

## **SCITUATE PLANNING BOARD    MINUTES    January 25, 2024**

Members Present: Patricia Lambert, Chair; Rebecca Lewis, Vice Chair; Ann Burbine, Clerk; Stephen Pritchard, Bob MacLean and Patrick Niebauer alternate.

Others Present: Karen Joseph, Town Planner; Shari Young, Administrative Assistant

Members absent:

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

Location of meeting: Select Board Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chair Lambert called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television and streaming live on Facebook with in-person and remote access available.

### **Documents**

- 1/25/24 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chair Lambert indicated there was a posted agenda. Ms. Burbine seconded the motion for the posted agenda a vote was taken the vote was unanimously in favor.

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### **Public Hearing – Special Permit Accessory Dwelling - 22 Beal Place Assessor's Map/Block/Lot 50-05-040 Applicant/Owner: Angela Stout**

### **Documents**

- PDF 22 Beal Pl
- PDF 22 Beal Place - Webby Plan
- PDF 22 Beal Place
- PDF ADU-1-11-2024
- PDF TC Filed Legal Posting 22 Beal Place
- Doc transmittal
- Doc DRAFT Motion 22 Beal Place
- Email dated 11.29.23 from Building Department
- Email dated 12.5.23 from Water Department
- Email dated 11.30.23 from Sewer Department

Attendees: Steve Bjorklund, Representative; Angela Stout, Homeowner

Ms. Burbine read the legal ad into the record.

Mr. Bjorklund gave an overview of the project.

- 2 car-garage on a small lot
  - Proposing to use half the garage for an accessory dwelling
- 284 sq. ft. on the first floor
- 120 sq. ft. on the second floor/loft

- Homeowner will occupy the unit
  - Rent out primary dwelling in the future
- 2 parking spaces on the plan
  - One shown as grass, applicant will add 2nd space with crushed stone
- Unit will be serviced by Town Sewer
  - Applicant will provide detailed plan for attaching to the sewer
    - Will follow Sewer Department guidelines
- No square footage changes on the building
  - Adding a door on the eastern elevation
  - 2nd means of egress is through the garage
  - Adding window on the second floor for more natural light
  - No changes to the west side of the building that faces the existing house

Ms. Lambert commented that there are is no closet space. Mr. Bjorklund said there will be furniture for storage.

Mr. Pritchard asked about the note on the plan referencing storage. Mr. Bjorklund explained the area on the second floor is below the elevation of building height inside; they are dropping the ceiling inside where the loft is so they don't have to do any dormers. There is unfinished space in the area that does not have the proper head height.

Mr. Bjorklund said there will be a light at the door and it will be down lighting.

Mr. Pritchard asked about the front elevation and if there are any changes; it will still have a garage door. The applicant wants to hide the unit as much as possible so it will still have the look of a 2 car-garage.

Ms. Joseph indicated the project meets the requirements. She said the draft version of the decision is missing one condition about the parking so that will be added; the applicant shall be required to construct the crushed stone parking space so that parking is not on the grass.

Mr. Bjorklund also indicated that the applicant is going before the ZBA because the frontage is slightly under 100', it is at 97'.

No public comment.

*Motion:*

Ms. Burbine moved to make the following Findings of Fact:

1. On November 28, 2023 applicant Stephen Bjorklund on behalf of owner Angela Stout applied for a special permit for an accessory dwelling in a detached structure at the property at 22 Beal Place.
2. According to the Town of Scituate Assessor's records and the deed, the property at 22 Beal Place is owned by Angela M. Stout.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 404 sq. ft. The floor area of the primary dwelling is 2,200

sq. ft. according to the application and Assessor's records. The accessory dwelling is 18% of the floor area of the primary dwelling. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the bylaw allows 750 sq. ft. or 40% of the total floor area of the primary dwelling, whichever is greater. The accessory dwelling is subordinate to the existing single-family home.

4. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
5. The property is in the Residential R-3 Zoning District. The proposed accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
6. The proposed accessory dwelling is to be located in the existing detached garage of the existing single-family home. Access will be via doors on the west and east sides of the detached accessory dwelling.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Site Plan for 22 Beal Place, Scituate, MA by Webby Engineering Associates, Inc. dated November 22, 2023 shows the location of the existing primary dwelling and the proposed accessory dwelling inside the existing detached garage. The plan shows a paved driveway which appears capable of supporting two cars for the primary dwelling. There is a garage space and room on the lawn for two cars for the accessory dwelling. Ample parking appears to be provided.

*Comment: add language the applicant will add a crushed stone parking space for one car.*

9. The applicant/owner has submitted a signed, notarized statement that she will occupy one of the dwellings upon completion of the project.
10. The accessory dwelling will be serviced by Town water and sewer. The Water Department has commented that the accessory dwelling will require a separate water service with a connection fee. The Sewer Division indicated the existing sewer line is beyond its useful life and will need to be replaced by a drain layer licensed by the Town of Scituate. They would like a plan showing the utility locations of sewer, water, gas and buried electric if applicable. A ½ sewer connection fee of \$8,000 will be owed for adding the accessory dwelling to the sewer system.
11. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Ms. Lewis seconded the motion as amended; a vote was taken and was unanimously in favor.

Ms. Burbine moved to approve the Special Permit for an accessory dwelling at 22 Beal Place with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to plans submitted with the application by 209 Design dated October 16, 2023 as revised through January 11, 2024 consisting of 1 sheet including Elevations & Floor Plans – Design 3 Sheet A1 for Angela Stout, 22 Beal Place, Scituate, MA; Plan of Land at 22 Beal Place, Scituate, MA prepared for Angela Stout dated November 22, 2023 by Webby Engineering Associates, Inc.

2. The number of bedrooms in the accessory dwelling is limited to the loft in the location and size indicated on the floor plan submitted with the application.
3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that an owner is living in one of the dwelling units. A yearly certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
5. All requirements of the Board of Health, Building Department, Zoning Board of Appeals, Department of Public Works, Fire Department and other Town agencies must be met prior to occupancy of the accessory dwelling.

*Comment: add language that the applicant is seeking relief from the Zoning Board of Appeals for the frontage.*

6. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
7. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling. A separate service is required with a connection fee.
8. Sewer connection must meet all requirements of the DPW Sewer Division for the accessory dwelling. The sewer line is beyond its useful life and shall be replaced by a drain layer licensed by the Town of Scituate in the location directed by the Sewer Division. A plan showing the location of the utilities including sewer, water, gas and buried electric if applicable shall be provide to the Sewer Division and utilities included on the as-built. A ½ sewer connection fee of \$8,000 will be owed for the accessory dwelling.

*Comments: Mr. Bjorklund said they are not sure whether they will be connecting to the existing sewer line at the house or putting a new sewer line in; the regulation in the town is if there is a sale taking place on the existing house. He wanted to change the language so that it only says that the sewer connection will meet all the DPW requirements of the Sewer Department it would be better than saying that applicant has to put the new line in.*

*Ms. Joseph said this is the comment that came from the Sewer Department.*

*Mr. Pritchard suggested amending the condition to say... in the location directed by the Sewer Division.*

9. Any lighting installed shall be down lighting to not shed light on abutting properties.
10. 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 state and federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.

11. Runoff from the proposed accessory dwelling shall not be increased from the property.
12. Erosion and sedimentation control devices shall be installed to prevent any erosion or sedimentation from leaving the site during construction. Silt sock or silt fence shall be used as necessary and extended around the limit of work so disturbance beyond what is shown on the plan is not allowed.
13. The appearance of the accessory dwelling will be in keeping with the primary dwelling unless otherwise required by the Massachusetts Building Code and new exterior stairs needed to provide primary or secondary means of egress for the accessory dwelling shall be located on the side or rear of the building.
14. At least two private off-street parking spaces shall be available for use by the occupants of the accessory dwelling in addition to those parking spaces required for the primary dwelling. The applicant shall be required to construct the fourth parking space of crushed stone or approved equal so parking is not occurring on the grass.

Ms. Lewis seconded the motion for discussion

Ms. Lewis seconded the motion as amended; a vote was taken and was unanimously in favor.

**Public Meeting – Site Plan Waiver – 124 Cornet Stetson Road – Farm Stand Replacement  
Assessor's Map/Block/Lot 52-2-7  
Applicant/Owner: Ronald Simons**

**Documents**

- PDF 124 cornet Stetson rd – planning list
- PDF 3378-PP-01-10-24
- PDF Application
- Doc DRAFT Motion
- Doc Transmittal Letter R&C Farm stand
- Doc Transmittal Letter to Abutters R&C Farm stand

Attendees: Ronald Simons, Owner

Mr. Simons indicated they are proposing to build a new farm stand that is 60'long x 36'wide with and 8' porch on the front. It will be more modern, insulated, will have heat and air-conditioning to protect the produce in the summer, there will be a back room for working to pack tomatoes, etc. This will be Morton Building a pre-fab building.

Mr. Pritchard asked if there are any changes in the infrastructure, i.e. water, power. Mr. Simons indicated there is a transformer on the property with a conduit in the ground that will power the building. He said there is no plumbing in the building there is only an ice machine; there are no sanitary facilities, employees use facilities that are at the existing house on the property.

There was discussion about where the water for the ice machine comes from. Mr. Simons said outside the building there is a hydrant and the water will come from there; at the end of the year the hydrant is shut off. There is already an ice machine and this is the way it has been for years.

*Motion:*

Ms. Burbine moved that the Planning Board finds the proposed site work and building work is minor in nature because there appears to be adequate parking in the existing parking lot for the farm stand use and minimal site work is proposed, and to grant the site plan waiver for Ronald Simons to remove the existing farm stand and replace it with a new efficient Morton building, with the following conditions:

1. Construction shall comply with the improvements shown on a plan entitled Plot Plan for proposed Farm Stand at 124 Cornet Stetson Road in Scituate, MA dated August 23, 2023 received by the Planning Board on January 16, 2024 by Ross Engineering Co, Inc a subsidiary of Grady Consulting, L.L.C. submitted with the application.
2. Approval is contingent upon all local approvals being obtained from the Town of Scituate.

Ms. Lewis seconded the motion; a vote was taken and was unanimously in favor.

**Accounting Documents**

PO #2406256 (\$1,350.00)

Ms. Burbine moved to approve the requisition of \$1,350.00 to Merrill Corp. for peer review services at Curtis Estates.

Ms. Lewis seconded the motion; a vote was taken, and was unanimously in favor.

**Minutes Documents**

Ms. Burbine moved to approve the meeting minutes from January 11, 2024.

Ms. Lewis seconded the motion; a vote was taken, and was unanimously in favor.

**Liaison Reports**

**Bylaw Review Committee– reported by Ms. Lambert:**

- Looking for 5-7 people only 2 people applied for the Committee
- Review of the General Bylaws, but committee also wanted to review the Zoning Bylaws
  - Zoning Bylaws are not in their prevue
- Will be giving recommendations like the Charter Review Committee

**Affordable Housing Trust– reported by Ms. Burbine:**

- SAIL Group did a presentation for their proposal at 809 Country Way

**Continued Public Hearing – Site Plan Administrative Review and Special Permit for 4 Multi-Family Buildings and Stormwater Permit in the Village Center and Neighborhood District – North Scituate Village District – Outer Village (VCN-NSV-OV) - 817 Country Way  
Assessor's Map/Block/Lot 12-2-38-F**

**Applicant/Owner: Option C Properties, LLC**

**Documents**

- PDF 817 Country Way – Scituate MA- Lighting Layout 12-15-2023
- PDF 817 Country Way Stormwater Report
- PDF 817 Country Way-Peer Review #4 – Response by GC-2023-12-19
- PDF 817 Country Way – Peer Review #6
- PDF 2023-12-19-817 Country Way – Copy
- PDF Site Plan – 817 Country Way – 2023-12-14 PG 1-9
- PDF Site Plan – 817 Country Way – 2023-12-14 PG 10-18
- PDF Site Plan – 817 Country Way – 2023-12-14 PG 19-23
- PDF Site Plan – 817 Country Way – 2023-12-14 PG 24-31
- PDF TEC Peer Review Letter #5-Sight Lines – 12-1-23
- PDF Water Peer Review 2021-01-17 Final
- PDF Building 2-Revisions-Dec 2023
- Jpeg Building 3 Render Dec 2023
- PDF Building 3-Revisions – Dec 2023
- Jpeg Render overall – December 2023
- Jpeg Render Street View – December 2023
- Email dated 1.17.24 from Chris Bruce
- Email dated 1.17.24 from Building Commissioner
- Email dated 1.18.24 from Water Department Comments
- Email dated 1.24.24 from resident at 1 Summit Ave.
- Email dated 1.25.24 from resident at 49 Mordecai Lincoln Road

Attendees: William Ohrenberger, Attorney; Kevin Grady, Grady Engineering; Jamie Kelliher, Architect; Chris Bruce, Owner; Peter Ellison, Town's Consulting Engineer; Kenny Sanchez, Owner; Sean Stockbridge, Owner; Scott Thornton, VAI Traffic Engineers

Mr. Ohrenberger gave an update on what has happened with the project since the last meeting.

- There was an on-site meeting with all pertinent parties
- Conservation has closed the hearing and voted on Order of Conditions
- BOH is all set with the septic system and Title 5
- DRC meeting on January 16<sup>th</sup>, awaiting letter from DRC with their recommendations
- Mr. Grady will address issues from Mr. Vogel with accessibility and issues #94-#97 in the last Peer Review letter

Mr. Grady provided additional updates

- Water System review submitted
  - Indicated there was adequate pressure and supply
- Added a fence plan sheet
- Added a snow storage plan
- Added an additional dumpster between Building 2 and the existing building
- Added a note to detail compliance with bike rack requirements on sheet 1
- Added a retaining wall plan – provides detail

- Reduced the parking by 2 spaces, required to have 53 providing 61 spaces
- TEC Comments received - majority said they were satisfied, but there are a few outstanding
  - Some corrections needed where numbers are inconsistent on elevations with stormwater calculations
  - Building inspector bullet points of issues to be addressed
    - Sheet index corrected
    - North arrows shown on the plan, where they make sense
    - Accessible route issues
      - Applicant has new proposal to address comments from Building Commissioner/ADA Compliance Officer and Architectural Access Board CMR 521
        - ADA access should follow the typical routing of the site
          - Applicants accessible route is from the street around the rear
      - Applicant says they comply with direct accessibility to each building with accessible parking in front of each building.
      - The area that is difficult is where it slopes to 9%.
        - Will be adding railings to the sidewalks at 8.3% slope at 30' increments, landing areas every 30' to make it an accessible route
        - Walkways will be widened to 4.5'
        - All ramps need to have railings
    - Ms. Joseph said the Board needs something in writing from Mr. Vogel once the applicant gets approval
  - New Comments from TEC review
    - Applicant to review moving the waterline main to within the driveway
      - May need to move a septic tank, but should not be an issue
      - Shortens the run and benefits the developer
    - Discharge pipe at the northeast corner
      - Existing pipe that goes to a catch basin in the northeast corner.
        - TEC recommends connecting to it
        - Applicant needs DPW permission to connect to Town system
          - Property is already connected, but need to make sure it is approved by the Town
          - Stormwater currently flows overland to the street and the grass to the catch basin
          - Volume would be less
          - Applicant to pursue with DPW
      - Mr. Ohrenberger opined it is a non-starter, he does not recall anywhere in town where DPW allowed someone to tie into the system.



- Suggests it could be a condition that if DPW accepts discharge from the outlet pipe the applicant will do it.
  - If DPW does not accept it then things stay as they are; the stormwater is a better condition than it is today.
- Playground structure and gazebo located on Subsurface Drainage Area 1
  - Applicant has relocated the gazebo
  - The play structure will not need any kind of major foundation, applicant does not think it is an issue
- Snow storage
  - Snow storage was taking up 20 spots and creating a conflict with the fire truck
    - Applicant has moved the storage
    - If there is too much snow and not enough parking the snow will have to be removed from the site
- Dry sewer connection
  - Applicant will add
- Error referencing Building 2, 3 and 4
  - Corrected to only reference Buildings 2 and 3
- Providing construction sequence
  - Applicant said it is provided on sheet 25
    - Applicant opines sequence is a construction phase item; difficult to sequence something without know what they have
    - Once they know what they have, will provide a construction sequence and update, would like to work with the contractor that is building the development before hand

Ms. Joseph said sequencing needs to address what happens to the people in Building 1 and where they park if they are to remain in the building during construction. The applicant said the residents will be staying in Building 1 during construction; Mr. Grady said it is on the plan and pointed out where residents would be able to park and the access.

Ms. Burbine asked how they are redoing the entrance; Mr. Grady said it is basically at grade already, but they will cut out the old driveway and put in the stormwater infrastructure and the utilities, they will work on half at a time. Ms. Burbine asked if there is anyway to move the driveway more to the north.

Mr. Ellison said he largely agrees with Mr. Grady's summary of the most recent TEC letter, most of the technical stormwater comments and civil issues have been addressed and the latest set of plans was a significant improvement. He said there are some issues which Mr. Grady has addressed with the Board; he discussed the sequencing plan and asked if it is typical for a condition of approval to request that a detailed sequence be submitted prior to construction, he said perhaps that would make the Board more comfortable. Ms. Joseph said it is up to the Board, but usually it has been provided prior to approval. Mr. Pritchard proposed that if the sequencing presented needs to be modified at

some point it should be brought back to the Town Planner for approval. Mr. Pritchard said the other reason for sequencing is to ensure the entire site is built out, that it doesn't sit for a period of time between building one building and then another. Mr. Grady said the intent is to build it all out at once.

Mr. Ellison said it sounds like there is a plan in place to address comments from the Building Commissioner and accessible access to the buildings, relocation of the water main, discharge point of the drainage. He opined it seems like the issues can and will be addressed.

Ms. Burbine said she is concerned about the entrance from Country Way and wonders if there is anyway to make it wider; there are concerns about sight distances, etc. and it is a difficult situation.

Mr. Ellison agreed and said that his traffic team has expressed a lot of concern from the first review. He said he is aware the applicant has gone out and done some clearing to address the sight lines, but from his traffic team's perspective that does not appear to adequately address the issue. He said it is definitely a concern going forward.

Ms. Joseph said she has had conversations with TEC's Traffic Engineer and removing the ivy from the wall is not sufficient for the sight difference in his opinion. She indicated that the traffic engineers' have been given permission to speak with each other, but that conversation has not taken place at this time. Ms. Joseph said the Board needs to find that there are safe site distances and she is not sure the Board can find that now. TEC recommends the Board could request a stamped certification from VAI that all traffic criteria are met and confirmed.

Ms. Joseph said she is trying to follow-up on issues and resolve them, currently there is an issue with the site distance. She said there is still a discrepancy of where the site distance is being taken from; AASHTO says 14' and the applicant is saying 9'; the Traffic Engineers need to try and work this out to come to a resolution.

Mr. Thornton, VAI Traffic Engineer for the applicant, said the goal of the conversation would be to clarify TEC's impression of sight distance. Mr. Thornton opines there is some conflation of a couple of the different sight distance criteria and they need to work it out. He believes TEC is not referencing the strict definition of the minimum requirement for stopping distance. Mr. Thornton opines what TEC is using is not appropriate, but the two of them need to work it out. Ms. Joseph agreed they should be trying to work out the issue, and the Board will look for a stamped certification. Mr. Pritchard said it is nice to have a piece of paper, but if there is an issue/concern that it is not safe that has to be resolved; it physically has to be resolved.

Mr. Ohrenberger said that one of the things discussed is if the property next door could remove the wall; the answer is no. He said that Attorney Sullivan, who represents the project next door for persons with disabilities, said the wall cannot be removed because it provides a controlled environment that's necessary for the residents with disabilities and their therapeutic process. In no terms will they remove the wall.

Ms. Lambert said they will take that under advisement.

Ms. Joseph said there is more to discuss with traffic; not only does the Board have to find that sight distance is acceptable, the Board also has to find that pedestrian circulation is acceptable. She indicated a couple of comments have been received today that the bus service does not go down

Country Way anymore because the bridge at Mordecai Lincoln can not support it; kids have to walk down to Gannett Road to catch the bus. She also said TEC previously identified there was an issue with pedestrian circulation. She said the Board may need to condition ...” implementation of a sidewalk connection on Country Way and the right of way with easements as necessary to facilitate a connection to the existing sidewalk on the south side of Lincoln Park approximately 600 linear feet in the event the proposed improvements are outside of the right of way the applicant should work with the Town and DPW to advance a public project funded by the applicant.” She said that might be one solution, another solution could be to have an off-road solution and try to go through Lincoln Park; pedestrian accommodations need to be made, people living in the development need to be able to get to places safely.

Mr. Ohrenberger argued this is prejudicial and unfair; he expressed his displeasure that today they received a memorandum from September 29<sup>th</sup> that has never been revealed to them prior discussing traffic related to Mordecai Lincoln and the sidewalk and a fair-share cost assessment of public transportation project near the development site. Ms. Joseph said the reason why it was given today was to address the comments that came in regarding traffic on Mordecai Lincoln; the Town’s Traffic Engineer does not think there is an issue with traffic on Mordecai Lincoln.

Mr. Ohrenberger continued to argue that the comment received is unfair and prejudicial; the Town has been neglectful in maintaining a bridge, etc. He said they were prepared to do many things, but they were told to drop the density. He believes information was held from the applicant that is just now being discussed.

Ms. Lambert said that as a decision is being written things bubble to the surface. Ms. Lambert said the sidewalk has been an issue since day one, it has been talked about ad nauseum; we have known that pedestrian circulation is an issue. She was not aware of the school bus issue until yesterday. She said this is not an over 55-year community which the Board was adamant about not having, there will be school aged kids in it. She said the Board’s first priority is the health and safety of the population; there is an issue with the sidewalk. While the Board does not require a density bonus because the size has been reduced, Ms. Lambert opined the applicant owes it to the residents of the buildings that there is safe access to where they want to go. Ms. Burbine agreed.

Ms. Burbine said that with the project that should be coming into the Board next door, the residents there will need adequate access/pedestrian access to the train. She opined going forward; a sidewalk needs to be done that extends from the Cohasset town line to the train station. She said we have to figure out the highest and best way to do it, it is a public safety situation. She said there are issues in North Scituate aside from sewer that need to be dealt with; the applicant wants to put in this large project, it is in the applicant’s best interest for the people that will live there and the neighbors to have safe walking access - please do a sidewalk.

Mr. Grady indicated the project has been designed so that a bus can turn around on the site, as well as fire/emergency apparatus. Mr. Ohrenberger continued to expound on the fact that the site was developed and designed to be safe for the residents and the Board is now questioning that.

Ms. Lewis commented the reason the development is there is because of the train station and the hope is that people will walk to the train station. It is not safe to walk there, there are many places in Scituate where it is not safe to walk, but it is right by the train.

Mr. Ohrenberger said the Board is pinning it on one person because they are the first people to do this. He listed mentioned mitigation money from the MBTA and several things the Town could have done with that money, but they chose not to. He continued to argue that the Board is making this applicant do things that are beyond their control and the Town should have taken care of.

Ms. Lambert said let's talk about making an agreement/decision where more than one person can come to the table like has happened in Greenbush. She said we are trying to get to a collective point that we can all agree; she said the applicant must agree there should a sidewalk in front of their property. The applicant did not respond. Mr. Ohrenberger said they were willing to do a lot of things for Lincoln Park, but no one cared. He said they have been through so many iterations of this so they could get going, they dropped the density bonus because everyone was against it. He said they stripped out any ability to pay for these things.

Mr. Ohrenberger continued to argue that they are expected to engage in a never-ending process because other people are not held to the same standards and timelines of providing information. He said because they got information about the buses today they are now supposed to delay the project. He accused the Board of holding something for 4 months and not trying to stick it to one applicant.

Ms. Lambert said that is not what is being said; the applicant is building units that are going to house an amount of people going to the front of the property there is no safe place for people to go except into the middle of Country Way. She said she knows the SAIL project next door are also going to have to talk about a sidewalk. She said this is a place where we need to sit with DPW, etc. and try to find a rational way to get the people from 817 to the train station which everyone wants.

Mr. Ohrenberger said obviously everyone wants safety; next door is a Dover Amendment project that you can't put any conditions on that project. Ms. Lambert said that is not true, but there needs to be some goodwill with this project. Mr. Ohrenberger said tell them what is costs, they dumped 25 units because no one wanted that aesthetic. Ms. Lambert said no one ever said they didn't want to walk to North Scituate. She said we need to think about this rationally, the Board has nothing to do with the dollars and cents. The Board's facility is to make sure people can get around properly; the Board is just trying to come to some fair-minded decision about how to get the residents, the residents next door, etc. around. She opined no one is asking the applicant to shoulder 100% of the costs.

Mr. Ohrenberger said if a contribution can be quantified that is something to talk about. He said they already offered stuff when they proposed a special permit. He agreed this has to be looked at and no one wants to build an unsafe situation, but this is an existing curb, Country Way is one of the oldest if not the oldest road in the county, but to say to one group of people needs to fix all these problems...Mr. Grady said it was talked about previously that the pavement is skewed over and there are a lot of issues with building a sidewalk. The Board said they are well aware of that and they are not asking the one applicant to do it all.

Ms. Joseph said she is working on a meeting with the Town Administrator and DPW to discuss the sidewalk issue on Country Way. She said she is bringing this up tonight because the Board has to find that there is adequate driveway layout, pedestrian safety and off-street parking. Ms. Joseph said let's let the Traffic Engineers get together and move on to other issues.

Mr. Grady asked if this isn't resolved tonight when does it get resolved, it just keeps getting kicked down the road and this project has been before the Board for almost a year, who makes the first offer

here, what is the offer. Mr. Ohrenberger argued what is the number \$20k, \$50K, what is the number. He argued the concern has been there a year, but no one has asked for the number.

Ms. Joseph said the Board took the priorities first; the first priority was the project seemed too dense, the Board seems pretty satisfied with the density as it stands now. She said as you start to write a decision other issues come up and we are identifying them now to discuss and get them resolved. Ms. Joseph indicated she spoke with Town Counsel and Town Counsel opines that a Special Permit or Section 6 Finding is needed for the length of the existing building. She opined the Board would grant a special permit, it is the shorter process because it has already been advertised for a Special Permits. She suggests that it be added into the decision that the special permit be issued for the length over 100'.

Mr. Ohrenberger argued that before the November 9<sup>th</sup> meeting the Zoning Enforcement Officer opined that a Special Permit was not needed. Ms. Lambert said Town Counsel clearly opined that a Special Permit is needed or a Section 6 Finding and that the Board can issue the Special Permit in its decision. If the applicant does not want to do that then they need to provide something in writing from the Building Commissioner. Mr. Ohrenberger continued to argue that the question of a Special Permit has been answered by the person who is statutorily responsible for zoning decisions and that is not good enough for this Board.

Ms. Burbine said it does not matter who said what/where about a Section 6 Finding they are going to get what they want, whether the Building Commissioner did it correctly or not it is immaterial.

Mr. Ohrenberger said there is no way to respond to anecdotal things, the applicant is in an area where there is no way to respond. Ms. Lambert said going forward everything needs to be in writing.

Ms. Joseph indicated that DRC has not yet given their recommendations; the applicant is proposing to use vinyl siding materials and hopefully we will have the DRC recommendations shortly. Ms. Lambert said she remembers from the meeting that if the applicant uses the siding presented that they use the entire package. The Board made no other comments because they are awaiting the DRC recommendations.

Ms. Joseph provided a number of things that need to be answered and addressed to incorporate into the decision.

- Grading, clearing, impervious surface numbers need to be confirmed
- Affordable units need to be located on the plans
- Monitoring agent needs to be identified
  - Assume the applicant will want a waiver for submitting the cost eligibility and other compliance things until after the project is approved
- Rear setback on sheet 2 and the table do not match
- Outdoor amenity space on the plan does not match the table
- Findings about how the buildings are modulated and articulated with overhangs, cornices, etc. somewhat confusing
- Assuming low reflectivity glass is proposed for Building 3
- Missing roof pitches for Building 2

- Handicapped parking for existing Building 1 is supposed to be a minimum of 5' behind the building if Building 1 is the primary building
- Does the Board want EV Charging stations - the Board wants charging stations – applicant to present a number

*Public Comment:*

Ms. Kathy Desjourdy resident at 429 South Main Street, Cohasset commented about a basin in the northeast corner in the road that is ineffective when it rains. She indicated she also brought the comment up in the Conservation meeting. The basin is right in front of their house, she opined it is an active basin and it is not sited properly, questioning if there is something that can be done because water from this site will also flow there; she said it might not be that hard for them to tie into the drain with DPW approval and that someone up the street has a pipe going right into the drain and perhaps DPW will allow it to continue. She asked about snow removal and how a garbage truck is getting in/out of the site, has there been a turning analysis conducted with that, she opined the garbage truck would have to back in/out. She also does not understand how the snow removal and how a snow plow will maneuver in a couple of the lots. Ms. Lambert said it will be the rental agents' issue and there will not be large town trucks in there. Mr. Grady said if it is a large storm then a front-end loader may be needed. Ms. Desjourdy asked if a turning analysis could be done for all the lots on the property. She said they are happy that the applicant is willing to move the watermain away from their property line. She asked if the walk way on the northern part of the property that is designated for ADA will still be there and it is very close to her property line, if the walkway is going to remain will there be any lights and will there be any spillover. Mr. Grady said there will be bollard lights and there is 6' fence and the bollard lights are 3' tall. He said there will be a new ADA walk on the next set of plans. She said there has been much discussion about walkability, etc. and they want to live in a neighborhood that is safe and comfortable and not worry about people pulling out in front of them. Ms. Desjourdy said they appreciate the Board's and Mr. Ellison's effort in that regard and identifying issues.

Mr. Ohrenberger commented that he thought the procedure was that if an abutter had a concern it would be submitted to the Board and the Planner and if it is something that the applicant should address the Board would ask their consultant to do so. He was argumentatively questioning the policy and said does the applicant follow the Board's direction or every time an abutter asks something how do they know how to respond. He argued the scope of what they are supposed to respond to keeps expanding.

Mr. Pritchard said this is a public hearing. Mr. Ohrenberger said they would like some direction, he thought this had been discussed, that the engineers had worked it out and have given their opinions; when does it end or does the Board need additional information because the Town's Consulting Engineer seems satisfied with these issues.

Ms. Lambert said the Board takes everything under advisement.

Ms. Joseph said the Board should give some direction, it is not just peer review comments that need to be addressed, the Board's comments also should be addressed by the applicant.

Mr. Ohrenberger said at the DRC things were discussed and he assumes that they being the experts will make recommendations to the Board, but the Board is not bound by those recommendations. He said in the absence of those comments the applicant cannot respond to them.

Mr. Michael Buettner resident at 56 Mordecai Lincoln Road commented that the developers should not carry the cost of the entire sidewalk, it is unreasonable and something needs to be worked out between what they are doing, the property next door that does not want to take down their wall and the Town of Scituate, it is dangerous for everyone. This project is going to be putting a lot more people in harm's way because it is a tight road; something has to be done not just for the tenants of the project, but for everyone's safety it has been neglected for years.

Ms. Kristen O'Brien resident at 1 Summit Ave indicated she did send a letter. She commented there are a lot of issues with traffic in the neighborhood and is really surprised that Mordecai Lincoln was not included in the traffic study. She said it does not account for all the people who are diverting the light, adding all these people they will use it as a cut through and they should it is part of their neighborhood. It is disappointing that it was not factored in, just as Country Way has no sidewalk, Mordecai Lincoln has no sidewalk just a painted line, cars cannot pass each other without crossing over the painted line. She said people moving into these units are going to become part of the neighborhood, kids will all go to school together and will be walking the little loop Country Way, Mordecai Lincoln, Gannett and there are no sidewalks. They just want to have a safe neighborhood.

Ms. Lambert said her comments are duly noted; as discussed this is an issue that is bigger than just this project. The Town Planner has asked to discuss this issue with the Town Administrator and DPW.

Mr. Robert Beaulieu resident at 38 Mordecai Lincoln Road asked if the AJA Property has anything to do with what is going on now; the Board responded no, it is separate project. He also commented since the train came people have been using Mordecai Lincoln to avoid the intersection. The Board has nothing to do with the impacts of the train.

Ms. Joseph commented that the Traffic Engineers have determined that it is less than 5 trips/hour that are using Mordecai Lincoln; the Traffic Engineers have said it is insignificant and it has already been addressed.

Mr. Allen Bruce resident at 19 Mordecai Lincoln Road asked if the general contractor will be required to submit a construction management plan for sediment control for the duration of construction. Ms. Lambert said yes. He then commented that he does not disagree that the traffic on Mordecai Lincoln is insignificant, but the speed of the cars and relative congestion on the street makes it feel as though cars traveling 20 mph is fast. He opined they would like to see traffic calming measures. Ms. Lambert said that is out of the Board's prevue. Ms. Joseph suggested the resident send something to the Traffic Rules Committee who addresses traffic issues in town.

Mr. John Dewaal resident at 431 South Main Street, Cohasset, commented someone had mentioned this has been going on for almost a year, he said we've all been doing this to get a successful project and he senses a desire to finish up, but now is the time to look at all the details. He agreed the construction sequence is a good idea so everyone has an idea how the project is going to go. He questioned if the new sidewalk solution plan discussed will be reviewed later on; he just wants to reiterate now is the time to look at the details. The recent peer review letter was the longest he has seen and some of the items have been brought up twice before or recommended that they get resolved. He said lets just keep working on the details.

*Motion:*

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for 3 Multi-Family Buildings and Stormwater Permit in the Village Center and Neighborhood District – North Scituate Village District – Outer Village (VCN-NSV-OV) until February 22, 2024 at 6:30 pm and to continue the time for action for filing with the Town Clerk until April 15, 2024.

Ms. Lewis seconded the motion; a vote was taken and was unanimously in favor.

The Board discussed some of the open issues to be addressed by the applicant in preparation for the next meeting.

- Email has been received from BOH that project is complete
- Conservation has been addressed, but Board will not receive anything
- Applicant to address all comments from TEC Report; almost complete
- Need to address sight distance
  - Traffic Engineers to discuss
- Need to address pedestrian access safety
- Need DRC recommendations and resolution
- Snow removal to be addressed in the next set of plans submitted
  - Board can condition that snow needs to be removed and parking spaces cannot be used
- Applicant to address Building Commissioner comments on ADA
- Special Permit for length of building
- Construction Sequencing plan
  - Not a phased project, will all be built at one time
- Parking spaces more than needed
  - Board needs to opine if they are okay with more spaces than needed
- Board needs to come up with solution to not burden the applicant with 100% of the cost of a sidewalk

**Planning and Development – reported by Ms. Joseph:**

- Laurelwood common driveway submitted
- Curtis Estates will be at next meeting for surety reduction
- Applied for MBTA Preliminary Approval for MBTA Compliance
  - State has received all materials
- Meeting February 8<sup>th</sup> with Town Counsel and SAIL Group

Ms. Lambert announced that Mr. MacLean has resigned and tonight is his last meeting.

Ms. Lambert said she is going to make a request to the Town Moderator that Ms. Joseph present the MBTA Zoning at Town Meeting in April. The Board will have to decide if they want to provide a PowerPoint and what is should incorporate.

Ms. Joseph is presenting to the League of Woman Voters in Hingham. She will share with the presentation with the Board and will provide feedback from the event.

**Documents**

- Email to the Board from Shari Young dated 1.19.24 with meeting agenda 1.25.24.



- Email to the Board from Karen Joseph dated 1.19.24 with meeting materials for 22 Beal Place, 124 Cornet Stetson Road and 817 Country Way.
- Email to the Board from Shari Young dated 1.23.24 with DRAFT meeting minutes from 1.11.24.
- Email to the Board from Shari Young dated 1.24.24 with materials for 817 Country Way.
- Email to the Board from Shari Young dated 1.25.25 with materials for 817 Country Way.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 8:32 p.m. Ms. Lewis seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Ann Burbine, Clerk  
Date Approved: February 8, 2024