

TOWN OF SCITUATE



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
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Planning Board

May 13, 2007

Mrs. Bernice Brown
Town Clerk
Town of Scituate

Certificate of Action – Denial of Approval

RE: Definitive Subdivision Plan “Great Rock Island Estates” for Diamond Development, R. T.

Dear Mrs. Brown,

At their regularly scheduled meeting of April 12, 2007, the Planning Board voted not to approve the waiver requested from Section 7.2.1.3 a. of the Subdivision Rules and Regulations to reduce the right-of-way width from 42’ to 20’ for the proposed road shown on the Definitive Plan titled “Great Rock Island Estates Definitive Subdivision Plan of Land in Scituate, Massachusetts”, dated January 22, 2007, by Ross Engineering Co., 683 Main Street, Norwell, MA 02061. The Planning Board also voted to deny approval of this Definitive Plan based on the denial of this waiver.

This plan was filed with the Town Clerk on January 23, 2007. The Public Hearing was opened on March 8, 2007, and continued to April 12, 2007 with the consent of the applicant, when the Planning Board voted not to approve the plan. The applicant provided written consent to extend the time to file the Planning Board’s decision to June 1, 2007. The plan showed two buildable lots. A letter from the applicant’s engineer submitted to the Board during the hearing process stated that the applicant expected to further subdivide these two lots into a total of five lots.

Altogether, 31 waivers were requested. These are listed on the attached letter from the applicant’s engineer. The extensive number of waivers that would be required was of concern to the Planning Board. The Board noted that the Subdivision Rules and Regulations allow waivers only when such action is in the public interest, is not inconsistent with the Subdivision Control Law, and promotes public health and safety.

Among the waivers requested were a large reduction in the width of road right-of-way, which was proposed to be 20’ wide. A 42’ wide right-of-way is required. The road pavement was proposed to be 20’ wide including 1’ Cape Cod berms on either side. During the hearing process it was also described by the applicant as 16’ wide. The Subdivision Rules and Regulations require a 24’ paved width.

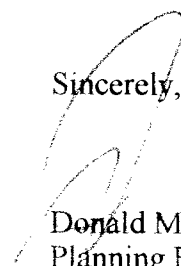
The Planning Board, with input from the public, determined that the section of Glades Rd. where the subdivision road intersects is a very congested area, with homes close to existing roads on small lots, across the street from a heavily-used pedestrian entrance to the beach. The location of the intersection is also next to a very popular turnaround at the end of the public section of Glades Rd., which is a long dead-end street that follows the shoreline. This situation is expected to worsen with the proposed road configuration because a loop will be created with an existing 12' right-of-way making a circle to Glades Rd. There was no evidence presented that the proposed roadway would lessen the usage along the existing right-of-way but would rather create another intersection and the potential for increased circular traffic using both the proposed roadway and the right-of-way.

In addition to the traffic from new homes, the developer described allowing a number of existing houses to use the new road for vehicle access. Because of the location opposite an entry to the beach, many pedestrians can be expected to use the new road to walk to the beach, and the public noted these typically include small children and mothers with strollers. They will share the narrow subdivision road with cars from the new development since no sidewalk or pedestrian access is proposed. The new road will be very close to existing houses near Glades Rd.; two will be approximately 12' and 14' from the paved surface.

The Planning Board, with input from the public, also determined there was significant coastal flooding in this area. It was expected that fire and emergency vehicle access, which is already a public safety concern during storm events, would be made more difficult as the proposed roadway would also flood.

The Planning Board extensively discussed that the congestion, lack of pedestrian facilities and potential problems for emergency vehicles during storm events made the location and narrow width of this road a safety issue. After further discussion of the reasons given by the Subdivision Rules and Regulations for permitting a waiver of those regulations, the Planning Board voted not to approve the requested waiver from Section 7.2.1.3 a. of the Town of Scituate Subdivision Rules and Regulations that would allow a narrower right-of-way width than 42' for this subdivision. The Planning Board further voted to deny approval of the Definitive Plan for Great Rock Island Estates, due to the reliance of the plan on the narrow roadway that required the waiver.

Sincerely,



Donald M. Walter, Chairman
Planning Board

cc: Diamond Development, R.T.
Atty. Michael Hayes
Board of Selectmen
Director, Department of Public Works
Building Commissioner
Director of Public Health

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**NOTICE OF DECISION SCITUATE PLANNING BOARD
GREAT ROCK ISLAND ESTATES SUBDIVISION PLAN**

You are hereby notified that the Planning Board at the **APRIL 12, 2007** Planning Board meeting **DENIED APPROVAL** of the Great Rock Island Estates Subdivision Plan [Plan titled 'Great Rock Island Estates Definitive Subdivision Plan of Land in Scituate, Massachusetts' dated January 22, 2007, by Ross Engineering Company.] Applicant: Diamond Development, R.T. Owners: Stephen D. & Dianne E. Hoss (161 Glades Road); Elizabeth J. and James J. Connell Family Trust (vacant land). The Decision Document stating the Board's action was filed with the Town Clerk on **May 16, 2007.**

This Document is a public record document and may be obtained at the Town Clerk's Office, Town Hall, 600 Chief Justice Cushing Highway, Scituate. Appeals, if any, must be filed with the Superior Court and shall be filed within twenty days after the date of filing of the Document with the Town Clerk, which said filing was made on **May 16, 2007.**


Donald M. Walter, Chairman, Scituate Planning Board

Date of This Notice to Abutters: May 16, 2007