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**Scituate Zoning Board of Appeals
Meeting Minutes
March 1, 2018**

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The Scituate Zoning Board of Appeals held a public hearing on March 1, 2018 at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:00 P.M.

Present: John Hallin, Chairman, Sara Trezise, Ed Tibbetts and Anthony Bucchere.

Also Present: Attorney Jason Talerman, Robert Vogel, Building Commissioner and ZEO.

(Continued from January 25, 2018) SEB/Herring Brook Meadow, LLC requests a Modification to the Comprehensive Permit for Herring Brook Meadow, LLC pursuant to M.G.L. Chapter 40B, Sections 20-23. The request for change is on file with the ZBA for the project located at **126 and 132 Chief Justice Cushing Highway (Assessor's Map 58, Block 1, Parcels 8A and 5), Scituate, MA.**

Representing the Applicant: Geoff Engler, S.E.B., Bob Engler, S.E.B.

Mr. Hallin explained the order of presentations to the audience and noted the opportunity for public comments will follow the presentation of findings by the peer review engineering consultants from Woodard and Curran and questions from the Board.

Mr. Dan Garson, Senior Principal, Woodard and Curran and Mr. Scott Salvucci, Project Engineer, Woodard and Curran presented findings on the submitted Scitec Engineering Report.

Mr. Garson explained the key focus was the storm water management design and drainage calculations. Also reviewed was the local bylaw and wetlands protection. Massachusetts storm water handbook was referenced. The Applicant submitted plans dated Sept. 29, 2017 and a storm water plan dated Dec. 2017. Further, a site visit was completed.

Mr. Garson referenced ten standards as cited in the Massachusetts Storm Water Handbook and stated said standards were not met in the proposed design. Further, insufficient submission of documentation and studies prevented thorough review by Woodard and Curran consultants.

Mr. Salvucci reviewed each of the ten standards in the handbook and the findings of the submitted plan. He further stated of the ten standards, eight apply, seven are not met and one meets the standards are cited in the handbook. Back up calculations were not made available and detail was insufficient.

Mr. Robert Engler stated his aim to meet with the peer reviewer to discuss and address the report and explained the submission of the findings from Woodard and Curran just two days prior to the public hearing did not allow sufficient opportunity for the Applicant's review of the report. Previous projects have addressed the engineering elements subsequent to the permit issuance.

Mr. Garson reiterates Mr. Engler's statement with regard to a meeting between the Applicant and the peer review consultant generally occurs in advance of the presentation at the public hearing.

Mr. Geoff Engler stated S.E.B.'s willingness to work collaboratively with Woodard and Curran and the ZBA. Further that S.E.B. would endeavor to meet with Sci Tec and Woodard and Curran in the immediate future.

Ms. Trezise suggested a site visit be made during the high tide cycle of the impending storm. Mr. Hallin explained the calculations by the engineers would not be impacted by a site visit.

A discussion of the priority of information made available to the Board for consideration and the peer review of that information within an established timeline followed. It was agreed that basic feasibility issues of the proposed project be the initial focus.

Mr. Hallin requested the Applicant submit an updated existing conditions plan and stated the impracticality of reviewing an out of date plan. If need be the 2008 plan could be updated.

The meeting was opened for public comment.

Werner Boehl of 15 Martha's Lane encouraged the peer review engineers make a site visit during the storm tomorrow.

Frank Kilduff of 125 C.J. Cushing Hwy. asked how full adherence to the full engineering would be monitored.

David Hollstein of 11 Martha's Lane expressed his concern with the tidal water and storm water mitigation.

Matt Kilduff of 125 C.J. Cushing Hwy. asked how a 40B could afford insurance on the property.

Mr. Bucchere explained there would be two insurances: one for the condo. units and another for the ownership of the building. The former would be the responsibility of the individual unit owners, the later would be assumed by the developer.

Ms. Trezise stated her opinion that the question had not been adequately answered.

Mr. Geoff Engler objected and stated the issue of insurance has been taken very seriously.

Russ Lannon of 133 C.J. Cushing Hwy. stated his concern over the recent 11.5' tide and the impact of the proposed plan on an area already prone to flooding.

Mr. Hallin explained to the neighbors that the concerns raised would be addressed and answered in subsequent engineering reviews as submitted by Woodard and Curran.

Ms. Trezise asked the Applicant the expected length of construction.

Mr. Geoff Engler stated it would likely be 14-20 months.

Mr. Tibbetts stated the amount of fill proposed in the plan is substantial and asked how tidal actions affect the disturbed soils beneath the fill. Further, 23,000 cubic yards of fill are proposed. To give perspective to the public, 15 cubic yards of fill in an 18 wheeler. Please persuade the Board as to why that makes sense.

Mr. Garson stated the question would be reviewed upon receipt of further details from Sci tec.

Mr. Bucchere asked where the lights on the submitted lighting plan would shine.

Mr. Geoff Engler stated the submitted lighting plan complies with all Scituate bylaws.

Mr. Hallin asked if the Applicant intended to adhere to the building code for construction in a flood plain and when the Applicant would provide a perspective of the building height to the neighbors.

Mr. Geoff Engler responded that the Applicant is agreeable to a balloon test to satisfy the Board, however the height impact study was addressed in the shadow study presented at an earlier meeting.

Frank Kilduff of 125 C.J. Cushing Hwy. asked what the building height will be above level ground and if a height waiver would be required.

Mr. Geoff Engler stated the first floor would be 23'.

Peggy English of Moor's Circle asked if the buildings would shadow Martha's Lane and if trees would be cleared along 3A.

Mr. Engler stated the Applicant intends to leave the vegetation on 3A as undisturbed as possible.

Matt Ahonen of 5 Martha's Lane asked if police detail would be directing trucks in and out of the site and the traffic on 3A.

Matt Kilduff asked if there was any plan for sidewalks from the subject property along 3A towards the Harbor.

Attorney Talerman stated that connectivity and smart growth cannot be revisited; the issues have been litigated.

The meeting was closed for further public comment.

Mr. Robert Engler requested the Board respond to the letter requesting an extension of the Comprehensive Permit set to expire on April 1, 2018.

Mr. Bucchere moved to extend the existing Comprehensive Permit to October 1, 2018. Motion seconded by Mr. Tibbetts. All in favor, unanimous.

Mr. Tibbetts moved to continue the hearing to April 5, 2018. Motion seconded by Mr. Bucchere. All in favor, unanimous.

Mr. Bucchere moved to adjourn. Motion seconded by Mr. Tibbetts. All in favor, unanimous.

Meeting adjourned at 10:00pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Anne M. Kelly". The signature is written in dark ink and is positioned above the printed name.

Anne M. Kelly