

## **SCITUATE PLANNING BOARD    MINUTES    December 14, 2017**

Members Present: Stephen Pritchard, Chairman; Ann Burbine, Vice Chairman; Benjamin Bornstein, Clerk, William Limbacher, Richard Taylor and Alternate Member Patricia Lambert.

Others Present: Town Planner Karen Joseph.

Members absent: None.

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

Chairman Pritchard called the meeting to order at 7:00 P.M. The meeting was being recorded for airing on local cable television.

### **Documents**

- 12/14/17 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chairman Pritchard indicated there was a posted agenda. Ms. Burbine seconded the motion for the posted agenda and the vote was unanimous in favor.

---

### **Continued Public Hearing – Flexible Open Space Definitive Subdivision Plan – 90 Ann Vinal Assessor's Map/Block/Lot 27-06-01**

**Applicant: Welby Builders, LLC**

**Owner: Steven D. and William G. Curtis, Jr. TRS, Curtis Realty Trust**

### **Documents**

- Email 12.8.17 from Don Gillespie with PDF Plan 12.5.17 and images for entrance
- PDF 11x17 Curtis Estate Entry Landscape Plan 12.16.17
- PDF Cover Letter from Ross Engineering 12.11.17
- PDF Driveway Profile Grades 12.11.17
- PDF Flexible Open Space Development Plan 12.7.17
- PDF Stormwater Pollution Prevention Plan 12.7.17
- PDF Subdivision Review Report 12.6.17 from Merrill
- PDF Subdivision Review Report 12.14.17 from Merrill

Attendees: Jeff DeLisi, Paul Mirabito, Jeff Dirk, Paul Sheerin, Don Gillespie, Greg Tansey

### ***Traffic:***

Mr. Dirk, from Vanasse Associates, retained by Welby Builders to conduct a study with regards to traffic generation and answer questions on how much traffic the project would actually generate:

- Typically based on number of units, one trip per home during peak hours, thus 16 trips exiting during peak morning hours. Evening would add 1 trip, 17 trips.
- Daily 194 vehicle trips daily, 2 way traffic
- Every 3 to 4 minutes there is 1 additional car on the roadway during peak hours
- No motorist delays
- During school hours, roughly 80% of vehicles exiting would potentially add 10 vehicles to the traffic flow, but not a large number over the course of the day.
- Concentration would be at the driveway, but would not impact traffic further away.

- Focused on sight lines, the motorist set back is 14.5' from the road edge and 3.5' high, the theory being that is the driver's eye height. When exiting the driver's eye is looking at the driver's eye of oncoming traffic.
- Measurements indicate sight lines over 300 ft. each way.
- Suggest putting in a condition that within the sight triangle no objects exceed 2.5' in height including snow windows.

Mr. DeLisi indicated that the applicant has committed to putting in a new side walk; 5' wide sidewalk with granite curbing along their property frontage of Ann Vinal Road and landscaping at the entry.

Mr. Pritchard expressed concern over construction traffic estimating there would be 1,500-1,700 trucks to import the fill and how has that traffic been addressed. Mr. Dirk recommended that a condition be placed that there is no truck traffic during school hours of drop off/pick up.

Mr. DeLisi indicated the applicant would consent to that type of condition. Mr. Mirabito said the approximate 1,500 trucks would be over a 2 - 2 1/2 yr. time period with the largest concentration of trucks over the summer to bring in sand for the septic system.

Ms. Burbine commented that the truck route should be Gannet Road to Hollett Street. Booth Hill or Mann Lot roads should not be used to access the site due to their narrow nature. Mr. Mirabito said trucks would most likely come down Henry Turner Bailey Road because of the turning radius. The applicant has agreed to have this as a condition.

Mr. Bornstein questioned pedestrian safety with regards to cross walks as the current plan does not highlight those features. Mr. Dirk does recommend a crosswalk be painted at the entrance; additionally there should be wheel chair ramps for handicap access. He indicated the crosswalk location is up to the Board; but wheel chair ramps are required with the sidewalk. The applicant agreed to put in the painted crosswalk.

#### *Plan Updates:*

Mr. Mirabito addressed plan updates since the last public hearing:

- Water flow tests were done and results were good. Board to receive copy.
- Added a landscape buffer in open spaces adjacent to Townsend Road lots.
- Pavement width increased to 24' with vertical granite curbing at radii at entry and Road B curve, rest of the area would have Cape Cod berm.
- Fire Dept. does not want to have the landscape islands or vertical granite curbing in the cul-de-sacs, limits ability of the Fire Dept. to have more than one vehicle.
- Water is looped
- Two fire hydrants have been added in locations recommended by the Fire Dept.
- Houses have been raised so the basements are above the seasonal high ground water, lots have been regraded.
- Disturbance has been pulled away from the rear lot line with a row of boulders to demarcate the open space. Row of the boulders is at the 75' buffer line pending review of the Conservation Commission.
- Septic system leaching field has expanded, but the overall lot size will not change.
- Open space calculation is 36% and does not include the leaching area or the storm water basins.
- Have requested a waiver to have easements on a separate plan as it is easier to read.

Mr. Mirabito reviewed landscape 3D renderings to show positioning of trees, grass, etc. Mr. Sheerin indicated there is a 30' strip of open space and they are creating a screen between the existing neighborhood and new homes because there is not much vegetation in the existing buffer.

Ms. Burbine said she has concerns about homes on Townsend with how high the new homes would be and water flow toward the Townsend lots. Mr. Tansey responded that from the street the grade comes up to the front of the house and drops along the side of the house. He said the water will be picked up in the detention basin with the outlet control structure designed to release the water further away from Townsend and to another level spreader where it would then flow on its natural course. He said basements would be a walk up versus walk out; one will not be able to walk out to flat ground. Mr. Tansey indicated there would be a small amount of run off into the woods and that would be significantly less than what is happening pre-development.

- 2 yr. storm close to 4 CFS going towards the abutter in pre-development conditions, post development it goes to 2.81 CFS.
- 10 yr. storm 8.93 CFS pre, goes down to 6.07 post
- 100 yr. storm 17.6 CFS pre, goes down to 12.18 post

(Note: above data is dated from September 11, 2017, at design point 2 location)

Mr. Tansey indicated the evaluation was across the entire border of the property line, it is the sum total across several hundred feet. Mr. Palmieri from Merrill, the Town's consulting engineer, was in concurrence with Mr. Tansey's analysis and stated that the peak flow velocity will be lower after development, but the total volume will remain the same prior to development. Mr. Tansey opined that design point 2 was the most critical in the study, but there are summary tables for other design points 1 and 3.

Mr. Taylor clarified the terms "property line" versus "lot line" and said that there still remains 30' from the lot line to the property line. There is 30' from the lot lines of the development to the lot lines of the Townsend Road properties. Mr. DeLisi pointed out that from the property line to the lot line is dedicated open space. Mr. Pritchard asked what happens in that zone when the grade lowers. Mr. Tansey said there will be no grading in that location. Mr. DeLisi added that the amount of water in that area will be reduced. Mr. Tansey designed the system at the property line. Mr. Mirabito walked the Board through the grading plan pointing out grading, catch basins, level spreader, etc. Mr. Pritchard indicated that based on the plan the grade level is lower at the property line so it does not appear it will flow into the basin. Mr. Tansey replied the water will keep flowing, but it will be reduced into the existing tributary area. Mr. Tansey provided further detail that there will be a silt sock along the barrier and the Storm Water Pollution Prevention Plan (SWPPP) plan shows the details of additional sedimentation barriers. Ms. Joseph recommended that during construction a snow fence also be installed to help protect the 30' open space buffer area.

Ms. Joseph indicated that DPW has concern with the under drain that goes into Ann Vinal Road, as they have not been contacted about it and normally do not allow it. Mr. Tansey said it is not a storm drain, but is an under drain sewer and a common practice for sanitary sewers; this is to minimize infiltration. The pipe flows into a town catch basin; however, the flow coming from the pipe is a fraction of a CFS (.2 csf). Mr. Pritchard opined the applicant needs to work with DPW on the issue and DPW will make a determination.

Mr. Palmieri addressed issues from the last meeting:

- Landscape plan has been submitted.

- Applicant showing iron pipe at lot corners and recommendation is they be bounded
- Recommendation to demarcate the open space
- Planning Board should consider the waivers as the final plan will be reflective of them
- Outstanding approval from DPW
- Clarification on the responsibility of the drainage system regarding storm water and the Home Owners Association
- One section on the erosion control plan is missing barriers
- Concern on slope of some of the driveways, they are too steep.

Mr. DeLisi spoke to the grade issue; one of the provisions is to keep the existing grades and natural topography. Mr. Sheerin indicated the solution would be to drop the garage down with a retaining wall. He asked if there could be a stipulation with an acceptable number from the Board that they could work within. Mr. Pritchard opined that 10% range should be okay for the driveway grade.

Waivers:

*Section 6.3.1 Margin Requirements*

Requirement: 2.5" left side margin and 1" margins on other 3 sides.

Proposed and Voted: 1.5" left side margin and ¾" margins on other 3 sides.

*Section 6.3.3.2 Cover Sheet*

Requirement: Show all streets, lot lines and easements on cover sheet locus plan.

Proposed and Voted: Show all streets, lines and easements on the appropriate subdivision plan and locus as 1" = 800' as required on the cover sheet

*Section 6.3.3.3f Bounds*

Required: Bounds shall be set along each new lot line and change of direction of roadway layout at point sufficient to identify lots.

Proposed and Voted: Bounds set along roadway layout with re-bar and caps set along roadway layout set at lot corners to sufficiently identify lots.

*Section 6.3.3.3, l, m, n Easements*

Required: Show all easements on subdivision plan

Proposed and Voted: All proposed easements are shown in detail on a dedicated easement plan, Sheet 11

Ms. Burbine moved to approve the above four waivers. Mr. Taylor seconded the motion. The motion was unanimously approved.

*Section 6.3.3.3.h Closed Traverse Survey*

Required: Closed Traverse Survey

Required: Open traverse survey tied into perimeter property bounds on the site having an acceptable closure.

Voted: This waiver was withdrawn as closed traverse survey calculations were submitted.

*Section 6.3.3.4. a & b Show Easements*

Required: Show easements on the layout plan and profile

Provided: All easements are shown on the Easement Plan – Sheet 11 and the electric easements shall be provided when National Grid designs the duct bank and transformer layouts.

Voted: All easements to be shown on the Easement Plan – Sheet 11 and the electric easements shall be provided when National Grid designs the duct bank and transformer layouts. The electric easement shall be shown on the as-built plans. Ms. Burbine motioned the above with Mr. Taylor seconding. Motion was unanimously approved.

*Section 6.3.3.5.h. Topographic and Grading Plan*

Requirement: Locate existing large trees, having a caliper of 12” or more in areas of disturbance.

Proposed and Voted: Illustrate the existing tree line and the proposed limit of clearing or tree line within the areas of disturbance.

Ms. Burbine moved the waiver with Mr. Limbacher seconding. Motion unanimously approved.

*Section 6.3.3.6 Landscape Plan*

Required: Landscape plan to be stamped by a Registered Landscape Architect

Proposed and Voted: Landscape Plan to be stamped by a professional engineer working with a botanist in the conservation district.

Voted: Requirement for Landscape Plan to be stamped by a Registered Landscape Architect shall not be waived. Ms. Burbine moved to not grant the waiver with Mr. Limbacher seconding. Motion unanimously approved.

*Section 6.3.3.6c Landscape Plan*

Required: Show trees having a caliper of 12” or greater

Proposed and Voted: See waiver 6.3.3.5.h

*Section 6.3.3.6.d Landscape Plan*

Required: Show the cultivated variety of the proposed plantings on the Landscape Plan

Proposed: Show the cultivated variety of the Plans as approved by the Conservation Commission when filing the Notice of Intent

Voted: Waiver request was withdrawn as A Landscape Plan is provided with the named plants.

*Section 7.2.3 Table of Street Dimensions: Roadway Width*

Requirement: Minor Street Type – roadway width of 24 feet.

Proposed: Proposed roadway cross section as depicted in the detail sheets of the FOSD Plans with a roadway width of 24 feet,

Voted: Proposed roadway cross section as depicted in the detail sheets of the FOSD Plans with a roadway width of 24 feet, bituminous berm of 1’, grass strip of 2.5’, sidewalk of 5’ and grass area of .5’ with pavement and gravel depths as shown on the detail. Ms. Burbine moved the waiver as noted with Mr. Taylor seconding the motion. Motion unanimously approved.

*Section 7.2.1.8a Curbing*

Requirement: Granite curbing required throughout the subdivision plan.

Proposed: Granite curbing at the entrances and Cape Cod Berm for the remainder subdivision.

Voted: Granite curbing is required at the subdivision entry and drainage structures and not at the cul-de-sacs. 12" Cape Cod Berm for everywhere else. Ms. Burbine moved the motion seconded by Mr. Taylor. Motion unanimously approved.

The Board voted to hold the following waivers for further discussion on January 11, 2018:

*Section 7.2.6.b Dead End Road Lengths*

Requirement: Maximum length of dead end road – 600feet.

Proposed: Length of dead end road to be 770' to achieve the benefits the FOSD offers.

This item was held on 12/14/17 to verify the length of the road.

Revised Proposed: The length of the dead end street shall be 723' to achieve the benefits the FOSD offers

*Section 6.8.6 Maintenance Guarantee*

Requirement: 10% of the total value of the work within the subdivision which has been subject to a covenant.

Proposed: 1.5% of all construction costs equaling \$9,420.00 to be rounded to \$10,000.00.

This item was held for further explanation.

Ms. Burbine moved to accept the applicant's request to continue the public hearings for the Definitive Subdivision Plan and Flexible Open Space Special Permit for Curtis Estates at 90 Ann Vinal Road- A Flexible Open Space Definitive Subdivision until January 11, 2018 at 7:45 pm. and to keep the time for action for filing with the Town Clerk until January 31, 2018. Mr. Taylor seconded the motion; vote was unanimously in favor.

**Continued Public Hearing – Wireless Communication Antennas on Utility Poles (small cell attachments)**

**Pole SC01 – Utility Pole #236/1 adjacent to 26 Kenilworth Street – a private way**

**Pole SC02 – Utility Pole #245/4 adjacent to 32 Harvard Street – a private way**

**Pole SC04 – Utility Pole # EE C)-BRA adjacent to 14 Allen Place – a public way**

**Applicant: Cellco Partnership dba Verizon Wireless**

**Owner: National Grid**

**Documents**

- PDF Supplement Submission 12.11.17
- Email from Dan Klasnick dated 12/14/17 requesting a continuance until 1/11/18

Mr. Pritchard addressed the public that the any information they would like reviewed by the Board be written and submitted and the Board will be ready to discuss on January 11, 2018 as the applicant has requested a continuance to provide the information requested.

Ms. Burbine moved to accept the applicant's request to continue the three public hearings for the small cell attachments adjacent to 14 Allen Place, 26 Kenilworth Street and 32 Harvard Street until January 11, 2018 at 9:00 pm and continue the time for action until January 31, 2018 along with the FCC Shot Clock. Mr. Limbacher seconded the motion; the vote was unanimously in favor.

### **Partial Release of Surety – Blanchard Farm Estates**

#### **Documents**

- PDF As-Built Plan 12.13.17
- PDF Estimated 11.29.17
- Email from John Barry 11.29.17 Release of Surety
- PDF Final Road As Built Plan 12.12.17
- Word Doc of Motion form – Surety-lot releases 11.29.17
- PDF Merrill Subdivision Review Report 12.6.17

Attendees: John Barry, Manager of Blanchard Farm, LLC and his partner John Tedeschi

Mr. Barry indicated they are before the Board as the process requires. He said a request has been submitted to release surety monies and the Town's engineer has been to the site and has provided a checklist of items remaining to be done. Ms. Joseph recommended that the Board hold \$19,500.00 in the account based on the items remaining to be completed; the applicant would get back \$48,713.98.

#### *Motion:*

Mr. Bornstein moved to accept Blanchard Farm, LLC's request to reduce the amount of surety being held by the Planning Board for completion of the Blanchard Farm Estates Subdivision from \$67,380.80 plus interest to \$19,500.00 remaining in the account as Amory Engineers has prepared a punch list and the amount listed in the punch list is consistent with the funds proposed to remain in the account. Mr. Taylor seconded the motion; vote was unanimously in favor.

### **Signature Forms for Registry of Deeds and Land Court**

The Board signed new documents for recording for the Registry of Deeds and Land Court with the names of all the members, including Patricia Lambert as alternate.

#### **Accounting**

#### **Documents**

- PO # 1805991 (\$1,170.00), PO # 1805768 (\$4,533.15), PO # 1805821 (\$359.98), PO # 1805820 (\$1,463.98), PO # 180 (\$5892)

Mr. Bornstein moved to approve the requisition of \$1,170.00 to Merrill Corporation for engineering peer review for 8 Bayberry Rd Stormwater Permit, for \$4,533.15 to Horsley Witten Group, Inc. for engineering peer review for Seaside at Scituate – Toll Brothers, for \$359.98 to Amory Engineers, P.C. for construction inspections for 602 First Parish Road, for \$1,463.98 to Amory Engineers, P.C. for construction inspections for Blanchard Farm Lane and for \$125.00 to Ockers for a typewriter maintenance contract. Ms. Burbine seconded the motion; vote was unanimously in favor.

## **Liaison Reports**

### **DRC – Design Review Committee – Mr. Taylor reported:**

- Recommendations for Seaside will come later this week and one DRC member should attend Planning Board meeting on 12/21/18.

### **Conservation Commission – Ms. Lambert reported:**

- Sending out enforcement orders

### **ZBA – Zoning Board of Appeals – Mr. Bornstein reported:**

- Discussed changes to the permit for Herring Brook
  - Going from 3 buildings to 2 buildings
  - Layout changes
  - Square footage increase
  - Parking going underground – Mr. Pritchard indicated concerns with flooding
  - Reduction of units from 60 to 40Mr. Pritchard would like to see what has been filed, so that Planning Board can provide comments to the ZBA

Mr. Bornstein discussed the housing production plan and opined maybe there are steps that could be taken to increase the amount of affordable housing that the Planning Board could take, but not at the expense of creating greater problems.

### **CPC – Ms. Burbine reported:**

- Discussion regarding school fields:
  - Replacement of football field, appropriated in last year's capital plan for \$445,000.00.
  - Want to replace the track, it was installed incorrectly, needs repairs, safety issue
  - School Department, Recreation and Field Study all involved
  - Asking for \$2 million from CPC, inclusive of the \$445,000.00

### **EDC – Ms. Burbine reported:**

- Workshop in Greenbush on 1/10/18, topics to discuss will be:
  - Drew property
  - Zoning with Driftway Medical, becoming part of the Village district

Ms. Burbine reported on 14-16 Old Country Way going before the ZBA. Property owner is proposing to put in contractor bays that cover the property. Property is within 150' of tributary. Issues is going before ZBA for non-conforming and asking for waivers. Issue will be continued until 1/18/18. There will be site plan review required. Ms. Joseph will pass along application to the Board.

## **Planning/Development Report**

- Discussion about Riverway project:
  - There has been no response from letter send to Mr. DiNanno from 11/27/17.



- Another letter to be sent asking the applicant to meet with the Planning Board meeting to discuss possible alternate solutions for mixed use space.
- Discussion of 50 Country Way:
  - Local Action Unit application for 50 Country Way will be submitted to DHCD for 4 units to go to lottery for affordable housing.
  - Monitoring Agent will be responsible for determining “affordable”.
  - Buildings not complete and still far from obtaining Occupancy Certificates
  - Applicant is planning to appear before the Board of Selectman to request some relief with imposed conditions with sewer and water.

### **Old/ New Business**

#### **Documents**

- Email from Karen Joseph dated 12/8/17 with Planning Board Agenda and Curtis Estates materials

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 9:30p.m. Mr. Taylor seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Benjamin S. Bornstein, Clerk

Date Approved 2/8/18