

SCITUATE PLANNING BOARD MINUTES June 25, 2015

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

Members Absent: None.

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

Documents

- 6/25/15 Planning Board Agenda

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

Update: Design Review Committee recommendation, Public Safety Building

Documents

- Draft meeting minutes from Design Review Committee (DRC) Meeting dated June 9, 2015

Chairman Pritchard indicated that everybody received the Draft DRC meeting minutes from when they met on the Public Safety Complex. He indicated that the DRC would like to have a follow up meeting to review the items they highlighted. Mr. Taylor said the building massing and layout was nicely done and the DRC wants a final review of the materials to verify that they match the renderings. Mr. Vogel agreed and also noted that they have resolved a minor height issue and they are verifying that the 100' setback to Chief Justice Cushing Highway will be met. Ms. Joseph, Planning Board Assistant, noted that the application for Site Plan Review to the Planning Board will be filed in the next few weeks.

Update: MBTA parcel – Design Review for Proposed Development

Ms. Joseph indicated that Conroy Development said they will be filing preliminary plans for a meeting with the DRC on July 14 and then will file plans for Site Plan Review shortly after meeting with the DRC.

Update: Scituate Middle School

Documents

- Letter to Robyn Levirne dated 6/23/15 from Stephen R. Pritchard

Chairman Pritchard said that a proactive letter was sent to the School Building Committee indicating that the Planning Board will be supportive of their schedule for filing for Site Plan Review for the Middle School Project.

Update: Seaside at Scituate (Toll Brothers)

Documents

- Scope of work from Horsley Witten for preliminary stormwater interpretation/review

Chairman Pritchard said that the proposed development has not been filed so there is nothing to discuss. He said an initial review of stormwater issues is being done by the Town consultant in conformance with the Scope of Work the Board received. He said the Board will be informed when material is received.

Update: Benjamin Studley Farm

Documents

- Letter from Ohrenberger, DeLisi, Harris LLP dated 6/24/15
- Letter from Attorney Watsky to Board dated 6-24-15
- Email from Laura Harbottle to Board dated 6/5/15 with as built of front basin and site visit update
- Email from Karen Joseph to Joe Iantosca dated 6/24/15

Chairman Pritchard indicated that he wanted a follow up from the May 25, 2015 Planning Board meeting and the letter that was received a few hours prior to the meeting.

Joe Iantosca indicated that the depth of the water in the entry wet basin was a concern from last time. He said that Amory Engineers reviewed the as-built and indicated it was consistent with the design plans. He said there was not 5' of water in the basin, but 3 pools with 2.5 feet of water in them. He said they will do more work in the basin when the seasonal high groundwater is low and the basin is dry. He said the water levels are consistent with the as-builts.

Mr. Iantosca said additional screening was put in to shield the neighbor's property. He said the planting in the basin has been reviewed by Brad Holmes and a memorandum was sent to the Conservation Commission. He indicated that on June 12, his landscapers replaced dead plant materials around the site and some that were under water. He said he has some items remaining to be done including placing water bags and some trimming. He indicated the planting is consistent with what was designed except for the plantings at the bottom of the wet basin. Chairman Pritchard asked about the water depth now as it looks a bit like a lake with not much vegetation. Mr. Iantosca said that at the last meeting Al Loomis of McKenzie Engineering explained that the 3 micro pools hold 2.5' to 2.8' of water and that the Conservation Commission required the wet basin. He said the remainder of the basin holds up to 18" of water.

Mr. Vogel asked about the 3 wet basin outlets. He said there was a 2.5" orifice at 107.7, the main orifice at 108.85 and the top of the grate. He asked if the main orifice to keep the water at the right level was the 2.5" one. Mr. Iantosca indicated that it was as it mitigates the existing flow. He said that they are not allowed to increase the volume or flow offsite. He said an observation of the staining indicates that is where the water level is. He said surges that go over replicate the existing condition of water passing over the street.

With regards to Basin 2, Mr. Iantosca said that it came to their attention during the winter that the basin was not draining in 72 hours. He said the basin was inspected during construction and all the parameters were met. He said the basin was holding 15 – 18" of water. Mr. Iantosca said the water

was pumped out of the basin and has been dry since May 18. He said they have put in monitoring wells and have dug hand holes to see if the groundwater is consistent with design parameters. He said that when the basin is completely dry, they will do soil samples with a small machine to see if there is an impervious layer of clay or sediment that is causing the basin not to drain. He indicated it has not been dry enough yet to do this testing. He said once they determine what the problem is, they will bring it to the Board and the peer review engineer. He said there have been no breaches of the basin or erosion or sedimentation issues.

Chairman Pritchard asked if the groundwater was consistent with the data. Mr. Iantosca said it is not significantly different. Mr. Taylor asked about the 2 basins in back. Mr. Iantosca said one is a forebay which collects sediments and connects to the larger basin by water passing over a berm. He said there is a temporary basin that is used during construction so no sediment gets in the permanent basin. He said the temporary basin is also where the water goes from dewatering. He said it has done its job as there is about 12 to 14" of silt in the temporary basin. Mr. Vogel asked when the sump would be cleaned. Mr. Iantosca said it would be in place until the final homes are constructed and it will be cleaned when it dries out.

Mr. Vogel asked about the front basin. He said that a 12" pipe enters the basin but only a 2 1/2" opening takes water out. He thought there was greater potential for more water to come into the basin than can leave it. He asked about the time calculation for when it would drain down to the 2 1/2" orifice. Mr. Iantosca said he is not an engineer, but McKenzie Engineering did the calculations and it was reviewed by the Board's consulting engineer, Beals and Thomas.

Mr. Watsky addressed the Board as the applicant's permitting council. He indicated that on the easement issue for the culvert outlets for the basin on the south side of Clapp Road, he suspected the Board has not been copied on correspondence from Attorney DeLisi. He said there is no new correspondence as the issue was addressed in letters of 4/27/15 and an 11/12/14 letter to Patrick Gallivan, Conservation Agent. He said Mr. Snow raised concerns with Mr. Gallivan about the outlets. He said the letter of 4/27/15 gave the reasons why an easement was not needed. Mr. Watsky said that the allegation that the sediment sumps are on the Snow property is not true. He said the plan which the deed references and its title does not include the land. Chairman Pritchard said it feels like the Board is dealing with a legal opinion that the Board is not qualified to handle unless it is turned over to Town Counsel. Attorney Watsky said he talked to Ms. Harbottle after the last meeting and said it is a private property concern. He said if there is no official easement then there is a prescriptive easement as the location of where the water flows has been used for years. He said he would be happy to share his research with Town Counsel.

Chairman Pritchard said he thinks the matter should be handed over to Town Counsel, but in the interim the stormwater system needs to function. Attorney Watsky said there is no increase in the peak rate or volume as pipes were just replaced and other pipes were placed to take the flow from over the road. Attorney Jeff DeLisi said he is pleased to hear that Town Counsel will get involved. He said the Board shouldn't settle title issues. He indicated that at the last meeting he had Greg Morse present who had prepared a stamped signed plan that indicated he believes the sedimentation sumps are on Mr. Snow's property. He said he will provide the plan so that when Town Counsel reviews the documents he has all the material. Chairman Pritchard said the matter will be referred to Town Counsel. He said he does want reports from Mr. Iantosca who indicated he would provide them to Ms. Harbottle.

Mr. Taylor asked if there had been any follow up on the light levels and were the design specifications adhered to. Mr. Iantosca said that part of the reason that the lights are so bright is that they wanted to be “green” so LED lights were used. He said the lights are similar to Deer Common. He said there are no lumen requirements or specifications except that lights are to be down lit and a height requirement. He said they upgraded to LED to be more energy efficient and screens were added so they don’t reflect as much. He said there is not a light at the road entry. He said he was working off an approved plan and does not want to change the lights as people will then complain there is not enough light. He suggests lumens be incorporated in specifications for the future if that is what the Board wants. Chairman Pritchard indicated that the Town is considering purchasing the street lights so he suggesting talking to Al Bangert. Mr. Taylor said he would like to see lumens in the regulations. Chairman Pritchard said the lighting industry is changing so much and any specifications probably need to be performance based.

Planning Board Zoning Articles, Spring 2016

The Board discussed 40 R. Mr. Taylor said it would benefit the Town, but sewer is a problem. Ms. Joseph indicated that the Town Planner has had a meeting with DPW on the matter and could update the Board at the next meeting. Ms. Burbine said sewer is not the only issue, but Design Standards need to be approved. Chairman Pritchard said there was also disagreement as to the exact area that should be in the 40 R district. He said it is possible to do the Design Standards prior to Town Meeting. Mr. Vogel said there are other ramifications on the sewer. He asked what would happen to North Scituate if Greenbush used all the capacity. Ms. Burbine said that the sewer is there for projects under the Village Business Overlay District. She said the increased density in 40 R and the money from the state may not be worth it. Mr. Vogel said that sewer and water withdrawal both need to be considered for any type of expansion. Mr. Limbacher said that the Board seems interested in 40 R, but further discussion should occur after the sewer issue is resolved.

Ms. Burbine and Mr. Vogel both indicated they wanted to bring Accessory Dwellings back to Town Meeting. Mr. Vogel asked if there was a way to regulate construction hours for single family homes outside of a subdivision. Mr. Limbacher asked why it couldn’t be a condition of a building permit. He said it would probably need to be a general bylaw.

Ms. Joseph said other items Ms. Harbottle has talked about include inclusionary zoning and stormwater. Mr. Vogel said the Stormwater bylaw is unenforceable and there needs to be provisions for enforcement. The Board decided to wait for Ms. Harbottle’s return to continue the discussion.

Accounting

Documents

- PO # 1508484(\$22.30)

Mr. Taylor moved to approve the requisition of \$22.30 to WB Mason for office supplies. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Liaison Reports

Ms. Burbine said that filming was occurring in the harbor that will be done this week. She said it would be helpful in putting Scituate on the map. She also indicated the Economic Development Commission is working on wayfinding signs. She said these will give the Town a sense of place as

there are no signs for Scituate on Route 3 and people need to know how to get to Scituate. The Board thought that a sign at the Hull rotary would be helpful as well as signs to Widow's Walk.

Old Business and New Business

Documents

- Email to Board members with Site Plan Administrative Review vote of Planning Board dated 6/17/15 on Inly School Classroom Addition and Common Driveway Special Permit for 35 Dreamwold dated 6/18/15.
- Memo to Sara Trezise, ZBA from Stephen Pritchard dated 6/17/15 on 0 Foam Road
- Email to Board with 114-118 Edward Foster Road Court decisions

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 8:45 p.m. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk
7-23-15
Date Approved