

## SCITUATE PLANNING BOARD MINUTES December 18, 2014

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

Members Absent: None. Chairman Limbacher arrived at approximately 7:45 p.m.

Others Present: Ms. Laura Harbottle, Town Planner.

See Sign-in List for names of others present at this meeting.

Location of meeting: WPA Building, 7 Henry Turner Bailey Road Scituate, MA.

Vice Chairman Pritchard called the meeting to order at 7:30 P.M. The public hearing portion of the meeting was being recorded.

### Documents

- 12/18/14 Planning Board Agenda

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

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### **Continued Discussion – 40 R Zoning**

Ms. Harbottle indicated that the Planning Board discussed 40R at the last meeting. She said there are two approvals needed for 40 R – one from Town meeting and one from the state. She indicated that the state requires a lot of information on where the 40 R district is located. She said that the Board needs to decide where the district will be located in Greenbush so this information can be collected in time to submit prior to Town Meeting as read by the state, and to get the state's approval in a reasonable time after Town Meeting. She said that the proponents of future development on the MBTA parcel may not want to wait for the 40 R district zoning to be passed.

Mr. Taylor asked about the potential number of units for the financial incentive payments to the Town. Ms. Harbottle said there are payments for units that are built and a payment when the district is created. She indicated that the units that could be built as of right need to be deducted. She said Greenbush is hard to predict as there are existing homes present. Mr. Pritchard confirmed with Ms. Harbottle that if the district starts off small and then expands, the payments would also expand. Ms. Harbottle indicated that if building does not occur in the 40 R district after the financial incentive money is given to the Town, then it must be returned to the state. Mr. Vogel asked if there was a piecemeal approach versus a blanket approach, would the financial incentive be the same. Ms. Harbottle said she could not give a definitive answer. Mr. Pritchard said it could depend if the money was available. Chris McConaughy from the EDC said that if it was done piecemeal a Town vote would be needed every time. Mr. Vogel said it could be done in two stages – one with the MBTA parcel and the other with the larger Village Business Overlay District (VBOD). He said it could be hard to convince Town Meeting to vote for the 40 R. He believes that when people are confused they vote no. He said if change can be pinned on one development, it makes it easier for votes in the future.

Mr. Taylor said that to do the Design Guidelines correctly in a short amount of time would be daunting. Mr. Pritchard said he doesn't know if there is time to do the guidelines before a decision must be made on the district location. Mr. Taylor said there are already some requirements in the

VBOD that could offer basic structure. Mr. McConaughy said MAPC has offered to help. Ms. Harbottle said that she needs to apply for a grant from MAPC for the guidelines, but needs to know if they will be for the whole area or just one parcel. Mr. Taylor asked how much time it takes to develop the guidelines. Ms. Harbottle said the public hearing is in February. Ms. Burbine expressed concern that the developer of the MBTA parcel may not use 40 R. Ms. Harbottle said she thought they might. Mr. Pritchard said he thought the density might interest them. Ms. Burbine said South Shore Auto Parts could be interested in 40 R. Mr. McConaughy said that with the capital expenditures the town is discussing, revenue is a big concern. He said that if two sites are interested and the rest is not zoned until later and potential revenue is lost, then townspeople could potentially be mad. Ms. Burbine said that revenue will also be generated from building permits. Mr. Pritchard said that there is a maximum of \$600,000 that the Town can receive from the state. He said the public safety and school project will cost \$75 million so this needs to be done right and with a vision for the area. He said the density is important as the Town will be looking for the revenue in the future. Ms. Harbottle said that for each residential unit completed the town receives \$3,000. Mr. Pritchard said he is looking at the big picture and sees one opportunity to do it right for both revenue and density.

Mr. Taylor said that if only one parcel is included now and it is successful that is a powerful tool to take back to Town Meeting for future expansion. He said the timeframe worries him. Mr. Pritchard said he is not sure that the Board can do guidelines for 1 parcel in the timeframe, so it may make sense to do the whole thing. He said that the Design Standards could be a condition of approval potentially for the MBTA parcel. Ms. Harbottle said that there is a pitfall in doing the entire district as the multifamily sub district has different neighborhoods. She said that if the MBTA parcel developers want to do 40 R and need to wait 6 months for the standards to be accepted then they will likely go under the VBOD. Mr. Pritchard asked if the standards need to be done by January to vote at the annual Town Meeting or could there be conditions based on the final standards being approved. He asked what is the incremental difference between the VBOD and 40 R density for the MBTA site. Ms. Harbottle said it was 8 units with 4 needing to be affordable. She said there was also a change in the height standards. Mr. Vogel asked how would the Town have the most control over the MBTA property in terms of visual impressions. Ms. Harbottle said it was a toss-up. Mr. Pritchard said the 4/5 vote of the special permit could delay things versus the majority vote of the 40 R. Mr. Vogel said assuming the design guidelines could be developed, then 40 R would appear to have the most control. Ms. Harbottle said that when the MBTA developers came in for their informal Town Hall discussion, their proposal did not respond to the VBOD design standards.

Ms. Harbottle indicated that the guidelines can be done after Town Meeting, but no 40 R project can be submitted until the guidelines are in place and the state won't give final approval of 40 R until the guidelines are in place. She said the state can give a preliminary approval of the 40 R district prior to Town Meeting and the Town can approve the district without the full guidelines. Mr. Pritchard asked if the guidelines could be developed in stages. Ms. Harbottle said she didn't think so, but the different sub districts could have different design guidelines. Mr. Pritchard said one of the mill towns did different guidelines for each different large parcel. Mr. Taylor said if he were a developer he would not go forward without knowing the design guidelines. Ms. Harbottle said that maybe one set of guidelines could be done for the MBTA parcel in one article and the rest of the district in another article so that at least one would pass. Mr. McConaughy said that could be questionable for the public meeting. Mr. Taylor suggested using pictures and the VBOD guidelines. Monte Newman of the EDC suggested going for the whole district and doing the guidelines later. He offered the Townspeople will approve the concept or not. Mr. Taylor said that could be done and have the

guidelines done before the MBTA wants to build in the summer. Mr. Newman said he was trying to simplify things as the proposal is being rushed.

Mr. Pritchard said the guidelines will be rushed. He would be alright with developing them up until the April Town Meeting, but that people will need visuals of what the district could look like. Mr. Taylor said previous conversations thought it would be easier to enact if the district was smaller. Ms. Harbottle said that if it is more than the MBTA parcel, then there is a need to get the word and information out. Ms. Burbine said she thinks the Driftway area should be done first not Country Way. She said she likes the salmon color version of the map including the Jacob Hatch Building and the Driftway Medical Building. She said she wanted the transfer station and golf course included and down to Old Driftway. Ms. Harbottle said that was a large area and development may end up scattered. Ms. Burbine says she sees opposition from the Harbor not the residents. Mr. Taylor said that he thinks development should be by the train and supports including the Jacob Hatch Building and medical building, but not all of Driftway. He said he would support the transfer station and the landfill too. Ms. Harbottle said that any development over ½ mile from the train platform must have sewer. Mr. Pritchard said that the focus then should be within a half mile of the train platform. The Board had a general consensus to have the 40 R district include the salmon color area, plus the transfer station, Jacob Hatch building and medical building and come up with draft guidelines for Town Meeting.

Mr. Pritchard asked if the MBTA parcel could be a sub district. Ms. Harbottle said she would check with the state. She asked the Board if they would like 2 articles to do this. The Board said they only wanted one article. Mr. Pritchard said that he would want to do the MBTA parcel and South Shore Auto Parts or just the MBTA parcel. Chairman Limbacher said the design guidelines would be the same. Mr. Pritchard said he wants a gateway to Scituate. Ms. Harbottle asked if the Board wanted the 45 foot height requirement. Chairman Limbacher suggested just taking the MBTA parking lot and then see what it looks like. Ms. Harbottle said the previous attempt to rezone part of Greenbush was defeated. Ms. Burbine said she'd like to see the salmon area with the Jacob Hatch site added. Mr. Vogel and Chairman Limbacher would like to see the MBTA site. Mr. Newman of the EDC agreed. Mr. Pritchard said he was worried about spot zoning and adding additional parcels in the future without abutter objection. He said that if the Town wants a village center, that is what should be sold. He said there is risk either way. Ms. Burbine said if it were a village district, other owners could also come forward with development ideas. She thought that there would be only one opportunity to ask the Townspeople. Ms. Burbine moved that the 40 R mixed use district be the salmon area with the addition of the Jacob Hatch Building and Driftway Medical Building shown as Example 3 on the Smart Growth Overlay Boundaries prepared by MAPC. Ms. Burbine withdrew here motion after it was indicated she would not be a voting member. Mr. Vogel moved Ms. Burbine's motion. Mr. Greene seconded the motion. Upon further discussion, Mr. Greene said that by including everything and having 2 properties that appear to be interested, it gives a good starting point. He said fine tuning could occur later. Mr. Vogel said he would like to see this happen and pass Town Meeting. Mr. Pritchard said the difference is 8 units on the MBTA parcel so he would like to see the whole area now instead of going piecemeal. Mr. Taylor said that whatever guidelines are created will be similar in the district. Mr. Newman said that when Town Meeting hears additional revenue, they will vote for it. Mr. Limbacher, Mr. Pritchard, Mr. Taylor, Mr. Greene voted in favor of the motion with Mr. Vogel abstaining. The voted was reconsidered and Mr. Vogel voted with the motion to make it unanimous.

**Public Hearing – Accessory Dwelling Special Permit – 380 Country Way  
Assessor's Map/Block/Lot: 32-08-20A**

**Applicants/Owner: Serena Berkelaar**

**Documents**

- Application for Accessory Dwelling Special Permit including deed, notarized letter, Septic System Design Plan 380 Country Way rev dated 10/16/14 by Morse Engineering Co., Inc., Inc. and architectural drawings Cover sheet, A1, A2, A3, A3.1 and A4 by Rockwood Design, Inc. for 380 Country Way showing Cover, Notes and Legend, First Floor Plan, Second Floor Plan, Apartment Floor Plan and Roof Plan dated 11/13/2014
- Transmittal to departments dated 11/17/14
- Comment from the Conservation Commission dated 11/17/14

Serena Berkelaar Green and her husband John Green were present. They indicated that they have been married 23 years and had a fire in their home last February. Mr. Green said they had an apartment on the second floor prior to the fire and now they want to do everything legally and have an approved accessory dwelling. He said they need the rental income to stay in Scituate and are looking forward to getting back into their house. Ms. Harbottle said that the house renovation is proceeding nicely. She said they have a licensed daycare on the first floor which is not subject to the special permit. Mr. Green said that they have had a licensed daycare at the site for 14 years. Ms. Harbottle said the applicants have lived there, the size is less than 40% of the primary dwelling, there is plenty of parking so the project is approvable. Mr. Pritchard confirmed there were multiple means of egress. Mr. Green said there is a new septic system and a new water line was put into the house. He said there was no separate water service to the apartment.

Mr. Taylor moved to make the following Findings of Fact concerning the accessory dwelling at 380 Country Way:

1. According to Town of Scituate Assessor's records, the property at 380 Country Way is owned by Serena Berkelaar. The property is located in the Residential R-2 zoning district on a lot of 20,005 sq. ft.
2. On November 14, 2014, Serena Berkelaar applied for a special permit for an accessory dwelling within a single family home at 380 Country Way.
3. According to the plan, the floor area of the primary dwelling is 3,039 sq. ft. The floor area of the accessory dwelling as shown on the plan dated November 13, 2014 is approximately 1,115 sq. ft. The floor area of the accessory is 36% of the floor area of the primary dwelling which is less than the maximum of 40% allowed in the bylaw. It meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.
4. The accessory dwelling is less than 40% of the primary dwelling and has two bedrooms. It is contained within the primary dwelling and is subordinate to the primary dwelling.
5. The proposed plan shows the dwelling to have a gravel driveway and a future gravel driveway. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling once the future gravel driveway is constructed.
6. The applicant has submitted a signed, notarized statement that she will live on the property. The special permit will be recorded. Any future new owner will need to file an affidavit with the Planning Board that he/she occupies the property.

7. The property has a septic system has been reviewed by the Board of Health.
8. One accessory dwelling unit is contained on the lot in a single family house. It will be a separate housekeeping unit.
9. There are no new exterior stairs.
10. The application meets the standards of Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Mr. Pritchard seconded the motion. Motion was unanimously approved.

Mr. Taylor moved to approve the Special Permit for an accessory dwelling at 380 Country Way with the following conditions:

1. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department and other town agencies.
2. Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Berkelaar – Green Residence 380 Country Way Scituate, MA 02066 by Rockwood Design, Inc. dated 11/13/2014 Sheets A1 – A4 – Notes and Legends, First Floor Plan, Second Floor Plan, Apartment Floor Plan and Roof Plan as well as the Septic System Design Plan 380 Country Way (Assessor’s Parcel:32-8-20A) Scituate, MA dated 10/16/14 by Morse Engineering Co., Inc.
3. The property at 380 Country Way shall contain a maximum of two dwelling units, the primary dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage of the accessory dwelling shall not be increased without prior approval of the Planning Board. The number of bedrooms in the accessory dwelling is limited to two, in the location and size indicated on the apartment floor plan submitted with the application and attached to this decision.
4. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy from any new owner shall be completed at the closing of the sale of the house and a copy provided to the Planning Board within seven days.
5. The Planning Board will require an on-site inspection for conformance to the approved plans and these conditions prior to a Certificate of Occupancy being issued for the accessory dwelling.
6. No on-street parking shall be permitted at any time.
7. This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The owner shall provide proof of this recording to the Planning Board.
8. This Special Permit shall lapse within two years from date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.

9. The Planning Board reserves the right to review compliance with this special permit at any time. At the request of the Planning Board, an affidavit shall be provided that either the primary or accessory unit is owner occupied.
10. At each transfer of ownership of the property, a new affidavit that the owner resides on the property shall be provided to the Planning Board within seven days of the closing of the sale of the house.
11. This Special permit shall terminate if the use is not in accordance with this decision and its conditions.

Mr. Pritchard seconded the motion. Motion was unanimously approved.

**Continued Public Hearing – Mixed Use Special Permit in the Village Business Overlay District  
- 50 Country Way**

**Assessor's Map/Block/Lot 53-5-3 and 3B**

**Applicant/Owner: 50 Country Way Trust, C. Christopher Ford Trustee**

**Documents**

- Draft Findings of Fact send by email from Laura Harbottle dated 12-17-14
- Draft approval conditions send by email from Laura Harbottle dated 12-17-14

Greg Morse, Steve Guard and Chris Ford were present for the applicant. Consulting Engineer, John Chessia, was present for the Town. Mr. Ford indicated that they had received draft Findings of Fact and draft conditions. He said they have no problems with the Findings and no major problems with the conditions. He said that they learned today that the Fire Chief has a problem with the site. Mr. Morse said that the Fire Chief was under the impression that there was a second means of access to the site through Charlie Reynolds property. Mr. Morse said the Fire Department was never shown that there would be a connection there. He said that the buildings would have sprinkler systems. Mr. Morse said that Karen Joseph met with Captain Elliot who wanted an additional hydrant at the entrance to the site which has been added. Mr. Morse said they will schedule a meeting next week to resolve the issue with Chief Murphy and with Captain Elliot. Ms. Harbottle asked to be copied on the emails.

Mr. Ford indicated that he has an issue with Condition 19 and the requirement for Building A to be done first. He said he understood the Board's issue that they wanted the mixed use building to be constructed, but he has tenants in the location where Building A will be located and does not want them displaced. He said he would like Building C to be done first so there is construction access and he said he would like to postpone the decision on phasing to the preconstruction conference. Attorney Guard said the front building has tenants and is the most visible. He said this site is unique as the site is occupied and not totally undeveloped. He indicated a performance bond and a flexible schedule would benefit the tenants and people of Scituate. He said it is very unlikely that the building A won't be built. Mr. Taylor asked for a clarification of the proposed order of the buildings. Mr. Ford said C, B then A. He said he would like to do the foundations for C and B together. Attorney Guard said B could be built prior to A and just not be occupied. Mr. Pritchard said he would like to see the construction sequence plan tied to a performance bond. Attorney Guard said that if B is constructed before A and not occupied that would be the carrot to ensure A is done. Mr. Ford said the project will probably be financed in phases. Mr. Pritchard said he would like to

see the plan. Chairman Limbacher said there is marginal benefit for the density and wants the plan to be real. He said it is not an option to discuss the phasing in the preconstruction conference and wants the phasing now. He said it could be “tweaked” during preconstruction. Mr. Pritchard agreed. Chairman Limbacher and Mr. Pritchard both said they would like a performance bond. Mr. Vogel asked if they are looking for the sequencing and layout of the site. Mr. Pritchard said yes, the major components. Mr. Taylor inquired if the tenants in Building A have expressed any interest in going into Building C. Mr. Ford said he has only had casual conversations with them. Mr. Taylor asked if the tenants don’t want to go into Building C would that change the sequencing. Mr. Ford said that the loss of the rental income to him would be painful and would change his numbers.

Chairman Limbacher said that he understands business next door was sold, but not the property. Mr. Ford said that was his understanding, but he is not privy to the information. Ms. Harbottle asked if there would be the possibility of obtaining an easement. Mr. Ford said he didn’t know what was happening next door, but would like to get something settled tonight on this project. Ms. Harbottle said it may be possible to make things conditional upon approval of the Fire Chief. Chairman Limbacher suggested starting with the Findings of Fact.

Mr. Taylor moved that the Planning Board make the following Findings of Fact (Board discussion is noted for findings):

1. 50 Country Way Trust, C. Christopher Ford, Trustee filed an application for a Special Permit for a Mixed Use Special Permit in the Village Business Overlay District under Scituate Zoning Bylaw Section 560 on October 17, 2013. (*Chairman Limbacher would like a plan reference added in as in Condition 1*)
2. The property that is the subject of this application is a 1.41 acre parcel at 50 Country Way which contains an existing building with five apartments. The property is in the Business District, Village Business Overlay District, and Water Resource Protection District, and a portion is within the Zone A of the public water supply.
3. The lot or yard area required for the new building or use do not include any part of a lot that is required by any other building or use to comply with any requirements of this bylaw. The proposal meets the requirements of Section 560.4 A.
4. The application was reviewed under Section 750 before submission and afterwards by the Design Review Committee on January 19, 2011, June 9, 2012 and November 5, 2013. As required by Scituate Zoning Bylaw Section 560.8, Design Review Standards, the Planning Board has considered the extent to which the applicant satisfies the Design Review Standards detailed below:
5. Roofs – Roofs are pitched to the center ridge and the slope meets or exceeds the 8:12 slope required by Section 560.8 A. Dormers are no more than 20’ in width. (*Change to 4a*)
6. Façade Treatment – On the façade of Building A facing Country Way, 34% of the ground floor and 25% of the second floor façades are glazed. Section 560.8 B. requires a minimum of 50% of the first floor and 30% of the second floor to be glazed. (*Change to 4b – add similar wording that the historic building outweighs the need for glazing*)
7. Front Yard Setbacks – The front setback for Building A, situated on Country Way, will be 15’ to the edge of the porch, the maximum permitted. No parking is located in the front yard setback. The proposal is considered to meet this requirement. (*Change to 4c*)

8. Side and Rear Yard Setbacks – The side setback is proposed to be 8.9’; the rear setback will be 46.5’. The adjacent lot, 48 Country Way, contains a residence which is over 60’ from the side lot line, therefore the 20’ setback from a residential use will not be required and the proposal is considered to meet this requirement. (*Change to 4d*)
9. Greenbush Design Standards – Building B at 75’ has the longest façade facing Country Way. This is less than the 120’ maximum. This is the only façade over 50’ and is articulated. This proposal is considered to meet this requirement. (*Change to 4e*)
10. Parking and Landscaping – The driveway for the proposal is over an access easement shared with Morning Glories bakery. It will be 24’ wide. A Landscape Plan was submitted. No invasive plants are proposed. The property does not abut a Residential zoning district and no screening is proposed. (*Change to 4f*)
11. Water Resource Protection District - Stormwater is proposed to be treated by a Stormceptor. Except for an existing leaching catchbasin, all infiltration will be outside the Zone A to the public water supply. No parking is proposed beyond that which is required. (*Change to 4g – take out Stormceptor and put in Tree Box filter and subsurface infiltration system*)  
  
The proposal meets the requirements of Section 560.4 B. and the Design Review Standards of Section 560.8.
12. The applicant has agreed that whether the proposal is built as apartments or a condominium, four units shall affordable to low and moderate income households as defined in Section 560.7 B., Affordability Standards, Rental or Sales Price. The proposal meets the requirements of Section 560.4 C.
13. “Building A” will contain approximately 2,051 sq. ft. of retail, 1,831 sq. ft. of office space and 888 sq. ft. of common space on the first floor. This is considered to meet the requirement of 560.4 D. that retail uses occupy a minimum of 50% of the floor area on the first floor. (*split 888 among retail and office to get correct percentage for retail exceeding office*)
14. As shown on the Level 1 Area Plan by Paul Ford, graduate student in architecture, the proposal shows retail space of 2,051 sq. ft. plus an undefined area within the historic building, and office space of 2,719 sq. ft. The applicant will be requested to determine the total amount of retail space and to accept a requirement that the retail uses account for more than 50% of the first floor of Building A. The proposal is considered to meet the requirements of Section 560.4 D. (*Take out everything except last sentence as it duplicates 13. Paul Ford has a PhD in architecture*)
15. According to William McGovern, PLS, the lot contains 61,202 sq. ft. 20 units per 40,000 sq. ft. may be authorized by the Planning Board if significant public benefits are provided. 30 units are proposed on this site.

The anticipated public benefits provided by the developer are as follows:

The proposal will preserve or replicate a unique historic structure which contributes to the streetscape of Country Way, and the applicant will accept a condition that prior to the start of construction, he or she shall provide a performance bond to guarantee preservation, based on an estimate by an architect and/or historic preservation professional approved by the Planning Board. (*take out replicate and take out by an architect or historic preservation professional*)

The applicant further agrees to construct a public pedestrian path through the site connecting the MBTA pedestrian walkway to Country Way. This shall include: (*add and maintain*)

- a. Provision of bike racks,
- b. A minimum of two signs coordinated with other public wayfinding signs in Town indicating the path is public (or funding to cover the cost of same, at the discretion of the Planning Board) and identifying some possible destination(s), or funds to cover purchase of the signs, (*remove funds to cover purchase of signs*)
- c. Landscaping or fencing to demarcate or separate the path from the private portion of the development, and
- d. Lighting.

In providing the additional 6 units above the allowed 24, the developer has also agreed to construct 16 one-bedroom units and 14 two-bedroom units, limiting the total number of bedrooms in the 30 units to 44.

According to the Site Layout Plan (Sheet 3) by William McGovern, PLS, 16,243 sq. ft. or 27% of the site shall be maintained as open space.

Frontage is required to be an amount sufficient in the opinion of the Planning Board to provide adequate access, and not less than 20'. Frontage of approximately 49' is provided on Country Way. The site is also adjacent to Stockbridge Rd. for 163' which has been accepted as frontage for this project by the Building Commissioner.

The proposal is considered to meet the requirements of Section 560.4 E.

16. The applicant provided the Planning Board a written description of the intended improvements in their application. A specific time frame for their completion was not provided.
17. The proposal will contain 66 parking spaces, including sixteen for the one-bedroom units; 21 for the two-bedroom units; 10 for the retail space and thirteen for the office space. An additional five will be provided for the common area adjacent to the office space, at the office requirement. The applicant has provided parking which meets the requirements of Section 560.6. (*add "parking" to clarify office parking requirement*)
18. The proposal will contain four affordable units. The applicant will accept a condition that the development meet the requirements of Section 560.7, Affordability Standards. The proposal meets the requirements of this section.
19. The applicant submitted a Traffic Impact and Access Study prepared by Ron Muller & Associates dated January 27, 2014. Vanasse & Associates, consultants for the Town, reviewed the study and found that additional information was required to be submitted to demonstrate that access and on-site circulation can be afforded to and within the Project site in a safe and efficient manner and that sufficient parking will be provided to accommodate the anticipated demands of the proposed uses. (*state that the applicant has accepted conditions related to traffic and parking*)
20. The proposed stormwater management system has been reviewed by the Town's consulting engineer, John Chessia of Chessia Consulting LLC whose comments indicate his concerns have been satisfactorily addressed.
21. The design results in no increase in impervious area to the existing leaching pits in the Zone A area. Although the bottom of the existing leaching pit is not separated by three feet from the groundwater in the Zone A, a stormwater management system with artificial recharge is

incorporated on the site. The Water Resource Committee requested the applicant maintain the leaching pit on Morning Glories' property, and a written Agreement for maintenance be developed which would be communicated to future owners. *(add the applicant has agreed to accept conditions addressing these issues)*

22. Correspondence received from the Fire Department indicated that an additional hydrant would be required. This hydrant was added to the special permit plan. *(add there are ongoing discussions to resolve the issues here)*

Based on these findings, the Mixed Use Special Permit meets the requirements under the Village Business Overlay District, Section 560 and the Water Resource Protection District, Section 520 of the Zoning Bylaw. *(take out Water Resource Protection District)*

Mr. Taylor moved to approve the Findings of Fact as amended as noted above. Mr. Pritchard seconded the motion. Motion was unanimously approved.

The Board indicated that the fire department issues, construction phasing and bond should be resolved and submitted prior to the next meeting.

Mr. Taylor moved to accept the applicant's request to continue the public hearing for the for the Mixed Use Special Permit in the Village Business Overlay District for 50 Country Way until January 8, 2015 at 8:30 p.m. Mr. seconded the motion. Motion was unanimously approved. Mr. Pritchard seconded the motion. Motion was unanimously approved.

**Form A – 182 First Parish Road**  
**Assessor's Map/Block/Lot 44-1-21**  
**Applicant/Owner: Tar Pouch Realty Trust**

**Documents**

- 7/17/14 Application and Plan of Land in Scituate, MA Showing a Division of Parcel 44-1-21 located at 182 First Parish Road stamped by William Joseph McGovern of Morse Engineering Co., Inc. for applicant/owner Tar Pouch Realty Trust dated 12-1-14
- 12/5/14 Transmittal to departments
- Conservation Commission comment

Greg Morse was present for the applicant. He indicated that the previous Form A for the site was not recorded as the deal fell through with the neighbor. He said there are two lots shown on the plan and both have access and frontage on First Parish Road. Ms. Harbottle concurred that both lots had the requisite frontage and access.

Mr. Taylor moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, MA Showing a Division of Parcel 44-1-21 located at 182 First Parish Road stamped by William Joseph McGovern of Morse Engineering Co., Inc. for applicant/owner Tar Pouch Realty Trust dated 12-1-14 as the division of land is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the public way of First Parish Road. Mr. Pritchard seconded the motion. Motion was unanimously approved.

**Form A – 52 Tilden Road**  
**Assessor's Map/Block/Lot 45-16-28**

**Applicant/Owner: John Tedeschi**

**Documents**

- 12/11/14 Application and Plan of Land in Scituate, MA Showing a Division of Parcel 45-16-28 located at 52 Tilden Road stamped by William Joseph McGovern of Morse Engineering Co., Inc. for applicant/owner John Tedeschi dated 12-10-14
- 12/11/14 Transmittal to departments

Greg Morse indicated he was present to represent John Tedeschi who was also in attendance. He indicated that the existing lot is proposed to be divided into two 20,000 sq. ft. lots of all upland area. Ms. Harbottle said both lots have access and frontage and the plan can be endorsed.

Mr. Taylor moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, MA Showing a Division of Parcel 45-16-28 located at 52 Tilden Road stamped by William Joseph McGovern of Morse Engineering Co., Inc. for applicant/owner John Tedeschi dated 12-10-14 as the division of land is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the public way of Tilden Road. Mr. Vogel seconded the motion. Motion was unanimously approved.

**Lot Releases – Ingrid Lane**

**Assessor's Map/Block/Lot**

**Applicant/Owner: Water View Farm Realty Trust**

**Documents**

- 12/8/14 Request for lot releases from Leo C. Costello, Trustee Water View Farm Realty Trust
- As built plan and profile for Ingrid Lane dated 12/5/14 by Ross Engineering
- Ingrid lane construction inspection dated 12-11-14 by Amory Engineers

Michael Vazza was present for Water View Farm Realty Trust. He indicated that he would like Lots 1 and 2 released from the covenant and was willing to put up \$5,000 surety as discussed with the Town Planner at a recent site visit. Ms. Harbottle concurred.

Mr. Taylor moved to accept Leo C. Costello, Jr.'s request, as Trustee of Water View Farm Realty Trust, to release Lots 1 and 2 of the Ingrid Lane Definitive Subdivision Plan approved by the Board on 3/26/2010 from the covenant recorded 7/19/10 in the Plymouth County Registry of Deeds in Book 38742 Page 40, provided that cash surety in the amount of \$5,000.00 be provided to the Planning Board to secure the performance that drainage work is completed on Lot 2, and that the Town Planner hold the lot releases until the money is deposited in an account approved by the Town Treasurer and proof furnished to the Town Planner of the deposit along with the recorded lot releases. Mr. Pritchard seconded the motion. Motion was unanimously approved.

**Form A – 75 Moorland Road**

**Assessor's Map/Block/Lot 5-1-2**

**Applicant/Owner: John F. III & Catherine M. McNamara**

**Documents**

- 12/11/14 Application and Plan of Land in the Town of Scituate, MA 75 Moorland Road stamped by Paul J. Mirabito of Ross Engineering Co., Inc. for applicant/owner John F. III & Catherine M. McNamara dated 12-10-14
- 12/11/14 Transmittal to departments

Ms. Harbottle indicated that the applicant would like to take the town road and gas line that are on his property and put them into a separate parcel for liability reasons.

Mr. Taylor moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in the Town of Scituate, MA 75 Moorland Road stamped by Paul J. Mirabito of Ross Engineering Co., Inc. for applicant/owner John F. III & Catherine M. McNamara dated 12-10-14 as the division of land is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the public way of Moorland Road. Mr. Limbacher seconded the motion. Motion was unanimously approved.

### **Accounting**

#### **Documents**

- PO # 1504061 (\$125.00)

Mr. Taylor moved to approve the requisition of \$125.00 to Ockers for the typewriter maintenance contract. Mr. Pritchard seconded the motion. Motion was unanimously approved.

### **Liaison Reports**

Ms. Burbine indicated that Toll Bothers went in front of the Board of Selectmen with a request to pay \$14,000 for each of the units they will be proposing in the near future to tie into Town sewer. She said the Selectmen took it under advisement.

### **Old Business and New Business**

#### **Documents**

- Staff report for 12/18/14
- 12-15-14 Town Clerk filed decision for 50 Country Way Definitive Plan

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 10:30 p.m. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Richard Taylor, Clerk  
1-8-2015  
Date Approved