

SCITUATE PLANNING BOARD MINUTES November 14, 2013

Members Present: William Limbacher, Chairman; Stephen Pritchard, Vice Chairman; Richard Taylor, Clerk; Robert Vogel, Eric Mercer and Robert Greene, Alternate Member.

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.

Chairman Limbacher called the meeting to order at 7:33 P.M. The meeting was being audio recorded. The meeting was being recorded for airing on the local cable television station.

Documents

- 11/14/13 Planning Board Agenda

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

Continued Public Hearing and Scenic Road Public Hearing – 305 Country Way Flexible Open Space Special Permit & Definitive Subdivision Plan & Scenic Road Assessor's Map/Block/Lot 37-2-2 & 37-8-13R Applicants/Owners: Douglas Sheerin/Kristen DeGaravilla

Documents

- Email from Lance Van Lenten to Laura Harbottle dated 10/30/13 with response from L. Harbottle dated 10/31/13
- Email from Lisa Bertola to Laura Harbottle dated 10/31/13
- White Ash Farms Definitive Flexible Open Space Development Plans Sheets 1 – 11 with revision through 10/29/13 by Morse Engineering
- 10/29/13 letter from Morse Engineering with response to comments by Chessia Consulting dated 10/10/13
- 10/29/13 Revised waiver list by Morse Engineering
- 10/29/13 Revised Stormwater Report and Calculations for White Ash Farm FOSD
- Revised transmittal to DPW and Water Resources dated 11/1/13
- Revised Landscape Memorandum from Karen Joseph to Laura Harbottle dated 11/4/13
- Letter from Krusell and Van Lentens versions 1 and 2 dated 11/6/13
- Email from John Chessia to Morse Engineering and Town dated 11/13/13
- Comment from DPW dated 11/13/13
- Email from Lance Van Lenten dated 11/14/13
- Email from Laura Harbottle to DPW dated 11/12/13 with response forwarded to Board 11/14/13

Chairman Limbacher opened the continued public hearing by reading the list of comments received since the last meeting. He asked Mr. Morse to review the changes since the last meeting. Mr. Morse said the plans were revised on 10/29/13 to reflect the comments from Mr. Chessia's peer review and department comments. He said there were not many plan changes, but the drainage calculations were revised. He said the changes completed include changing the right of way slope at station 1 +

25 from 4: 1 to a 2 foot shoulder and 3:1 grade so the limit of work is further away from the no disturb area. The calculations for the basin include no credit for the bottom surface. The temporary sedimentation basin has been sized for use during the road construction while the permanent basin is being vegetated. Mr. Morse said the landscape plans have been revised and include a landscape architect's stamp. He indicated they have approached the neighbor to the south about obtaining a sight distance easement. He said that the sight distance per the posted speed of 30 mph is 200 feet; however the 85% speed of 40 mph is used for a requirement of 305 feet. Mr. Morse said there were no obstructions on the neighbor's property and that the applicant controls 277 feet of sight distance. He said that if the neighbors don't grant an easement they will provide signage on Country Way.

Mr. Chessia said there were many issues for the Board to determine as it is a Flexible Open Space Development (FOSD). He said alteration of views from Country Way, open space, topographic changes, low impact development design and lot design were items the Board should consider in determining if the FOSD is better. He said that the Landscape Plan was reviewed by town staff, soil testing was done by others and the Board should determine if it was adequate and there was an error in the calculations for the temporary basin that should be corrected. He said the temporary basin should work with the minor change. He said there is a discrepancy in the flow of water to the permanent basin that a swale could be added to correct. Mr. Chessia indicated the headwall design needs to change to match the plan design. He suggested adding a manhole to the storm sewer to make it in the middle of the easement and avoid the side slope. He indicated that ideally the applicant will obtain a sight distance easement. He said the Board should look at the extension to the south and determine if meets the bylaw and decide if the waivers serve a public benefit.

Mr. Morse said that the soil testing witnessed by Ralph Cole as an agent for the Town was based on correspondence with Ms. Harbottle and Chairman Limbacher. He said that a swale and spot grades could be added on Lot 3 and the pipe could be centered in the easement or the easement reconfigured. He said they can revise the headwall detail and the DPW comments appear to be minor. Mr. Morse said the extension to the east provides room for fire apparatus, allows for future utility connections to another property and clarifies that the setback to Lot 2 is a side setback. He said Coby's Run and Northey Farms have these same type of extensions. Mr. Morse said the waiver requests are up to date.

Ms. Harbottle indicated that Mr. Chessia's comments should be addressed. She said views from Country Way will be altered, but not much can be done. She indicated the applicant proposes some revegetation of the open space. Ms. Harbottle said that Low Impact Development (LID) has not been addressed and the Board should decide if it needs to be. She said the Board needs to decide if the benefits of the FOSD are sufficient and if the FOSD is better than the Conventional Plan. She said that in her opinion the open space is a meaningful benefit and it is half an acre more than required. She indicated that the Board may want to consider improvement of water quality in the tributary as a benefit. She indicated that DPW said a deep sump catch basin would cost approximately \$6,000. Ms. Harbottle questioned the type of fence delineating the 150 foot buffer. She said that the applicant desires a PVC split rail fence, but questioned the separation it would provide. Ms. Harbottle said a meaningful separation and aesthetic consideration are necessary. She said a chain link fence may not be right and a wood post with wire in between may be more attractive and keep people out of the buffer. She indicated that John Clarkeson had previously mentioned a stone wall may be ideal.

Ms. Harbottle said she did not want to see crabapple trees in the revegetated area, but wants a native species. She indicated that the planting in the buffer area should be done by hand and the Building

Commissioner confirmed to her it would be in the spirit of the bylaw to allow this. She said she would like a draft Conservation Restriction on the open space. She indicated that she knew that a sight distance easement discussion was taking place. Ms. Harbottle indicated that Mr. Van Lenten and Krusell filed a request for determination (RDA) with the Conservation Commission to further investigate resource areas on site. She said they are meeting in late November to decide the issue.

Mr. Morse said they were amenable to swapping plants in the revegetation area and the split rail fence was in keeping with the character of the town and the road separates it from the front yards of the homes. Ms. Harbottle said that the fence needs to be able to keep people out and to prevent dumping. Mr. Taylor does not want chain link fence. Mr. Pritchard prefers a stone wall. Mr. Vogel was concerned about the height of the wall as it would need a base, but aesthetically thinks it is better and would be harder for a cart to go over. The Board thought that a 2.5 foot high wall would be appropriate. Mr. Morse indicated there was approximately 280 feet of fence. Ms. Harbottle said she would like it to extend further down into Lot 3. Mr. Pritchard concurred and wants the no disturb area to be protected. Mr. Vogel and Pritchard thought that a farmer's stone wall would be nice. Mr. Mercer questioned the cost of the stone. Mr. Pritchard was concerned that the rails of the split rail fence would disappear in a few years and asked if the wall would impact the drainage flow. Mr. Morse said it would not as the wall would be at the toe of the slope and could be dry laid. Mr. Hayes indicated that the Conservation Commission likes split rail fences with signs on them. Chairman Limbacher asked the applicant to come back with a different fence that is visually pleasing and protects the buffer area. Chairman Limbacher provided Mr. Morse with an additional copy of the landscape memo with a fence website link.

Mr. Hayes indicated he would provide a conservation restriction to Ms. Harbottle next week. Mr. Morse indicated they were working on a sight distance easement. A proposed catch basin at Country Way as a public benefit to improve water quality was discussed. Mr. Pritchard questioned if it would be a quantitative or qualitative benefit. The Board determined it would be quantitative as it will remove sand from the tributary. It was agreed that Ms. Harbottle, Mr. Morse and DPW would work together on the issue. Mr. Van Lenten said that he filed an RDA with the Conservation Commission to resolve the wetland issue at the culvert. He said that technically the stream is jurisdictional and he wants to have the wetlands deemed jurisdictional so that the applicant would need a Notice of Intent to do the catch basin. Chairman Limbacher said the DPW needs to be consulted prior to any decisions with the catch basin. Mr. Van Lenten asked if the Building Commissioner gave a written determination that planting trees in the buffer is acceptable. Ms. Harbottle indicated he did not. Mr. Van Lenten said he would rather see the area revegetate on its own so that more natural species are present. He said the groundwater would change with plantings as the groundwater does not follow the slope. Mr. Chessia said he did not witness the soil tests so he cannot report on the data. He said if there is fragipan, water is usually 2 to 3 feet down. He said if there is gravel or sand the water table is usually flat. He said the water on till sites tends to follow the surface grade, but can change on a site like this that can have good and bad spots. Mr. Taylor verified with Mr. Van Lenten that he prefers no revegetation. Mr. Van Lenten concurred because he said the vegetation should come in quickly and is worried about setting a precedent about hand digging in the no disturb area adjacent to a tributary.

The Board voted on the requested waivers from the Town of Scituate Subdivision Rules and Regulations as follows:

1. Section 5.3.2.11 Requirement: Existing and proposed topography shown on the Conventional Density Plan. Waiver: Waive requirement for proposed topography as plan

is not proposed for construction. Mr. Vogel moved the waiver, Mr. Pritchard seconded the waiver and waiver was unanimously voted.

2. Section 5.3.2.15 Requirement: Existing and Proposed Profiles on the Conventional Density Plan. Waiver: Waive requirement for proposed profiles as plan is not proposed for construction. Mr. Vogel moved the waiver, Mr. Pritchard seconded the waiver and the waiver was unanimously voted.
3. Section 6.3.4.2a Requirement: Soil evaluation in the area of the infiltration basin evaluated by a qualified soil scientist or Registered Professional Engineer and witnessed by the town's agent. Waiver: Waiver the requirement for soil evaluation in the infiltration basin be witnessed by the town's agent as testing was done by a DEP Soil Evaluator and Registered Professional Engineer. Discussion occurred that the Board of Health Agent witnessed the tests and the information is with that Board. The Planning Board asked that the information be supplied to the Board and held voting on the waiver. Mr. Van Lenten suggested asking for a groundwater level model. Ms. Harbottle questioned who would pay.
4. Section 7.2.1.5 Requirement: Minimum vertical curve length of 100 feet. Waiver: Waive to allow a vertical curve of 40 feet in length as it provides adequate vehicular sight distance and provides a transition between -2% and -4.8% slopes and eliminates excess fill. Mr. Vogel moved the waiver, Mr. Pritchard seconded the waiver and the waiver was unanimously approved. The Board concluded that the excessive fill and less steep road were more suitable to this smaller road as speeds would be moderated by the width.
5. Section 7.2.1.6 Requirement: Dead end streets shall provide at the closed end a cul-de-sac turnaround. Waiver: A hammerhead style turnaround is proposed instead of a circular cul-de-sac. Mr. Pritchard moved the waiver, Mr. Mercer seconded the waiver and the waiver was unanimously approved. The Board confirmed the Fire Chief had approved the layout.
6. Section 7.2.8 Requirement: Vertical granite curbing shall be installed along the edge of the roadway. Waiver: To allow construction of the roadway utilizing 12" bituminous concrete berm along each edge of the road. Mr. Mercer moved the waiver subject to protections added to the Homeowners Association, Mr. Vogel seconded the motion and the waiver was unanimously approved. Mr. Vogel asked what DPW thought. Ms. Harbottle said they were not thrilled with the waiver. Mr. Morse said the road will be privately owned and maintained. Mr. Pritchard questioned how the Homeowner's Association will make sure maintenance is done so that the berm acts as the stormwater gutter. Mr. Morse said there is a cross pitch to the road and if the berm disappeared then water would run down the street and not over the top of the slope. Mr. Hayes said that there could be a yearly maintenance requirement in the Homeowner's Association and a registered engineer could file a report annually with the Town. Mr. Hayes said that if the Association fails to maintain the road, the Town has the right and can give notice for the work to be done. Ms. Harbottle said that there is a grey area with roads private in perpetuity in that the residents could ask the Town to accept the road. Chairman Limbacher said that the road would have to be brought to subdivision standards and there can be a condition for the road to be private in perpetuity. Mr. Vogel asked if any granite is being used. Mr. Morse said there was none as they are not tying into any curbing on

Country Way.

7. Section 7.2.9 Requirement: Sidewalks on both sides of the road for a Type III subdivision. Waiver: To provide a sidewalk on one side of the road for a Type III subdivision. Mr. Vogel moved the waiver, Mr. Mercer seconded the waiver and waiver was unanimously voted. Mr. Morse said a walk on one side is sufficient as it does not tie into anything on Country Way and it minimizes impervious surface and thus drainage.
8. Section 6.3.3.9 and 8.3.1 and Appendix B Requirement: Street table and typical roadway cross section. Waiver: To allow the typical roadway cross section as shown on Sheet 5 to be altered to be a 16 foot wide road with one sidewalk and 12" bituminous berms. Mr. Pritchard moved the waiver, Mr. Taylor seconded the waiver and the waiver was unanimously voted. Reducing the road width cuts down on the amount of drainage, a cross slope is provided in place of the crown, walk on one side and 12" bituminous berm are provided.
9. Section 8.3.9 Requirement: The area outside of the travelled way shall be sloped at a rate not steeper than three vertically to one horizontally. Waiver: To allow side slopes at a rate not steeper than three horizontally to one vertically to provide a minimum 2 foot shoulder and keep grading outside the 150' tributary buffer. Mr. Pritchard moves the waiver, seconded by Mr. Mercer and unanimously voted. The grading will be able to start at the back of the walk inside the right of way.
10. Section 8.3.10 Requirement: Street trees shall be provided on each side of the street. Waiver: To allow street trees on one side of the road only as it is not feasible to plant trees on the westerly side of the road due to the slope and the 150' tributary buffer. The westerly side of the road is proposed to be restored as natural vegetation. The waiver was held as the Board had not reached a decision on the revegetation of the buffer and the type and location of a fence.

Chairman Limbacher indicated that the applicant has some homework. He said a formal response to Mr. Chessia's concerns; the test pit report; the benefits of a catch basin reviewed with DPW, Water Resources and Ms. Harbottle; a different fence with an augmented cross section from the road to the toe of slope and fence with a true vertical scale; a conservation restriction and homeowners association; information on the 2 waivers held; resolution on the RDA request and an easement for sight distance. Mr. Pritchard indicated that LID was not discussed. Mr. Chessia said there was limited opportunity for LID based on the site layout. He suggested that permeable pavement for driveways could be added. He said there are no rain gardens as the lots are small. He said LID needs to be reasonably considered.

Mr. Taylor moved to accept the applicant's request to continue the public hearings for the Definitive Subdivision Plan, Flexible Open Space Special Permit and Scenic Road/Public Shade Tree Hearing for White Ash Farm Lane at 305 Country Way until December 5, 2013 at 9:00 pm. Mr. Vogel seconded the motion. Motion was unanimously approved.

Sign Final Release for obligations of US Fidelity and Guaranty Co. and Lumbermans Mutual Casualty Company under Performance Bond for completion of Walnut Tree Hill Subdivision

Documents

- Walnut Tree Final Release
- 11/8/13 Walnut Tree update by Chessia Consulting

The Board postponed discussion on this item until the next meeting.

Review RFP for Consulting Engineers

Documents

- RFP for Consulting Engineers

Ms. Harbottle indicated that the RFP has been modeled on the previous version except that other Town departments will be using the consulting engineers as well. She said she was thinking the interview team would conduct the interviews and make a recommendation to the Town Administrator, but she wanted to include the Board in the process and they would make the final recommendation to the Town Administrator. The rates agreed upon in the RFP would be fixed for 3 years and each consultant would need to sign an Independent Contractor Agreement for each project. Mr. Mercer asked for a copy of the Independent Contractor Agreement to review the liability language.

Accounting

Documents

- PO # 1402829(\$86.00), PO # 1403069 (\$361.80), PO # 1403038 (\$2,110.00), PO # 1403068 (\$396.39), PO # 1403058 (\$1,538.76)

Mr. Taylor moved to approve the requisition of \$ 86.00 to Ross Engineering for printing for Deer Common, for \$ 361.80 to Gatehouse Media MA for legal ads in the Scituate Mariner for 214 Clapp Rd Scenic Hearing and Citizen Petition Zoning Article for town Meeting, for \$ 2,110.00 to Chessia Consulting Services, LLC for engineering peer review for 305 Country Way, for \$396.39 to Beals and Thomas for construction observation for Deer Common and for \$1,538.76 to Beals and Thomas for engineering peer review for 214 Clapp Road. Mr. Mercer seconded the motion. Motion was unanimously approved.

Minutes

Mr. Vogel moved to approve the meeting minutes of 10/24/13. Motion was seconded by Mr. Pritchard. Motion was unanimously approved.

Liaison Reports

Mr. Pritchard said he sent out the EDC report to the Planning Board members. He said the last meeting was cancelled, but the study will be presented at the 12/4/13 EDC meeting to be held at the WPA Building.

Town Planner Report

Ms. Harbottle passed out a projected schedule for the Board for potential zoning articles for the annual Town Meeting for 2014. She indicated the Board should have a couple of workshops for Medical Marijuana and the Village Business Overlay District (VBOD) expansion if the Board is going to pursue that article. She indicated she went to a Medical Marijuana workshop and the Town

of Dennis has five applications for medical marijuana dispensaries. She indicated the buildings are generally being proposed as steel buildings and security needs to be tight. Ms. Harbottle suggested meeting with the Police Chief as a next step. She said several towns are not as concerned with locations near daycare centers as supervision is tight at those locations. She said many towns are more concerned with locations nearer to schools with a less supervision outside of them. She indicated that having a district may get in the way of hardship cultivation.

Ms. Harbottle indicated that she has had conversations with Adam Brodsky and Samantha Woods on the Village Business Overlay District Expansion. Ms. Harbottle said that a setback from the river will be necessary and including the MBTA property and Celtic Paws sites would be important. She said the transfer station, recycling center and landfill sites may need to be included too, but the Board should be cautious to not make the district too big. Mr. Pritchard said the train station should be included and he desires an integrated thought process approach to the district. Ms. Harbottle indicated there was a short timeframe to prepare zoning articles and placeholders would be needed for the warrant. Mr. Vogel asked if just the boundaries of the district would change or would there be changes to the VBOD itself. Ms. Harbottle suggested that the Board may want to consider a few changes such as buildings fronting on roads be mixed use and the back areas be residential. Mr. Mercer suggested that the Board might use the Library campaign as an example to follow for Town Meeting. The Board indicated articles for the Mariner will be needed. Ms. Harbottle suggested handouts at Town Meeting, maps, pictures and a PowerPoint presentation would likely be in order.

Old Business and New Business

Documents

- Town Planner recommendations for 11/14/13 meeting dated 11/8/13
- Medical Marijuana Discussion email
- Notice of Intent for 87 Maple Street
- Deer Common construction reports 7 and 8
- ZBA Agenda for 11/21/13
- Projected schedule for zoning articles for Annual Town Meeting 2014

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 9:45 p.m. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk
11-26-13
Date Approved