

Scituate Planning Board, May 10, 2012
TOWN OF SCITUATE MASSACHUSETTS

SCITUATE PLANNING BOARD
MINUTES
May 10, 2012

Members Present: Mr. William Limbacher, Chairman, Eric Mercer, Robert Vogel, Dr. Nico Afanasenko and Daniel Monger.

Members Absent: Richard Taylor.

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

Mr. Limbacher called the meeting to order at 7:30PM. He announced the meeting was being audio recorded and asked if there were any other recordings being taken. There were none.

Documents

5/10/12 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chairman Limbacher asked for a motion to amend the agenda to add to new business a support letter to go to the Metropolitan Planning Organization. Mr. Monger moved to accept the amended agenda. Dr. Afanasenko seconded the motion and the vote was unanimous in favor.

Special Permit – Accessory Dwelling Unit – 41 Mordecai Lincoln Road

Assessor's Map/Block/Lot 12/4/26 & 27

Applicant/Owner: William M. Hale, Trustee of the Forty One Mordecai Lincoln Road Realty Trust

Documents

Application and supporting documents for Special Permit for an Accessory Dwelling Unit

Memo from Director of Public Health dated 4/17 /12

Comment from Water Dept received May 2, 2012

Attorney Michael Hayes was present for the applicant. He indicated that Mr. Hale lives at 41 Mordecai Lincoln Road. He purchased 37 with the intent to raze it for his septic system, but he now desires to keep it as an accessory dwelling. 41 Mordecai has about 21,700 sf of lot area, 108 ft of frontage and the existing house is 4 bedrooms. 37 Mordecai Lincoln has about 31,645 sf of lot area, 108 sf of frontage and is a 2 bedroom house. Mr. Hale desires to add a three bay garage and a small addition to 41 Mordecai. The garage addition will go over the existing property line, thus the lots are proposed to be combined on a Form A Plan. The livable area of the existing primary dwelling is 3,719 sf. With the addition it will be 4,451 sf. The accessory dwelling will be 1, 399 sf. It is 37.6% of the primary dwelling, below the 40% requirement, and with the new additions it will be 31.4%. Jennifer Sullivan, Board of Health Director had some septic system concerns. Plans for a new 6 bedroom septic system will be submitted if the Special Permit is approved.

Attorney Hayes went through the Standards and criteria required for a Special Permit under 530.2. A. The accessory dwelling will be a complete separate unit from the primary dwelling. #37 will remain separate.
B. Inapplicable as there is no accessory dwelling unit proposed within a structure that is a business.
C. There is only one accessory dwelling being proposed on the lot that will be combined in the Form A filing.
D. The detached structure for the accessory dwelling unit and the primary dwelling complies with all the

setbacks by the average setback rule in the bylaw. Mr. Hayes reviewed the plan with Mr. Duggan and confirmed no zoning special permit was needed.

E. The accessory unit will remain as it appears – there will be some small clean up and cosmetic improvements. There will be no structural improvements.

F. The accessory dwelling is well under 40% limit of the square footage of the house.

G. There are two private off street parking spaces for the accessory dwelling and ample parking for the primary dwelling.

H. All applicable bylaws and codes will be met including the Board of Health.

I. It will comply with the Board of Health with the proposed new 6 bedroom septic system. The Town will be protected.

Town Planner, Laura Harbottle indicated that to add on to #41, a new garage and addition will cross over the property line. More than two buildings cannot be on one lot so the lots will be combined and an accessory unit made. Ms. Harbottle indicated that The Board of Health will require a new septic system for six bedrooms. The existing #41 has a 1994 permit for a 2 bedroom septic system. Mr. Vogel inquired about the Riverfront area for the soil absorption system (SAS). Mr. Hayes indicated that they were outside of the 100 foot setback for the SAS. They may like to do vista pruning down to Hunter Pond at the bottom if approved by the Conservation Commission. Ms. Harbottle indicated the setback for the Riverfront is 200 feet, but the location of the septic system is conditionable. It was confirmed that the area for the septic system is currently grass. Dr. Afanassenko asked about the average setback and confirmed the new building improvements will be further behind the existing building for 41 Mordecai. Mr. Monger, Mr. Mercer and Mr. Vogel had no other issues.

Chairman Limbacher suggested taking the Form A first. Dr. Afanassenko moved to endorse, as approval under the Subdivision Control Law not required a plan of land in the Town of Scituate located at 41 Mordecai Lincoln Road. Plan prepared by mr Surveying, Inc. for applicant/owner William M. Hale, Trustee of the Forty One Mordecai Lincoln Road Realty Trust revised dated 4/16/12. Mr. Vogel seconded the motion. Motion passed unanimously.

Dr. Afanassenko moved to make the following findings of fact for the Accessory Dwelling Special Permit:

On April 9, 2012, the owner of the property applied for a special permit for an accessory dwelling.

The plans submitted with the application are Mordecai Lincoln Rd Floor Plan and ANR Plan of Land at 41 Mordecai Lincoln Road Scituate, MA Assessors' Lot 12-4-26 & 27 revised dated 4/16/12 prepared by mr Surveying, Inc. for William M. Hale of 41 Mordecai Lincoln Rd.

The area of the house proposed for an accessory dwelling is 1,399 sq. ft. The floor plans show the floor area of the primary dwelling with the proposed additions to be 4,451 sq. ft.

The floor area of the accessory dwelling is 31.4% of the floor area of the primary dwelling including the addition with the proposed first and second floor additions. This meets the area requirements of 530.2F for accessory dwellings.

The site plan by mr Surveying, Inc. shows a driveway and three car garage for the primary dwelling and a separate garage and driveway for the accessory dwelling. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.

The setback is considered to meet the requirements of the bylaw because the average front setback provision of the Scituate Zoning Bylaw Section 620.4 A will be used.

The applicant has submitted a signed, notarized statement that he will live in the primary dwelling and his successors in title will live on the property.

The application meets the standards of Scituate Zoning Bylaw Section 530 for an Accessory Dwelling

Special Permit.

Motion was seconded by Mr. Monger. Motion was unanimously approved.

Decision: Dr. Afanasenko moved to approve the Accessory Dwelling Special Permit for 37/41 Mordecai Lincoln Road with the following conditions:

The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department and other town agencies.

The property at 41 Mordecai Lincoln Road shall contain a maximum of two dwelling units, the existing dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage shall not be increased without prior approval of the Planning Board.

The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.

Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Mordecai Lincoln Rd Floor Plan and ANR Plan of Land at 41 Mordecai Lincoln Road Assessor's Lot 12/4/26 & 27 revised dated 4/16/2012 prepared by mr Surveying, Inc. for William M. Hale, Trustee submitted with this application.

The applicant will be required to upgrade the septic system to comply with Title V per the Board of Health requirements. The system must be 20 feet from the garage.

No on-street parking shall be permitted.

This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The owner shall provide proof of this recording to the Planning Board.

This Special Permit 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.

Motion was seconded by Mr. Monger. Motion was unanimously approved.

Form A Plan – 41 Mordecai Lincoln Road
Assessor's Map/Block/Lot 12/4/26 & 27

Applicant/Owner: William M. Hale, Trustee of the Forty One Mordecai Lincoln Road Realty
Trust

Document

Application and Plan of Land in the Town of Scituate, Massachusetts located at 41 Mordecai Lincoln Road prepared by mr Surveying, Inc. for applicant/owner William M. Hale, Trustee of the Forty One Mordecai Lincoln Road Realty Trust

See meeting minutes and motion under Accessory Dwelling Special Permit.

Minutes

Dr. Afanasenko moved to approve the April 26, 2012 meeting minutes. Mr. Monger seconded the motion. Motion was approved unanimously.

Accounting

Documents

P.R. # 12007262 (\$426.12), P.O. # 12006710 (\$600.14), P.O. # 12006711 (\$1,000.00), P.O. # 12006770 (\$227.50)

Dr. Afanasenko moved to approve the requisitions of \$426.12 to Community Newspapers, Inc for legal ads

for 130 Country Way, 129 Stockbridge Rd, 77 Border Street and 37/41 Mordecai Lincoln Rd, for \$600.14 to William E and Mary Audrey Hogan for reimbursement from the Guarantee Account for unexpended engineering consultant review fees for Dreamwold Estates, \$1,000.00 to Jack McGrath for reimbursement from the guarantee account for unexpended engineering consultant fees for 556-568 First Parish Road and for \$227.50 to John Hallin for reimbursement from the Guarantee Account for unexpended engineering consultant review fees for 6 Old Country Way Village Business Overlay District Special Permit. Mr. Mercer seconded the motion. Motion was unanimously approved.

Town Planner Report

Ms. Harbottle indicated that she received a phone call from Clark Brewer of the Cohasset Planning Board and their Board is pursuing a request for funding a transportation planning study of the Route 3A Corridor due to all the new development in Cohasset up to the new commuter rail station. They thought that they could include the section of Scituate along Route 3A to the intersection of Henry Turner Bailey Rd which is a difficult intersection. Henry Turner Bailey Rd serves an MBTA commuter rail station and is the main artery for the North Scituate shopping district. They would look at ways to make that intersection safer, ways to incorporate sidewalks, bikes etc. They are looking for letters of support from the Planning Board and Board of Selectmen to support the application. Funding is through the state transportation program which is very slow. Funding might be available next year. It would be helpful to indicate new development in the area and potential development in the future. Ms. Harbottle thought it would be very beneficial for Scituate and help the efforts of the Economic Development Commission. She handed out a draft letter. Chairman Limbacher indicated he previously talked with Ann Burbine about studies for transportation and it makes sense for Scituate to be included in this study. Dr. Afanasenko moved to sign the draft letter as written. Mr. Monger seconded the motion. Motion was unanimously voted. The Town Planner will provide the original letter for the chair's signature.

Site Plan Administrative Review – 17 New Driftway – Discuss changing icehouse condition

Documents

Concept sketch from DRC meeting of 5/2/12

Donald Spradlin, owner and manager of the Greenbush icehouse, and Bob Burwick were present. Chairman Limbacher asked for an overview of what happened at the Design Review Committee (DRC) meeting. The DRC came up with a sketch that would hide the mechanical equipment on the roof top. They also came up with ideas to break up the blank wall of the icehouse as it faces the parking lot. They suggested a highly durable material (Sunbrella like) with grommets for attachment to the 32" high galvanized posts around the roof for screening of the mechanical equipment. The fabric panels would be detachable for servicing the equipment and cleaning. It would be a nautical look. The awnings would be the same material on the side facing the parking and by the ice dispenser. Hal Stokes and Laura Delong of the DRC were present and indicated they thought the applicant would present a couple of color scheme.

Mr. Spradlin indicated that he tried to match the sketch. He and Mrs. Spradlin brought color samples for the awnings and fabric screening and paint color samples for the icehouse for all present to see. The Planning Board conceptually agreed with the DRC sketch. Considerable discussion followed between all of the Planning Board members, the Design Review Committee, Mr. & Mrs. Spradlin and Mr. Burwick. A summary of the agreements reached regarding the design parameters for the key elements is as follows:

AWNING COLOR – Navy Sunbrella fabric material. Open at ends of the awnings. Straight edge – no scallops. Awning will be on 2 sides – facing the parking lot and over the ice dispenser.

SCREENING – Navy Sunbrella fabric material on three sides (back open) around the roof. Approximately 36" high mounted to galvanized steel posts.

BOLLARD COLOR – Navy to match the awning color.

ICEHOUSE BUILDING COLOR – Same color as Duval Dance Studio – Benjamin Moore HC-45 Shaker beige.

ICEHOUSE BASE COLOR – Darker bottom – 2-3, closer to 3 shades darker than shaker beige.

LIGHTING – 2 – four foot fluorescent sections under the awning pulled back from the edges. Minimal lighting in back for safety.

SIGN – color coordinated with the building. Sign will be free standing in the old frame. Sign colors to be coordinated with the DRC and Town Planner.

After an agreement on color and design intent was reached, discussion focused on length of time to implement the measures. Mr. Burwick indicated he would like 90 days. Chairman Limbacher indicated he would work with the Building Commissioner so that the icehouse could be issued a temporary occupancy permit for 90 days while the work is going on with the building and sign modifications. The Design Review Committee and the Town Planner will review the final colors and the sign. At the end of 90 days if the work is not complete, the Board will ask for the occupancy permit to be revoked and he will be closed. The Board will review the status after 60 days to see where the project stands. Mr. Monger moved to grant the above noted changes. Dr. Afanasenko seconded the motion. Motion was approved unanimously.

Return Surety – Booth Hill Estates Subdivision – Blossom Street – John Ulanowski

Documents

Request from John Ulanowski to return surety for Blossom Street dated 4/18/2012

Dr. Afanasenko moved that the Planning Board refund the balance of surety of \$1,800.00 plus accrued interest for the Booth Hill Estates Subdivision at the request of John Ulanowski, developer, as Blossom Street was accepted at the annual town meeting of April 11, 2011. Mr. Monger seconded the motion. Motion was unanimously approved.

Master Plan Discussion

The Masterplan discussion was postponed to another meeting.

Town Planner Report – Update on Walnut Tree Hill

Mr. Monger recused himself from the discussion and left the room.

Town Planner, Laura Harbottle indicated that the Board still has not received the settlement agreement on Walnut Tree Hill. She did attend the pre-bid conference today along with John Chessia, representatives from Travelers and some perspective bidders. She expects the agreement within a month's time. The bidding period ends in two weeks. Travelers and the contractor will sign the settlement agreement before it is forwarded to the Planning Board and Selectmen for signature.

Mr. Vogel moved to adjourn the meeting at 9:08 pm. Dr. Afanasenko seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Clerk