

Scituate Zoning Board of Appeals Meeting Minutes August 30, 2018

The Scituate Zoning Board of Appeals held a public hearing on August 30, 2018 in the Joseph P. Norton Emergency Operations Center at the Public Safety Complex located at 800 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:30 P.M.

Present: John Hallin, Chairman, Sara Trezise, Ed Tibbetts, Anthony Bucchere.
Also Present: Jason Talerman, Esq., Mead, Talerman & Costa, LLC. and Bob Vogel, Building Commissioner and ZEO.

Application: (Continued from July 26, 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: Bob and Geoff Engler of S-E-B, LLC, Attorney Stephanie Kiefer, Smolak & Vaughn, Scott Salvucci of Woodard & Curran.

Documents submitted: hard copy of electronic presentation via slides.

Mr. Hallin opened the meeting by explaining that the applicant would review the updates generated from the last meeting. He would allow the opportunity for public comments and questions from the Board at the end of the presentation.

Mr. Engler distributed hard copies of the plans and said that they had not been revised since the previous meeting. He told the Board that his presentation would address the questions and concerns raised by the Board members and the abutters at the previous hearing.

Mr. Engler explained that the last items discussed at the previous hearing were the Emergency Access gates and road. He met with Deputy Fire Chief Elliott after the previous hearing to review the Emergency Access plan in its entirety. Mr. Engler explained that the emergency vehicle gates would be lockbox controlled. The Fire Department as well as the property manager would have control in order to allow snow plows to gain access when necessary. In response to the neighbors request that the Emergency Access Road not be paved, Mr. Engler said that he and Deputy Chief Elliot discussed other appropriate options. They decided on an interlocking system of pavers that could support the load of the emergency vehicles. They would allow grass to grow between them therefore making the emergency drive more aesthetically pleasing. He also indicated that there would be 32" tall lanterns along the emergency access to allow for lighting.

Ms. Trezise asked Mr. Engler why he did not extend the pavers to the end of the rear of the building.

Mr. Engler said if it was extended it would have eliminated parking and it was logical to start and stop at the point of Emergency Access. He said that the neighbors had also requested the dimensions of the building at the last meeting. It will be 278' long by 83' deep. He presented the drawings of the exterior

of the building showing all of the vegetation that would be planted including the ivy for the walls. It included the lighting plans indicated in red.

Ms. Trezise asked if the emergency roadside lighting would be on every evening or just when the emergency road is accessed.

Mr. Engler said the emergency lights would automatically turn on each evening because it would be too difficult to coordinate lighting them only during an emergency.

Mr. Hallin stated that it would also be important to keep the lights on every evening for plowing.

Mr. Engler explained that the drawings also included the retaining walls in the rear of the building because they were also requested by the abutters at the previous meeting.

Mr. Engler said he submitted a draft decision using a template based on the most recent 40B decision that was accepted by the Town of Scituate. He said they took all of the conditions and requests that were submitted by Woodard and Curran and included them in the draft decision. It identified all the waivers that were granted in the past and listed the new waivers as well. In response to the first letter from Woodard and Curran, the engineering plan set was updated. Mr. Engler provided the information to Scott Salvucci, who issued a letter that said all of the requests and concerns from Woodard and Curran were satisfied. Mr. Engler said he expected Town council to review their submission.

Mr. Hallin requested that Mr. Salvucci of Woodard and Curran provide an update to ensure all concerns were addressed.

Mr. Salvucci introduced himself as the Peer Review Engineer from Woodard & Curran. He worked with the applicant and the applicant's engineer, Sitec through a series of peer responses as well as design iterations and calculations. They were reviewed to ensure compliance with Mass Storm water regulations, Town Bylaws, Zoning, and Town regulations for storm water and wetlands impacts. He stated that the modified plan set has been updated and the technical design of the plan to comply with Town regulations and best engineering practices. The plans also meet the 10 storm water standards from the Massachusetts Storm Water handbook albeit one outstanding condition that remains for approval.

Mr. Hallin clarified that there were changes to the drainage pipe. The maintenance plan for storm water is starting to be laid out.

Mr. Salvucci said the technical aspects of the storm water issues for drainage and catch basins have been addressed by Sitec.

Mr. Hallin asked the Board if they had any remaining questions. He thanked Mr. Engler for the work to come to a decision that was palatable for everyone involved. He asked about some of the high level changes including unit count.

Mr. Engler responded by saying previously we had 60 units and now they have 48. One bedroom was removed from the original count and the height of the building was reduced and the units are now rental units not condominiums. The acreage was reduced from 3.6 to 2.7 and the building was moved closer to the street.

Mr. Talerman asked if permit has been reviewed by Housing Starts.

Mr. Engler said it had but they will need final approval from Mass Housing before we get a building permit.

Mr. Hallin opened the meeting to the neighbors.

Werner Boehl of 15 Martha's Lane said he had questions about various issues including lighting, fencing and plantings.

Mr. Engler responded that they would be adhering to all Town lighting policies. Fencing would be provided to block lighting from the parking lot. He also said they were considering doing a one story carport which will block the lighting from the cars. Mr. Engler said the plants would be deciduous and would be around 10 feet tall. The species will be identified on the plan by the landscape architect.

Gloria Hollstein of 11 Martha's Lane requested they include shrubbery around carport. She asked about the carport height. She requested that the applicant be sensitive about the lighting surrounding the building. She also inquired about glazing the building and wanted to know what Mr. Engler's commitment to the project would be.

Mr. Talerman said that there was a reduction in height for the carport mentioned at the last meeting.

Mr. Engler said they were not doing any special tinting or glazing to the building and that he intends to be the owner of the building for a long time.

Mr. Bucchere clarified that there will be a permit and it will be written to protect the abutters regardless of who owns the building.

Frank Kilduff of 125 C J Cushing Highway asked whether remaining land could be developed in the future or are there restrictions because it's a 40B?

Mr. Talerman responded by saying that building would be limited because of the flood plain so future development is not realistic.

Marsha Klein of 146 C J Cushing Highway said she would like to see a rendering of an aerial view of the walls and trees.

Mr. Vogel asked Mr. Engler how far along his architect was with elevation plans?

Mr. Engler said they were a schematic design.

Mr. Vogel said that the schematic could be used to show the information Ms. Klein was requesting. He explained that it would give them the relative height of walls, vegetation, building, etc.

Maureen Collins of 24 Martha's Lane questioned who had been notified regarding the impact on traffic. She also asked about the location of the bus stop for the students.

Mr. Hallin said that traffic is not in the Zoning Board's purview.

Mr. Talerman said that he would make that a condition that the applicant should work with the school district for bus shelter.

Mr. Boehl asked whether there would be conditions regarding noise reduction.

Mr. Hallin said they could work on the condition of time in the permit.

Ms. Hollstein asked whether the complex would be pet friendly. She also wanted to be assured that the design of the building would blend in with the rest of the town.

Mr. Engler said it would be a management decision whether it was pet friendly but he suspected it would be. He said they are working on the design of the building and intend to make it aesthetically pleasing.

Mr. Talerman said the final design should be consistent with town buildings and would like the Board to give it final approval.

Ms. Donahue asked about the size of the retention basin. Mr. Salvucci said there were underground chambers and no actual pond.

Ms. Hollstein asked one more question regarding the groundwater discharge which was being reviewed by the DEP.

Mr. Talerman stated that groundwater discharge was not in this board's purview.

Board discusses reasons to close meeting.

Mr. Bucchere made a motion to extend existing permit through the Mass Housing final approval of the new permit. Motion seconded by Ms. Trezise. All in favor, unanimous.

Mr. Hallin made a motion to close to the meeting to the public. Motion seconded by Mr. Tibbetts. All in favor, unanimous.

Meeting adjourned at 9:10pm.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Susan J. Tice".

Susan J. Tice