14, 2016 at 9:00 pm in the Selectmen's Hearing Room at Town Hall, 600 C J Cushing Hwy and the decision be filed with the Town Clerk by July 29, 2016. Ms. Burbine seconded the motion. Motion was unanimously approved.

Request for return of funds held for drainage and infrastructure – Ingrid Lane

Documents

- Email from Laura Harbottle to Board dated 6/9/16 with as-built of Lot 2 dated 4/20/16, letter from Ross Engineering dated 5/13/16, recorded subdivision plans dated 6/10/09 with revisions through 3/22/10
- Ingrid Lane inspection reports dated 12-11-14 and 6-24-15
- 3-26-10 Ingrid Lane Definitive Subdivision decision
- Email from Laura Harbottle to the Board with above materials dated 6/20/16

Mike Vazza of 26 Marion Road Ext. was present as one of the two developers for Ingrid Lane. He said when the lots were released on Dec. 14, 2014, the Board asked for \$5,000 surety for drainage which was on the lots and not in the cul-de-sac. He said he reluctantly gave the surety. He said the Board has received the as-built and Ms. Joseph and Ms. Harbottle inspected the drainage for the lots. He said Ms. Harbottle said the drainage was not done per the original plan as the tree box filter was not present and she asked the engineer for a letter to say that the drainage was acceptable. Mr. Vazza said the engineer said the tree box filter was extra and it did not fit in with the owner's plan. He said he would like his funds returned.

Ms. Harbottle said this was an old development reviewed by CEI. Mr. Vazza said Amory Engineers reviewed the street. Ms. Harbottle said that Amory Engineers was satisfied with the cul-de-sac. She said the tree box was not installed so she simply asked why. She said the explanation seems reasonable and it appears that the surety can be returned. The Board was satisfied.

Mr. Limbacher moved to return \$5,000.00 of surety being held for the project and to waive the requirement for the tree filter as the level spreader provides as much protection as the tree box filter would have. Mr. Vogel seconded the motion. Motion was unanimously approved.

Status – Completion of Kimberly Estates Subdivision

Documents

- Amory Engineers estimate dated 6/16/16
- Email chain from Kevin Kenny to Laura Harbottle dated 6/16/16
- Email from Laura Harbottle to the Board dated 6/20/16 with above materials

Kevin Kenny was present as an interested party who would like the walkway and the puddling in the cul-de-sac fixed. Ms. Harbottle said the Town is holding surety under legal reasons that do not include maintenance. Mr. Kenny said he thought the developer was supposed to maintain the road until it was accepted as there is no homeowner's association for the development. He would like the Board to ask the developer to do the maintenance. As this is an old subdivision, Ms. Harbottle said that a title search would probably be necessary to determine who currently owns the road. Mr. Kenny said the neighborhood would like the road to go up for street acceptance and this is the first step in the process to get an estimate of what it would cost to complete.

Mr. Taylor suggested that the homeowners could sue the developer. Ms. Burbine suggested that could be futile and suggested that the homeowners hire someone to create a homeowner's association and betterments would likely be assessed to each home in the street acceptance process. Chairman Pritchard said that there is no guarantee of road acceptance and surety is held to make sure the road is completed. Mr. Kenny said that the regulations indicated the developer is responsible for maintenance.

Mr. Taylor moved that based on the report of their consulting engineer, Patrick Brennan P.E. of Amory Engineers P.C. dated June 22, 2016 the Planning Board finds the Kimberly Estates subdivision incomplete with respect to the following items:

- 1) Failure of the walkway between Kimberly Drive and Pyramid Lane;
- 2) Drainage problem in the cul-de-sac turnaround of Kimberly Drive;
- 3) Electric meter socket affixed to a tree adjacent to the walkway between Kimberly Drive and Pyramid Lane;
- 4) Condition of the drainage system indicates need for cleaning;
- 5) Need for as-built plans and;
- 6) Funds for inspections by Amory Engineers.

and further that the Planning Board pursue any available surety provided by the contractor, R.D. Matthews, Inc. and held by the Town of Scituate to cover the cost of \$40,000 to complete the subdivision, as estimated by Mr. Brennan. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Form A - Lighthouse Road

Assessor's Map/Block/Lot 46-5-25, 26 & 27

Applicant/Owner: Scituate Historical Society

Documents

- Application and Plan of Land in the Town of Scituate, MA Lighthouse Road showing a division of Lot 85 into parcels 85-A and 85-B prepared by Ross Engineering Co., Inc. for the Scituate Historical Society dated 5/19/16
- Excerpt of Assessor's Map
- Transmittal to departments dated 6/16/16

David Ball of the Scituate Historical Society was present. He said the society was given three lots on Lighthouse Road which are at most times underwater. He said that both abutters are interested in acquiring some of the land so that Lot 85 will be split in half and each abutter will receive 6,000 sq. ft. of non-buildable land. He said the society will benefit from the money and both the other lots will be less non-conforming. Ms. Harbottle said the ANR is straight forward and provides non-buildable land to each abutter and revenue to the society. Mr. Taylor asked why the land was initially donated. Mr. Ball said that the donation was from an elderly person and perhaps they wanted a tax deduction. Mr. Limbacher said it will be good to have the land back on the tax roll.

Mr. Taylor moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in the Town of Scituate, MA Lighthouse Road showing a division of Lot 85 into parcels 85-A and 85-B prepared by Ross Engineering Co., Inc. for the Scituate Historical Society dated 5/19/16 as the division of the tract of land shown is not a subdivision because it is a division of a non-buildable lot and no new buildable lots will be created. The Planning Board waives the application fee as the plan is for the Scituate Historical Society. Ms. Burbine seconded the motion. Motion was unanimously approved.

Reorganization of the Planning Board

Mr. Vogel nominated Mr. Pritchard for Chairman. Mr. Taylor seconded the motion. The motion was unanimously approved. Mr. Vogel nominated Mr. Limbacher for vice chairman. Mr. Pritchard seconded the motion. Motion was unanimously approved. Mr. Taylor nominated Ms. Burbine for Clerk. Mr. Limbacher seconded the motion. Motion was unanimously approved. The Board reviewed the liaison list and made some changes for the 2016 – 2017 year.

Accounting

Documents

- PO # 1608814 (\$1,870.00), PO # 1608862 (\$5,000.00), PO # 1608891 (\$54.04), PO # 1608897 (\$53.04), PO # 1608898 (\$975.00), PO # 1609067 (\$77.00), PO # 1609075 (\$5,022.26)

Mr. Taylor moved to approve the requisition of \$1,870.00 to Chessia Consulting Services, LLC for construction inspection services for The Glen, for \$5,000.00 to Statewide General Remodeling for return of a stormwater bond for 15 Lynda Lane, for \$53.04 to Laura Harbottle for mileage for the MAPD conference, for \$53.04 to Karen Joseph for mileage for the MAPD conference, for \$975.00 to Merrill Corporation for engineering peer review for 105 Hatherly Road, for \$77.00 to the Plymouth County of Registry of Deeds for recording Planning Board signatures and for \$5,022.26 to Michael Vazza for return of surety for Ingrid Lane. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Minutes

Ms. Burbine voted to approve the meeting minutes of 6/9/16. Mr. Vogel seconded the motion. Motion was unanimously approved.

Liaison Reports

Ms. Burbine reported that the CPC is in the process of obtaining appraisals for the land in the west end. She said the CPC return this year is a 33% match.

Old Business and New Business

Documents

- Email to Board dated 6/17/16 from Karen Joseph with agenda for 6/23/16 meeting
- Email from Laura Harbottle to the Board dated 6/17/16 with Attorney General approval letter of the Stormwater General Bylaw
- Email to the Board dated 6/20/16 from Laura Harbottle with meeting materials for 6/23/16
- Email to Board from Karen Joseph dated 6/21/16 with 6/23/16 amended agenda and 6/9/16 meeting minutes

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 10:22 p.m. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Ann Burbine, Clerk
7/14/16
Date Approved