

**SCITUATE PLANNING BOARD MINUTES September 8, 2016**

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

Members Absent: Stephen Pritchard, Chairman.

Others Present: Ms. Laura Harbottle, Town Planner.

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

Location of meeting: Selectmen's Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Vice Chairman Limbacher called the meeting to order at 7:30 P.M. The meeting was being recorded for airing on local cable television.

**Documents**

- 9/8/16 Planning Board Agenda

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

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**Site Plan Waiver – North Scituate Playground – 15 Henry Turner Bailey Rd  
Assessor's Map/Block/Lot 12-1-18-B  
Applicant/Owner: Town of Scituate Recreation Commission**

**Documents**

- Application for Site Plan Waiver and North Scituate Playground Plan dated 8/22/16 by DMLA

Maura Glancy, Mike Westort and Al Kazlousky of the Recreation Commission were present for the applicant. Mr. Westort indicated that CPC funds for the playground were approved in 2010 and 2016. He indicated they have hired a playground specialist to be in charge of health and safety issues as they would like things done correctly. He said their specialist is also a certified playground inspector. Mr. Westort said they have also hired a landscape architect. He said they have done drill holes to determine if the site has any gas pollutants as there was previously a gas station located near the site. He said no issues were found.

Mr. Westort said that much of the budget will go to site preparation. He said there are three different levels in the playground area which will require grading and there will be four underground storage units to handle drainage. He said they will need a civil engineer down the road. Mr. Westort said the playground will have a bituminous path around it that will be pitched to drain. He indicated there will be a wood fiber area which will have a zip line, Neptune Tree House Structure and swings. He said the fiber is 2" in size and is engineered wood that will not attract animals. He said the fiber varies in depth up to 12" and with a filter fabric layer below the fiber chips. He said there will then be a layer of stone and more filter fabric. He indicated a second play area would be made of a blue thermoplastic volcanic rubber that will be pitched to drain. He said the material dries quickly and contains no latex. He said the blue mat will be over a 2 – 4 1/2" thick SPR which is over stone which is compacted to 95% then filter fabric and drainage.

Mr. Westort said the front fencing is nautical themed and the back is chain link fence. He said there would be one way in/out of the playground. He indicated that the Selectmen gave the permission to park in the spaces in the lot and some will be made handicap accessible. He indicated that half of the existing trees in front of the proposed playground are dead, but they will have more trees as they have a landscape budget of \$8,000. Mr. Westort said the fencing will likely be black depending on cost.

Ms. Burbine had a concern on the tree line blocking the back of the playground. Mr. Westort said the Traffic Rules Committee had the same concern. He said they may need some type of security lighting. Ms. Burbine said she was concerned that there was just one way in/out of the playground. Mr. Westort said that many parents like the one way in/out as a way to help keep track of children. He said no children would be able to sneak out the back. Ms. Burbine said the group has done a good job, but questions the zip line in terms of liability, dangerousness and that she has heard there is a lot of down time on them. Mr. Westort said that the design group originally did not like the zip line either, but they viewed a video of it and determined it was not what they all thought it was. He said it operates at a slow pace. A member of the committee said that it fosters kids working together to get the line back to the starting area for another child. Mr. Limbacher opined that if it doesn't go in now, it will never go in. Mr. Westort said the playground is being designed for children of different ages. Ms. Glancy indicated the playground inspector has reviewed the zip line and says it is a good piece of equipment. Ms. Glancy indicated there were several public meetings and there was a community effort to decide what goes into the playground.

Ms. Burbine asked if there would be porta-potties. Mr. Westort said it boils down to maintenance. He said they are trying to minimize maintenance and know that the fiber chips will need augmentation every few years. Ms. Glancy said this playground is supposed to replace the Seaside playground which had a porta-pottie and she would look into the matter. Ms. Harbottle said that she talked with DPW and they were not aware that they would be maintaining the playground. Ms. Glancy said it will be town property. Members of the committee indicated that the Town mows the lawn area now that the playground will be built upon by the WPA Building. Mr. Limbacher said that they take care of the Purple Dinosaur playground now.

Mr. Taylor inquired as to who owns the parking lot. Mr. Westort said there are ten parking spaces for the WPA and the Board of Selectmen indicated they could be used. He said that the Selectmen indicated they would talk to the MBTA to verify that tickets will not be issued for other spaces in the lot. Ms. Burbine was concerned that the ten spaces would not be occupied by all day parkers. She asked if the proposed lawn area could be multigenerational with perhaps a bocce area. Mr. Westort said the lawn can be used for many things and by many ages. He indicated that is why the playground is divided into the three areas. Mr. Taylor asked if a child could get out with the nautical fence. Mr. Westort said he would confirm what is in between the posts for the nautical fencing.

Mr. Limbacher asked about the drainage and the four proposed underground storage tanks. Gregory Morse, a member of the audience, asked how much fill was being proposed as the site is in the Floodplain and Watershed Protection District and within the 100 year floodplain. Ms. Harbottle indicated that most of the site is in the floodplain district which has requirements regarding bringing in fill. She said a building permit will be unnecessary; however, drainage is usually reviewed by an engineering peer consultant to make sure it will work. She said she understands there is a reluctance to do this; but the reviews usually lead to minor beneficial changes. Mr. Westort said he was concerned with additional cost and that is why experts were hired. She said the review would come with the engineering construction plans. Ms. Glancy said that she did want the Board's engineer to

review the project. She asked where the 100 year flood line was. Mr. Morse indicated that there is the overlay district and the 100 year flood line. Ms. Harbottle indicated that fresh water from Bound Brook can flood into the site. She said she would print a map with the floodplain district on it. Ms. Burbine said that the Board can look at the construction documents and if there are minor tweaks that can be done. There were no additional public comments. Ms. Harbottle said that she would prefer the black chain link fence as it is what the MBTA had to use for the historic district.

Ms. Burbine moved that the Planning Board make the following Findings of Fact:

1. The applicant submitted a schematic concept of the North Scituate Playground dated August 22, 2016 by DMLA. It was the result of several public meetings to provide input to what the playground should contain.
2. Votes of Town Meeting in 2010 and 2016 approved Community Preservation funds for a new playground in North Scituate.
3. The site is approximately 6,000 sq. ft. of a 2.1 acre lot with the existing WPA Building and parking lot on it. The lot is located in the Scituate Business District, Village Business Overlay District and Floodplain and Watershed Protection District.
4. There is a single family residence to the rear of the property, a brook to the west, a parking lot in front of the proposed playground and the WPA building to the east. The single family home has trees along the property line. The adjoining premises that could be most affected will be protected against detrimental or offensive uses of the site. The site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 Paragraph A.
5. The Scituate Zoning Bylaw Section 760.6, Table of Minimum Parking Requirements, has no specific requirements for a playground use and adequate parking to meet the normal parking demand as determined by the Planning Board determines the parking count. A parking lot is immediately adjacent to the proposed playground. The parking appears to be sufficient for the proposed use.

The site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 B. and C. for traffic safety, ease of access, pedestrian safety, and emergency vehicles.

6. The playground will not be connected to the public sewer or public water supply. Waste disposal will be handled by the Scituate Department of Public Works. The site plan meets the standard of review of Scituate Zoning Bylaw Section 770.6 D. for adequacy of methods of waste disposal, adequacy of water supply and fire- fighting facilities on the site.
7. The stormwater from the playground will be directed towards catchbasins in the parking lot or infiltrated. The site is in the Floodplain and Watershed Protection District. No toxic or hazardous materials will be stored or used on the site.  
  
The site plan meets the standard of Scituate Zoning Bylaw Section 770.6 E. and F. for adequacy of stormwater management and control of toxic and hazardous materials in the Floodplain and Watershed Protection District.
8. Minimal site grading is proposed as the site is relatively flat. An erosion and sedimentation control plan will be used. The site plan meets the standards of Scituate Zoning Bylaw Section 770.6 G., H. and I.

9. The existing parking area has a row of trees at the edge of the parking which will be maintained as a buffer to the playground. A black vinyl chain link fence will surround the

playground. No additional outdoor lighting will be provided. The site plan meets the standards of Scituate Zoning Bylaw Section 770.6 I and J.

10. The site plan meets the requirements of the Town of Scituate Zoning Bylaw Section 770.6, Site Plan Review Standards of Review to a degree consistent with reasonable use of the site for the purpose permitted by the regulations of the district in which the land is located.

Mr. Taylor seconded the motion. Motion was unanimously approved. Ms. Harbottle pointed out to the Board that the view of the WPA Building from the parking lot with the playground will look different from the way it does now when the playground is constructed. Ms. Burbine said she understood that.

Based on the Findings of Fact and the testimony received at the public meeting, Ms. Burbine moved to approve the Site Plan Administrative Review for a playground at 15 Henry Turner Bailey Road with the following conditions:

### **General Requirements**

1. All construction work shall be substantially in accordance with the conceptual site plan entitled North Scituate Playground Scituate, MA, dated August 22, 2016 by DMLA with any additional revisions needed to conform to the conditions contained herein. A full set of drawings shall be provided to the Planning Office 30 days prior to obtaining a building permit to determine consistency with the conceptual drawings and for review of conformance to site plan standards.

*The Board changed 30 days prior to obtaining a building permit to 30 days prior to the start of construction.*

2. Where construction or use requires approval, permitting or licensing from any local, state or federal agency, such required approvals, permitting or licensing including but not limited to Zoning Board of Appeals conditions of approval are deemed a condition of the Town of Scituate Planning Board's approval of this site plan. All necessary permits and approvals must be received prior to construction and use of the site.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw and State Building Code.
4. All conditions of approval shall be inscribed on the Site Plan.

### **Utilities, Parking and Traffic**

5. Prior to Town Meeting, the entity responsible for maintenance and repair of the playground shall be identified.

*The Board changed Prior to Town Meeting to Prior to the start of construction.*

6. No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water in accordance with the policy made effective by the Board of Selectmen on October 8, 2014.
7. The playground, parking, and required signage shall meet all requirements of the ADA and the Scituate Commission on Disabilities.
8. The Applicant shall determine if the playground shall be closed at night and who will be responsible for locking the facility.
9. The Applicant shall obtain the approval of the Planning Board through the Town Planner if minor changes from the plan and/or details are needed for the playground.

### **Façade, Landscaping and Streetscape**

10. Prior to application for a sign permit, the sign design shall be provided to the Town Planner for approval which shall not be unreasonably withheld or delayed.
11. Black coated chain link fence shall be used wherever chain link fence is called for in the plans.

### **Required Prior to Scheduling the Pre-Construction Conference**

12. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
  - a. A construction schedule including approximate dates for installation of erosion control and other site protection/stabilization, installation of the base and surface material and completion of the all applicable items in Subdivision Rules and Regulations 9.1.3.

### **Required Prior to the Start of Construction**

13. A pre-construction conference shall be held with the Applicant, their engineer and/or designer, the site contractor(s), the Town Planner and other representatives of the Town as the Board feels are necessary. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board and the DPW. At least one telephone contact shall be available 24 hours per day in the event of an emergency.
14. A stabilized construction entrance must be installed prior to any earth disturbing activities including but not limited to demolition, clearing and grubbing. Construction access must be clearly identified on the site.
15. If the playground is going to self-drain/infiltrate, a test pit must be excavated, witnessed by a licensed soil evaluator, to verify that the soils are suitable for infiltration and separation to groundwater exists. The soil log must be submitted to the Planning Office prior to the start of construction to verify infiltration can occur.

### **Required During Construction**

16. 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.
17. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures approved by the Town Planner are in place. Such control measures shall remain in place until the Board's consulting engineer determines after consultation with the Town Planner, that the danger of erosion or sedimentation no longer exists.

*The Board removed the language "until the Board's consulting engineer determines after consultation with the Town Planner". The following language was added "Such control measures shall remain in place until the Town Planner determines that ...".*

18. Construction of the proposed playground shall be supervised by a registered professional who shall certify in writing to the Planning Board at the completion of the project that the playground and drainage system were constructed in accordance with the approved plan. This certification shall be accompanied by as-built plans, showing all site utilities and grading, signed and stamped by a professional land surveyor and the supervising professional.

### **Administration**

19. This site plan shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.

Mr. Taylor seconded the motion as modified. Motion was unanimously approved.

Ms. Burbine moved to continue the dog park until September 22, 2016 at 9:00 pm. Mr. Taylor seconded the motion. Motion was unanimously approved.

### **Accounting**

#### **Documents**

- PO # 1702220 (\$1,950.00), PO # 1702459 (\$960.00), PO # 1702596 (\$85.00)

Ms. Burbine moved to approve the requisition of \$1,950.00 to Merrill Corporation for engineering peer review for Stormwater Permit for 4 ANR lots at the corner of Mann Lot Rd/Creelman Drive, for \$960.00 to Chessia Consulting Services, LLC for performance bond review for 50 Country Way and for \$85.00 to MAPD for dues for Laura Harbottle for 2016-2017. Mr. Limbacher seconded the motion. Motion was unanimously approved.

### **Minutes**

Ms. Burbine moved to approve the meeting minutes of 8/11/16. Mr. Limbacher seconded the motion. Motion was unanimously approved with Mr. Taylor not voting as he was not present at that meeting.

### **Liaison Reports**

Ms. Burbine reported that CPC meets on 9/12 and EDC on 9/21. Ms. Burbine reported that there was extensive discussion at the Selectmen's meeting on 9/6 on plans to construct 30 affordable units behind the existing Central Park. She said the Scituate Housing Authority is proposing the plan using CPC funds and Affordable Housing Trust funds. She indicated the units are 600 sq. ft. with one bedroom and are small. She said the plan is for them to be all rental. She indicated she would provide more information as the plans develop.

Mr. Taylor indicated the tour of the wastewater treatment plant on 9/1 was excellent.

### **Town Planner Report**

Ms. Harbottle indicated that she had a call from the chair of the CPC regarding site plan review for CPC projects. She indicated to the chair it was a policy of the Board to have the projects come in for review as well as the Town Administrator. Mr. Limbacher said the cost of approvals should be built into the cost of the project and funding requests. Mr. Wynne said the review process is important for drainage, stormwater concerns and traffic. Mr. Limbacher was concerned that the CPC projects would be held to a lesser standard.

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

#### **Documents**

- Email to Board dated 9/2/16 from Karen Joseph with agenda for 9/8/16 and meeting minutes from 8/11/16
- Email to Board dated 9/7/16 from Karen Joseph with library plan and information on the microbrewery

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 8:37 p.m. Mr. Taylor seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Ann Burbine, Clerk  
9-22-16  
Date Approved