

SCITUATE PLANNING BOARD MINUTES August 22, 2019

Members Present: Ann Burbine, Chairman; Stephen Pritchard, Vice Chairman; Patricia Lambert, Clerk, William Limbacher and alternate member Rebecca Lewis.

Mr. Pritchard was 15 minutes late to the meeting, arriving at 7:15pm.

Others Present: Karen Joseph, Town Planner; Shari Young, Planning Administrative Assistant.

Members absent: Benjamin Bornstein.

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 Burbine called the meeting to order at 7:00 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 8/22/19 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chairman Burbine indicated there was a posted agenda. Ms. Lambert seconded the motion for the posted agenda and the vote was unanimously in favor.

Discussion – Zoning – Humarock Residential Overlay District – Adam Brodsky

Documents

- PDF Petition Article Humarock Overlay Extension Draft - 20181114
- Doc Warrant Article 2018205
- Citizens Petition-20181212

Attendees: Adam Brodsky, Attorney

Mr. Brodsky represents South River Marina LLC, managers Ken Duval and Scott Herzog owners of 21 Central Ave. formerly the South River Yacht yard. Mr. Brodsky gave an overview of the zoning proposal.

- Currently the property is located in the Business District with a portion in the Humarock Residential Overlay District.
- Citizens' petition at Annual Town Meeting proposed that the entire parcel be put into the Overlay district
 - At town meeting Selectmen had some concerns on the article
- Requesting the Planning Board sponsor the article for Fall Town Meeting
- History of the property
 - 2007-2008 town rezoned portions of Humarock to promote economic development
 - Zoned to encourage multi-family use in the district
 - Concerns arose and a portion of the parcel was taken out of the Overlay District
- Boat yard use is no longer a viable economic use for the land
- Intend to keep some of the marina/boat yard use, but property is underutilized
- Neighborhood meeting scheduled for 8/29/19 at 7:00pm at 21 Central Ave.

- Advertised in the Patriot Ledger, posting on social media
- Will report back to the Board if needed
- No set plans for the property, but they do have some concepts

Ms. Joseph indicated the Board needs to decide if they are willing to sponsor the article; if not it would have to be a citizens petition if the applicant wanted to go forward.

There was discussion about who created the issue. Ms. Burbine opined it was not the applicant. Mr. Limbacher said the issue was created when the overlay was done; it created a piece of property with two types of zoning and it should be fixed. He opined the Board should clean it up; Ms. Lewis agreed.

The Board agreed to sponsor the article.

Ms. Joseph reviewed the time table to getting the paperwork done and will coordinate with Mr. Brodsky.

Motion:

Ms. Lambert moved that the Planning Board sponsor the article for the Humarock Residential Overlay District for the Fall Town meeting. Mr. Limbacher seconded the motion; the vote was unanimously approved. Mr. Pritchard did not vote as he arrived after the vote was taken.

Minutes
Documents

- Meeting minutes 8.8.19

Ms. Lambert moved to approve the meeting minutes for August 8, 2019.

Mr. Limbacher seconded the motion; the vote was unanimously in favor. Mr. Pritchard did not vote.

Accounting
Documents

PO #1907489 (\$5,303.23), PO #2001356 (\$879.80), PO #2001354 (\$509.00), PO #2001802

Ms. Lambert moved to approve the requisition of \$5,303.23 to Harriman Associates for professional services for the Comprehensive Master Plan, for \$879.80 to Chessia Consulting Services, LLC for peer review services for 50 Country Way, for \$509.00 to Chessia Consulting Services, LLC for peer review services for The Glen, for \$2,025.00 to Merrill Corporation for peer review services for 247 Driftway.

Ms. Lewis seconded the motion; the vote was unanimously in favor. Mr. Pritchard did not vote.

Public Hearing – Special Permit – Common Driveway – 443 – 461 Chief Justice Cushing Highway
Assessor's Map/Block/Lot: 47-2-26A to 26J
Applicant: David MacCready
Owner: Seven H. Trust

Documents

- PDF 19180-PB Review Report, 441-463 Chief Justice Cushing Highway, 8-13-19
- PDF ANR Plan
- PDF Comments from Doug Litchfield dated 8.19.19
- PDF Common Driveway Agreements
- PDF Common Driveway Application
- PDF Common Driveway Plans
- PDF Revised Authorization Letter
- PDF Stormwater Application and Report
- PDF TC filed ANR decision 7.1.19
- PDF WS1
- PDF WS2
- Email to Karen Joseph from BOH with comments dated 8.16.19
- Email to Karen Joseph from Conservation Commission dated 8.19.19
- Email to Karen Joseph from Stephen Litchfield dated 8.19.19
- Email to Karen Joseph from Fire Department dated 8.19.19
- Email to Karen Joseph from Water Resources Committee dated 8.19.19
- Email to Karen Joseph from Doug Smith dated 8.19.19
- Doc Transmittal

Attendees: Greg Morse and Jeff Hassett, Morse Engineering; Peter Palmieri, Town's Consulting Engineer, Merrill Inc.

Mr. Morse indicated he and Mr. Hassett represent Mr. Dave MacCready; they are requesting a special permit for 3 common driveways on Chief Justice Cushing Highway on the property known as 443-461.

- Property is approximately 15.7 acres
 - R-1 District
 - Water Resource Protection Overlay District
 - Flood plain and Water Resource Protection District
 - Portion of the property in a wetland protection resource area
- Form A plan endorsed by the Planning Board in June
 - Complies with all zoning for upland area and frontage requirements
 - Current state is wooded, undeveloped
- Proposal
 - Construct 8 duplex units, total of 16 units
 - 3 common driveways
 - Under Zoning section 720
 - Purpose to reduce the number of curb cuts on to a street, protect sensitive areas, decrease the limit of disturbance on a site and reduce the amount of stormwater runoff
 - Mr. Morse noted section 720.3 – criteria - submitted necessary plan, application and maintenance agreement
 - Mr. Morse noted section 720.7 - design standards
 - cannot access more than 3 lots

- minimum width is proposed at 20' recommended by the fire department
- common driveways cannot connect to each other
- construction of minimum 3" of pavement, 2' shoulder down the side of the driveway
- Length – cannot exceed 1,000 ft.
 - Proposed driveways are 211', 243' and 339' all with a turnaround at the end and hydrant in landscaped area
- Filed Stormwater permit
 - 100% of roof runoff being collected in drywells
 - Runoff from driveways being collect in a series of catch basins, swales, and raingardens
- Sight distance plan – minimum required is 360' and have 360' in all three instances
- Water Resource Protection district requires a 4:1 slope or minimum 25% slope is required; the project complies
- Maintain a 50' no disturbance set back on Chief Justice Cushing Highway; the project is compliant
- Minimum 100' set back from the property line to the nearest structure; project is compliant with all set backs
- R-1 district does not require any open space; project includes a dedicated open space buffer zone along the abutting properties
- Clearing 48% of the site and maintaining 52% in open space

Mr. Morse addressed comments that had been received from several different Town offices.

- Fire Department comments
 - Mr. Morse still to meet with Deputy Elliot; however the applicant will address the comment of making the turnaround radius larger
 - Signage for addresses, applicant will provide details of signage
- Water Resources Committee
 - Applicant will provide additional documentation showing compliance with TSS treatment of stormwater, 4:1 slope and request for a reduction in the width of the driveways
 - Applicant is willing to reduce the width of the driveway, but Fire Department has a different request. Mr. Morse to work with both departments to come to an agreement.
- Conservation Commission
 - Southern piece of the property is in a wetland resource area
 - Plan will be update with a new wetland line, surveyed by company hired to prepare plans for the proposed increase to Tack Factory Pond – DPW provided the most up to date plans
 - Project is not within the jurisdiction of the Conservation Commission; all work outside the 200' buffer zone for Zone A.
- Historical Commission
 - Privately owned grave site at western lot line; request for access and the site not be disturbed

- Applicant will work with the Historical Committee to provide access after verification the graves are present
- Town's Consulting Engineer comments(Merrill)
 - Applicant is drafting a response
 - Will be doing additional soil testing for septic, drywell and rain garden locations witnessed by BOH
 - Applicant will provide additional information on erosion controls; may provide a separate sheet for information around construction entrances, stock pile areas, etc.
 - Applicant to provide additional information and documentation around the curb cuts
 - Not discharging stormwater on to the state highway
 - Taking first 20' of the highway into the treatment areas; additional information to be provided
 - Condominium Documents and Common Driveway documents would have a blanket easement over the entire property to maintain the drainage system
 - Mr. Morse indicated all the common driveways rely on the next down gradient stormwater management system; all owners would have the obligation to maintain the system and have the ability to go onto any lot for maintenance
 - Private driveway – can never be accepted as public roadway
 - Maintenance is the responsibility of the property owner; 16 property owners

Ms. Joseph reiterated some of the comments that Mr. Morse indicated the applicant will be addressing. She opined that it may behoove the applicant to provide information from MassHighway Department that they can have three curb cuts. She indicated there are concerns why this project could not be a subdivision and thought the applicant should address those comments. She noted that she will be setting up an appointment to walk the site and locate the graves; once located an access easement will likely be needed. Additionally, information on impervious area for each lot is needed, as noted additional soil testing will be done, concerns over the location of some of the lower lot septic systems being within 400' of the reservoir and some additional preliminary comments from the BOH need to be addressed. She noted the sight distances and asked if they are stopping and intersection sight distances. She also indicated there are still concerns over the stormwater system, although the applicant is willing to address some of them, she opined that some additional spot grades may need to be done to show that the water is flowing into the site from access from the state highway (Chief Justice Cushing Hwy).

Mr. Peter Palmieri, the town's consulting engineer from Merrill, indicated that Mr. Morse and Ms. Joseph had summarized everything that had been contained in his review letter. He further indicated that the cross easements should be very clear as far as "rights to drain" because the system relies on all of the lots to function, grading would be important to maintain to make sure the water flows in the direction it is flowing now. He also indicated the analysis right now does not indicate that the system will be taking any drainage from the state highway, the 20 feet as Mr. Morse mentioned; if there is going to be a divide the plan needs to show it. Based on his calculations he opined a safe stopping distance would be more around 480', speed and grade have an impact on how long it takes to stop. He reviewed the location of the 3 rain gardens and discussed the flow of stormwater and indicated that the project should not affect the abutters to the West and the driveways should remain untreated, no salt, etc., so as not to affect the reservoir. Mr. Palmieri indicated that all features need to have a means of stopping the runoff going into the infiltration basins so it does not go to the reservoir and this needs to be accounted for.

There was discussion about the number of homeowner agreements, 16 units with one common agreement. Mr. Pritchard opined the project is acting like a subdivision. Ms. Burbine asked why it couldn't it be a subdivision, i.e. Doctor's Hill. Mr. Morse indicated it could be a subdivision that would require more clearing. He said a subdivision is typically done when there is no frontage/access; this project has 800' of frontage available with utilities. Mr. Pritchard said that the purpose is also to reduce the number of curb cuts and that should be considered here as it is on a State highway.

Ms. Burbine expressed that having 16 homeowners is a concern; the project is in a very delicate area. Mr. Morse said that with a subdivision there would be the same concerns; requirements for maintenance, etc. will be written into the condominium documents and the deeds. Condominium documents still need to be submitted.

There was discussion about renters and having provisions for it in the condominium documents; applicant will look into restriction on rentals.

Ms. Lewis asked about the green space in the back and the proximity to the nearest abutter; there is 20' at the narrowest point and 40' at the widest point at southern end of site to the abutters to the rear (west) of the property. It will be written in deed that it is dedicated open space.

Public Comments:

Mr. Bill Richardson resident at 45 Cedarwood Road asked about the open space and the setback requirements and what the northern most setback is to the back lot line. Mr. Morse indicated that the minimum rear yard setback is 30' the proposed setback is 32' and 20' is open space. He noted that the lighter green area on the plan represent the cut and fill. Mr. Richardson also asked about the septic system; each lot is serviced by its own system, 8 systems with 2 units on each system. Mr. Morse said the perks have been witnessed and approved by the BOH; however the individual systems have not yet been designed. Mr. Richardson also asked how many legal lots there are currently and what is proposed; currently there are 10 lots and the applicant has reconfigured to 8 legal lots with 16 units.

There was discussion about when the perk tests were done. Mr. Morse indicated they were done in 2004 and based on state regulations those approvals do not expire. He indicated they are doing additional perk tests, but the original perks do not expire.

Ms. Judi Aronson resident at 19 Cudworth Road indicated that she grew up in the house next to Tack Factory Pond and in 2003 there was a question if the perk tests done were witnessed. The Board opined the perks are 15 years old and it would be in the applicant's best interest to do them again.

Mr. Steve Young resident at 5 Old Forge Road said the 2004 perk tests only worked in one area, in the north east corner at that time they were going to do 15 units. There was discussion that each septic system has to have its own perk. He opined this is the cart before the horse; that it is not valid because it has not been tested yet. He commented the amount of water that runs into the reservoir is amazing. He asked where all the water that is currently on the road goes; Mr. Morse indicated the catch basins discharge adjacent to the reservoir. Mr. Limbacher agreed with Mr. Morse and said there is basically no treatment before the water goes to the reservoir.

Mr. Palmieri has not seen the data yet for the 2004 perk tests. Mr. Morse indicated they have all the perks in approved septic locations on record with the BOH and he will provide copies. Mr. Palmieri

noted they did not really review the septic systems, but they made comments regarding perks and the stormwater system.

Mr. Giovanna Sheehan resident at 35 Stearns Road asked for clarification of where the 8 septic systems will be going. Mr. Morse reviewed the locations; primarily gravity septic systems, 1 or 2 may require pumps and will require separate approval from BOH. Mr. Sheehan expressed concern about the system and suggested the Board may want to see the systems because if they are mounted systems they may redirect water into the houses on Old Forge Road. He discussed the stormwater runoff and how the water will be diverted and how much money will be in the Condominium reserve if one of the 8 lots does not maintain their system.

There was discussion on how the site will be accessed to do the perk tests; Mr. Morse indicated they do not plan on clearing, there a few different paths and some trees may need to come down for some machinery.

Mr. Jon Warner resident at 50 Brook Street expressed his concerns over the town's water and does not see this project's drainage as an improvement; it will impact the water supply. He also spoke about the property being in the Water Supply Protection Zone A and the distance of 400' requirement to the area is not what is shown on the plan. He spoke to the Common Driveway Bylaw and opined the plan does not protect the natural water body that supplies the town's drinking water, he does not understand why the water is not retained on the property; all surface water with pollutants will end up in the reservoir. He does not encourage the Board's approval; his issue is with the drainage.

Mr. Young pointed out some difference between a previous plan and the current plan i.e. pumping water uphill, retention ponds and overflow ponds to make sure nothing ever flowed into the reservoir directly.

Ms. Angela Harrington, trustee of Seven H. Trust, said there have been many approvals for the property in the past, this plan is nothing new. Her understanding is the perk tests are good forever.

Mr. Limbacher expressed concern that they are clear cutting half of it and how they will control that process. Mr. Morse said there is some separation between the driveways, they will have to include erosion control devices on the downhill gradient and the uphill side of the clearing; Mr. Morse to confirm if there will be phasing of the project or if it will be done all at once.

Mr. Limbacher also expressed concern over how things will be maintained to make sure they are functioning. Mr. Morse said the Association would need to hire a professional engineer or stormwater management professional and perform annual inspections.

Ms. Joseph recommended the Board should ask to see some of the NPDES requirements right up front so that all stormwater is going to stay on site during construction.

Mr. Pritchard responded to an earlier comment regarding the septic systems potentially as mounted systems that change the grade and stormwater and shouldn't they be designed first. Mr. Morse said they have submitted the systems to the BOH for approval; the grading of where the systems would be sited has been taken into account.

Ms. Joseph recommended that the Board ask for cut and fill for the site.

Motion:

Ms. Lambert moved to accept the applicant's request to continue the public hearing for the Common Driveway Special Permit for 443 – 461 Chief Justice Cushing Hwy until October 10, 2019 at 8:00 pm and to continue the time for action for filing with the Town Clerk until October 31, 2019.

Mr. Pritchard seconded the motion; the vote was unanimously in favor.

Public Hearing – Special Permit – Accessory Dwelling – 10 Woodworth Lane

Assessor's Map/Block/Lot: 52-2-43

Applicant/Owner: Chris & Deann Muha

Documents

- PDF 10 Woodworth Lane-Plans Elevations with Garage
- PDF 10 Woodworth Lane-Site Plan
- PDF 10 Woodworth Lane – site
- PDF Application
- PDF Assessor's Card
- PDF Map
- Email to Karen Joseph from Water Department dated 8.19.19
- Doc transmittal letter 10 Woodworth Lane
- Email with photos of 10 Woodworth Lane dated 8.16.19

Attendees: Paulette O'Connell, Architect; Chris Muha, property owner

Ms. O'Connell reviewed the proposed design.

- Existing single family dwelling with addition to the side
 - Addition is 885 sq. ft., 37.3% of the primary dwelling, 2,732 sq. ft.
- 2 Parking spaces in the front of the new addition
- Access on the side
- Proposing 1 bedroom, walk-in closet, open kitchen and living room area
- Existing house has 4 Bedrooms
 - BOH requirement of deed restriction for 4 Bedroom; 4 bedroom septic
 - Will be removing a door way and closet in primary house to make 3 bedrooms in primary dwelling, 1 in accessory
 - Bedroom will turned into and office
- New parking will be shells or gravel to stay under stormwater requirements
- R-1 district, everything within the required setbacks
- Egress - entry at side and back slider to a deck
- No second floor, just a vaulted selling
- Separate water meter
- Exterior light at the entry and back deck
 - Abuts the driveway side of the neighbor
 - Lighting will down lighting

There was discussion about alternative location for the parking, but there is a catch basin on the site.

Ms. O'Connell reviewed plan from 7/24/19 with the parking. The Board agreed to have the parking moved closer to the house, but to remain in the front.

Ms. Joseph indicated the site is in the Water Resource Protection District and there should be effort to reduce the impervious surfaces; gravel is impervious.

Ms. Joseph opined it is unfortunate that the driveway for the proposed accessory dwelling is in the front of the house, nothing else in the neighborhood looks like this.

Motion:

Ms. Lambert moved to make the following Findings of Fact:

1. On July 16, 2019, Chris and Deann Muha applied for a special permit for an attached accessory dwelling on the property at 10 Woodworth Lane.
2. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 885 gross sq. ft. This is 37.3% of the total square footage of the primary dwelling which is 2,372 sq. ft. according to the application. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the bylaw allows 750 sq. ft. or 40% of the total square footage of the primary dwelling, whichever is greater. The accessory dwelling is subordinate to the existing single family home.
3. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
4. The proposed attached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
5. The proposed accessory dwelling is located on the west side of the primary dwelling. Access will be via a gravel walkway leading from the proposed new parking pad to the front door.
6. The appearance of the accessory dwelling is in keeping with the appearance to the primary dwelling and the surrounding neighborhood.
7. The Site Plan for 10 Woodworth Lane shows a gravel parking area for two vehicles with two 9' x 18' gravel parking spaces for the accessory dwelling. This appears adequate to provide two parking spaces for the accessory dwelling. The primary dwelling shows an attached two car garage with room for two vehicles outside. Ample parking appears to be provided.

Ms. Burbine continued reading the motion

8. The owners have submitted a signed, notarized statement that they will be occupying 10 Woodworth Lane as their primary residence.
9. The accessory dwelling will be serviced by an existing four bedroom septic system. The primary dwelling has three bedrooms as one bedroom will be *permanently* decommissioned in the primary dwelling and the attached accessory dwelling will have one bedroom. All provisions of the Board of Health and Title V must be met.

Added language: permanently

10. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Ms. Lewis seconded the motion; there was discussion about the design/architectural aspects of the building. All the clapboard will be the same.

The motion was unanimously in favor as amended.

Ms. Burbine moved to approve the Special Permit for an accessory dwelling at 10 Woodworth Lane with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to Site Plan for 10 Woodworth Lane in Scituate, MA by Ross Engineering Company, Inc. dated 6/27/19 with revisions through July 24, 2019 and architectural plans by OCO architecture::design consisting of 4 sheets including, A01 10 Woodworth Lane First Floor Plan, A02 10 Woodworth Lane Second Floor Plan, A03 10 Woodworth Lane Front Elevation, A04 10 Woodworth Lane Side & Rear Elevations dated 6/19/19.
2. The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application. The number of bedrooms in primary house is limited to three.
3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that they are living in one of the dwelling units. A yearly certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
5. All requirements of the Board of Health must be met prior to occupancy of the accessory dwelling.
6. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
7. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling.
8. Any lighting installed shall be down lighting to not shed light on abutting properties.
9. Construction work shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
10. The limit of work is to be staked in the field and verified that disturbance is less than 15,000 sq. ft. If a stormwater permit is needed with verification from the stormwater authority, the owner shall apply for one.
11. Runoff from the proposed accessory dwelling shall not be increased from the property.
12. Runoff from the proposed accessory dwelling roof top must be designed to recharge the first 1 inch of rainfall with any infiltration devices having a three foot minimum separation between the

bottom of the structure and maximum groundwater elevation. A plan shall be provided to the Town Planner for approval prior to construction showing how the infiltration requirement will be met. If stormwater is to be infiltrated, a test pit shall be done and included showing the maximum groundwater elevation. A plan shall be provided to the Town Planner for approval prior to construction.

13. Erosion and sedimentation control devices shall be installed to prevent any erosion or sedimentation from leaving the site during construction. Silt sock shall be used.
14. No finished slope shall be created that exceeds 25% with the exception of side slopes associated with new road construction.
15. An artificial recharge system for precipitation shall be provided that will not result in the degradation of ground water quality if the lot is rendered to have more than 15% or 2,500 sq. ft., whichever is greater, of impervious surface.

Mr. Pritchard seconded the motion; the vote was unanimously approved.

Form A-ANR – 97 Edward Foster Road

Assessor's Map/Block/Lot: 51-3-1

Applicant/Owner: Maureen Colvin (formerly Maureen E. Lewis-Seastrand)

Documents

- PDF Application
- PDF Assessors Card
- PDF GIS Map
- PDF Plan
- Doc transmittal 97 Edward Foster Road
- Doc Draft Motion Form A Edward Foster Road

Attendees: Adam Brodsky, Attorney; Maureen Colvin, property owner

Mr. Brodsky reviewed the plan divide an existing lot into to conforming lots.

- Property in the R-3 Zoning District
 - Requirement is for 10,000 sq. ft. and 100' of frontage per lot
- Current lot has roughly 28,000 sq. ft.
- Saltmarsh boundaries have been confirmed
- Portion of the lot located in Town Flood Plain Overlay District
- Proposing two lots:
 - Parcel A 18,084 sq. ft., 14,039 sq. ft. of uplands
 - Parcel B 10,143 sq. ft. – current single family home
- AE 15 Flood Zone

Mr. Brodsky referenced a DEP policy, 92.1 Coastal Bank. DEP recognizes a change in elevation along the shoreline to be a coastal bank. When the applicant submitted the ANRAD to Conservation it was noted on the plan that under a portion of the deck for the house is over a Coastal Bank. Based on conversations with DEP, the Conservation Commission and the Scituate Bylaw section 610.1A

the coastal area does not affect the calculations of lot area; the bylaw does not say a coastal bank needs to be considered.

Ms. Joseph opined the Planning Boards needs to determine if the two lots have access and frontage; the plan does show both access and frontage and the Board should endorse the plan. Requirements for building under the FEMA flood plain will have to be met. Ms. Joseph indicated the line on the plan where the Flood Plain District is located. She indicated the district is delineated as the line on the plan and referenced the Doherty Case.

Board Comments:

Mr. Pritchard questioned the notations of the FEMA Flood Zone AE 15. Mr. Brodsky said there are 2 flood plains, the Scituate and the FEMA. He indicated they do not intend to build in the Scituate Flood Plain which would require additional information. He said they just have an anomaly that should not affect the Boards endorsement, but just wanted to be upfront about the situation. There is a slope in the middle of the lawn greater than elevation 10, but less than 4:1 which coincides with the FEMA Flood Plain, and which DEP policy would suggest is a Coastal Bank even though it does not look like or function as a coastal bank.

Ms. Burbine indicated that the Board granting an ANR does mean one can build and that zoning requirements are met.

Ms. Colvin indicated the intent is for her to build a small home on parcel A and give the larger house on parcel B to her children; she thinks it would be 25' x 25' structure.

Motion:

Ms. Lambert moved to endorse as Approval Not Required a Plan of Land in Scituate, MA Showing a Division of Parcel 51-3-1 97 Edward Foster Road prepared by Nantasket Survey Engineering, LLC for applicant Maureen Colvin (fka, Maureen E. Lewis-Seastrand), dated 8.16.16 with revisions thru 7.18.19 as the division of land shown on the accompanying plan is not a subdivision because it shows every lot on the plan has frontage of at least the distance presently required under the Scituate Zoning Bylaw on the public way of Edward Foster Road and that the division of the tract of land is not a subdivision because it shows a proposed conveyance or change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw.

Mr. Limbacher seconded the motion; the vote was unanimously in favor.

The Planning Board will stamp the plan that endorsement does not make it a buildable lot.

Surety Reduction - The Glen – Peter Fiore

Documents

- PDF 7-8-19 Surety Reduction
- PDF Final Road As Built REVISED 2-12-19
- Email to Karen Joseph from Peter Fiore with request for Bond reduction dated 8.6.19
- Excel Doc Cost to Complete 8-5-19 Rev
- Doc Construction Cost Letter 8-5-19

- Doc Motion form surety-lot releases
- Excel Doc Cost to Complete 8-20-19

Attendees: Peter Fiore, Developer; Greg Morse, Morse Engineering

Mr. Fiore is requesting a bond reduction for The Glen.

Ms. Joseph indicated there is \$113,000 in cash surety being held in an interest bearing account. The consulting engineer on the project has provided an estimate of work still to be completed. Two estimates for the work have been provided to the Board. The applicant had an agreement with the former Town Planner regarding some plantings; a substitution was made with some pine trees adjacent to the septic system for screening. She recommends the Board release \$91,310 from the surety being held and hold the remainder from the \$113,000.00 for some minor items to be completed in the fall.

There was discussion about the estimate provided to the Board. The applicant would need to come back to request the balance of money.

Mr. Fiore indicated they are hoping to finish in the fall, all units have been sold and the master deed and condominium documents are complete.

Motion:

Ms. Lambert moved to approve a reduction in the amount of surety being held by the Planning Board for completion of the The Glen Subdivision - Kevin's Way of \$91,310 from \$113,000 to complete the remainder of the work including the bioretention area 2 and other items as outlined in the surety estimate provided by Chessia Consulting Services, LLC dated 8/6/2019 which includes a 10% maintenance fee.

Before the motion was seconded Mr. Fiore indicated there was a comment from the Consulting Engineer, John Chessia, on some bounds. He said that one of the retaining walls in the right on the line they did put 2 drill holes in and he is requesting a waiver. Ms. Joseph indicated the drill holes are there. The Board decided to handle as a field change.

Mr. Fiore also indicated there was a comment about the driveway lights shown on the landscape; they did put one on each house. The Board indicated that is another field change.

Ms. Joseph is to provide a letter with field change approval; the items will not be included in the next surety estimate.

Mr. Limbacher seconded the motion; the vote was unanimously in favor.

Public Meeting – Site Plan Waiver – 27 Hood Road – St. Mary & St. George Coptic Orthodox Church

Assessor's Map/Block/Lot: 28-23-4-F, 27-7-2, 27-7-1, 28-22-12-F, 28-22-10, 28-22-6

Applicant/Owner: St. Mary & St. George Coptic Orthodox Church

Documents

- PDF _27 Hood Road_Site Plan Waiver_Complete_8.2.19
- PDF Transmittal letter
- Email to Karen Joseph from Conservation Commission dated 8.6.19 with Order of Conditions

Attendees: Hazem Dani, CHA Consulting

Mr. Dani reviewed the proposal for a Site Plan Waiver request.

- 15.2 acres of land includes existing church building, school building, parking lot and sidewalks and associated site lighting
- Propose clearing of 1.6 acres for small playground area and grass area
 - 1, 750sq. ft. 50'x 35'
 - Work encroaches on areas under the jurisdiction of the Conservation Commission
 - Obtained stormwater permit and Order of Conditions
 - Does not require Site Plan Review – no changes to the existing utilities, does not add flows to water consumption or sewage, no additional parking required, no modification to existing entrances/exits, considered an internal change, no structures proposed
 - Playground area is set back more than 120' from the closest abutter
 - Provided vegetation buffer on the Northerly and Southerly sides of the sites
 - In compliance with stormwater bylaw - permit issued from Conservation
 - Wetland line confirmed with Conservation

There was discussion about the equipment that will be use and how it will access the property. Mr. Dani indicated there would be excavators and wood chippers that would access the site through the existing parking lot; no heavy equipment will be going over Ingrid Lane.

The Board questioned why so much was being cleared for the small playground area. Mr. Dani pointed out the tree line on the plan and said that most of the area has been cleared in the past. Some of the area is being cleared to mitigate for swales for stormwater runoff. Ms. Joseph clarified there is also a grass area being created for kids to play and other recreational activities, i.e. picnics, festivals, etc.

The Board discussed making sure the playground area is handicapped accessible; Mr. Dani indicated the applicant will make it accessible. There is no irrigation system. The developer will have to truck water in.

Public Comments:

Mr. Tim Montgomery resident at 345 Hatherly Road complimented the Church on how accommodating they have been to the abutters; they have reduced evertng by 50% a great response.

Ms. Joseph indicated she had two motions and there are two conditions that should be added.

- Ingrid Lane shall not be used for access
- No town water to be used to water the lawn

Motion:

Ms. Burbine moved that the Planning Board finds the proposed site work is relatively minor in nature of effect as there is an Order of Conditions from the Scituate Conservation Commission which also serves as a Stormwater Permit and stormwater runoff is mitigated through a stone infiltration trench and two shallow grass lined swales with appropriate erosion control; a natural vegetated buffer to abutting properties is maintained; there is no change in land use, site lighting, parking or utility services and to grant the site plan waiver for the St. Mary and St. George Coptic Orthodox Church to install a 1,750 sq. ft. playground area and clearing 1.16 acres of land and converting it into lawn area associated with the existing church and school building with the following conditions:

1. Construction shall comply with the improvements shown on a plan entitled Proposed Site Improvements Site Plan and Details Sheet by CHA dated 5/30/2019 with revisions through 7/12/2019 submitted with the application.
2. Approval is contingent upon all local approvals being obtained from the Town of Scituate and any state or federal permits being obtained.
3. The Long Term Stormwater Pollution Prevention and Operation and Maintenance Plan approved by the Conservation Commission shall be followed as written unless changes are approved through the Conservation Commission.
4. The applicant must submit an As-Built Plan after completion of the work. The As-Built must bear a certification from the design engineer that all work has been completed in accordance with the approved plans.
5. Any additional disturbance of land area is not covered under this Site Plan Waiver.
6. Massachusetts Architectural Access Board (MAAB) and Americans with Disability Act (ADA) requirements shall be followed for the playground if required.
7. Ingrid Lane shall not be used for construction access.
8. No town water shall be used to water the lawn.

Mr. Limbacher seconded the motion; the vote was unanimously in favor.

Mr. Dani said there will be no lighting on the grass field.

Liaison Reports:

Affordable Housing Trust - reported by Ms. Lewis:

- New zoning proposal presented/reviewed to encourage different housing options in the area, i.e. affordable

Public Meeting on Water – reported by Mr. Pritchard:

- Consultants presented plan – consistent with RFP
- Discussion on how will be proceeding
 - Progress report every 2 weeks
 - Once at the stage of providing deliverables information will be provided for review
 - Project manager to email the group
- Conversation around the Brown Water issue
- Reinforced that there needs to be a methodology for capacity assessment
- Provided some data about flushing, ice pigging, etc.
- Provided some data on the Wells and the reduction of manganese with addition of Green sand filters

- Proposed continuous plan of ice pigging of bigger lines and sequential flushing of smaller lines
- Mr. Pritchard asked if there will be any analysis on meter usage of all residents - awaiting response

CPC – reported by Ms. Burbine:

Ms. Burbine discussed current applications before the CPC

- Granite mile markers – 3 in Scituate – replacing the bronze medallion
- Canopy at North Scituate - will likely be on town meeting

EDC - reported by Ms. Burbine:

- Bags for Sea Scituate being distributed – recycling bags
- No plastic bags after September

BOS – reported by Ms. Lambert:

- Disappointing Vote – challenging for the whole town – because I&I at Cedar Point was not resolved in a timely manner
 - Will be another year before it is addressed
 - Gravity system will be designed even though the Sewer Division does not support it
 - Gravity system will leak again

Conservation – reported by Ms. Lambert:

- Concerns are about water

Planning and Development – reported by Ms. Joseph:

- Warrant opened today - 3 place holders
 - Humarock,
 - Political signs
 - Greenbush house keeping
- First public hearing will be September 26th, with continuance on October 10th if needed
- Seaside – went into Phase 2 – tree clearing started
 - Once scrubbing will do air quality testing, etc.
 - Gas connections in Hatherly last week
 - Haven't been watering so trees have died, but will be replaced
 - Providing weekly schedules of what contractors are doing
 - Phase 2 will have police details for hauling
- Upcoming meetings
 - Special Town Meeting November 5th
 - Meet November 21st or November 26th – Board decided November 21st
 - December would be December 19th or none – pencil in December 19th

Documents

- Email to the Board from Shari Young dated 8.15.19 with agenda and meeting minutes.
- Email to the Board from Karen Joseph dated 8.16.19 with meeting materials for Humarock and 97 Edward Foster Road.
- Email to the Board from Karen Joseph dated 8.16.19 with meeting materials for 443-461 CJC Highway
- Email to the Board from Karen Joseph dated 8.16.19 with meeting materials for 10 Woodworth Lane
- Email to the Board from Karen Joseph dated 8.19.19 with meeting materials for 10 Woodworth Lane and The Glen

- Email to the Board from Karen Joseph dated 8.19.19 with meeting materials for 443-461 CJC Hwy
- Email to the Board from Karen Joseph dated 8.20.19 with meeting materials for 443-461 CJC Hwy
- Email to the Board from Karen Joseph dated 8.21.19 with meeting materials for The Glen
- Email to the Board from Shari Young dated 8.22.219 with meting minutes from 8.8.19

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 9:11 p.m. Mr. Pritchard seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: September 12, 2019

