



Advisory Committee Meeting Minutes
Thursday, January 5, 2023
Zoom Video/Audio Conference – 7:00 pm

Pursuant to Chapter 22 of the Acts of 2021, Chapter 22 of the Acts of 2022 and Chapter 107 of the Acts of 2022, Scituate Advisory Committee Members held the January 5, 2023 meeting via Zoom Video and/or Audio (Dial-in for those with only phone access). All participants participated remotely.

Committee Members Present: Marc DiCosimo, Elise Russo, Vice-Chair, Lynda Ferguson, Missy Seidel, Dan McGuiggin and Patrice Metro

Committee Members Not in Attendance:
Jamie Gilmore; Chair and Jerry Kelly

Also in Attendance: Nancy Holt, Finance Director/Town Accountant; Seth Pfeiffer, SCTV Director; Amy Walkey, Conservation Agent & Natural Resource Officer; Corey Miles, Coastal Resource Officer; Robert Vogel, Building Commissioner & Zoning Enforcement Officer; Sue DiPesa, Economic Development Commission Chair; Karen Joseph, Town Planner; Patricia Lambert, Planning Board Chair

Ms. Russo called the meeting to order at 7:00 p.m.

Ms. Seidel made a motion to accept the agenda which was seconded by Ms. Metro and voted unanimously in favor (6-0) by roll call vote; Ms. Russo-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. McGuiggin-yes, Ms. Metro-yes and Mr. DiCosimo-yes.

Ms. Metro made a motion to accept the minutes of the December 15, 2022 meeting which was seconded by Ms. Seidel. The minutes were voted majority in favor (5-0-1) by roll call vote; Ms. Russo-yes, Ms. Ferguson-abstain, Ms. Seidel-yes, Mr. McGuiggin-yes, Ms. Metro-yes and Mr. DiCosimo-yes.

FY 2024 Departmental Budget Reviews

Conservation – Dept 171 – Amy Walkey, Conservation Agent & Natural Resource Officer
Ms. Walkey noted her budget was salaries and office supplies and the department administered the Stormwater Bylaw and the Wetlands Protection Act. Ms. Russo asked about the status of the

part-time position and Ms. Walkey responded that the position was on hold. Ms. Seidel noted a concern for enforcement due to lack of staffing and the impact of that lack of enforcement. Ms. Walkey responded that it is an ongoing conversation as to how to tackle the issue and that enforcement is going on to the best of their ability while prioritizing all of the tasks of the office. Ms. Metro asked why the filing fees had decreased and if the fees should be increased. Ms. Walkey stated that the fees vary from year to year depending on the type of projects including larger scale developments. Ms. Metro asked the range of fee for the larger developments and Ms. Walkey responded that a basic project is \$100 but a larger project might be \$10,000.

Ms. Ferguson asked when the part-time position was vacated and Ms. Walkey responded it was about four years ago. Ms. Seidel asked about the number of hours and type of person that would be needed and Ms. Walkey responded that they had conducted discussions of different options including a shared position between Planning and Conservation and one solely with Conservation.

Coastal Resources – Dept 171 (non-budgetary) – Corey Miles, Coastal Resource Officer

Ms. Miles informed members that the mission of her office is to work with other departments and state and federal authorities to provide flood mitigation technical assistance and guidance on coastal issues to protect citizens and property. She noted her work on the Coastal Rating System (CRS) that has the town conduct some flood education activities which in turn allows citizens to enjoy a 15% discount on their flood insurance through FEMA. She also leads several coastal development projects including the Pier 44 park, the North Scituate Beach Nourishment project, home elevation grant program and acts as a staff liaison to the Cole Parkway Redevelopment Committee. Mr. DiCosimo asked about the CRS program and why some communities do not participate. She responded that some items that are required include education and outreach to homeowners in the floodplain and making sure new properties are elevated in the floodplain and some communities opt not to provide those services.

Zoning Board of Appeals – Dept 176 – Robert Vogel, Building Commissioner and Zoning Enforcement Officer

Mr. Vogel noted that the Zoning Board of Appeals (ZBA) is a volunteer committee that meets on a monthly basis for any projects that require special permits. An example would be a residential property that requires relief for making modifications on a lot that is non-conforming under current zoning bylaws. The ZBA is also involved in review of 40B developments. He stated there is another 40B application off Old Oaken Bucket of about 30 units is in the early stages of review currently. He noted it the ZBA been busy and the workload seems to be increasing every year and the smaller projects can be dealt with easily but the larger projects take significant time. He stated the budget is comprised of salaries and office supplies.

Ms. Russo asked the current level of affordable housing units now that Stockbridge and Herring Brook have been completed. Mr. Vogel responded that the town is not close to the 10% but the goal is to get enough units in the year to get a moratorium on 40B projects from 1-3 years. He noted that rental properties are allowed to count all units but developments for sale can only count the affordable units. He thought the addition of the two projects brought the total up to about 5% and the amount needed is 10%. He noted you need to build three market units for each

affordable unit and the three market units raise the total number of overall units so it is very difficult to make headway towards the 10%.

Ms. Metro asked the cost of the affordable units at Herring Brook and Mr. Vogel responded only 25% are affordable but all can be counted as they are rental units. Ms. Metro asked why a moratorium would be requested when the 10% had not yet been achieved. Mr. Vogel responded that it was to provide a little breathing room. Ms. Russo asked if any affordable project brought forward is required to be approved. Mr. Vogel responded that a developer petitions the town at the onset for relief from some regulations which will be granted by the Commonwealth but not all regulations can or will be waived. Ms. Ferguson asked the minimum number of units required in a development that have to be affordable to be considered as a 40B and Mr. Vogel responded it is 25%. Mr. Vogel also stated that the income levels and rents are all set by the Commonwealth.

Ms. Joseph noted that once the 10% level is reached; the town can turn down 40Bs. Ms. Joseph stated that she thinks the percentage will be about 4% once all the 2022 units are counted. She also noted that any development over five units has to have affordable units due to inclusionary zoning and those with density bonuses require 20% to be affordable. Ms. Joseph said that the monitoring agent will continue to try and find candidates for the affordable units but it just may take a little longer.

Ms. Seidel asked how the 40B and affordable unit issue will overlap with the MBTA zoning compliance. Ms. Joseph responded that there are no affordable requirements in the MBTA zoning compliance. Ms. Joseph clarified that the multi-family housing units do not have to be built just zoned to be in compliance.

Inspections – Dept 241 – Robert Vogel, Building Commissioner and Zoning Enforcement Officer

Mr. Vogel informed members that the department had been very busy with the larger projects and those are beginning to wind down including Herring Brook and the Drew Company. He said there are several multi-use projects in the next 18 months coming online. He noted that the department had adopted a new permitting software and that has helped reduce the paper flow in the office by 90% and in-person visits also were reduced by 90%. He stated they are now moving onto digitizing the archives hopefully which is a previously approved capital project and to integrate it with the new permitting system. He stated the budget is a level funded except for contractual increases.

Ms. Seidel asked why the fees were lower but the activity was higher in 2022. Mr. Vogel responded that three years ago the permit fees were raised by 10% in keeping with levels in other local communities. He responded that the smaller projects do not generate the same level of revenue as the few large projects and there is an increase in the number of smaller projects.

Economic Development Commission – Dept 182 – Sue DiPesa, Economic Development Commission Chair

Ms. DiPesa stated the Economic Development Commission tries to assist businesses in Scituate and they have been involved in the zoning changes in North Scituate and Greenbush and their budget is funded by 20% of meals tax. She said that a group will submit an informal application

for funds to the EDC for funding. She noted they are currently working on a formal application process to establish what the real needs are and which one are able to legally be funded. Ms. Russo asked for an example and Ms. DiPesa responded the funding for the wayfinding signs. She also stated they had provided funds to other departments/committees for projects such as the Harbor study but they are trying to curtail that now. Ms. Ferguson asked for a spreadsheet listing the expenditures to date of the EDC similar to the Community Preservation Committee reports.

Planning Board – Dept 175 – Karen Joseph, Town Planner

Ms. Joseph stated that the majority of the department's budget is salaries with a small amount for technical services if they need to retain a consultant for zoning. She said over the past year they have been implementing the Village Neighborhood zoning district and working with the Drew Company on their mixed use development. She also highlighted all of the administrative requirements and the design review team that she leads that is a multiple department group to review the ongoing and pending public and private developments in town. She noted they encourage developers to come in frequently and early so they can provide assistance to them and explain the zoning requirements.

Ms. Russo asked under which department the traffic requirements are addressed. Ms. Joseph stated that it is through her department and that the larger projects all require traffic studies that are then independently reviewed. She noted that the department is going to put out a proposal for their own traffic study of the Greenbush area. Ms. Ferguson asked which department is responsible for ordinances to address vacant properties similar to Cambridge and other cities. Ms. Joseph responded she had seen them in other towns and they have been general bylaws and not zoning bylaws.

Ms. Metro asked about whether the Commonwealth would become involved in the rotary insufficiency issue and Ms. Joseph responded that she doubted it. Ms. Joseph noted it takes years to get anything on the Department of Transportation's project listing and Henry Turner Bailey was the next one and it had taken a decade.

Ms. Russo asked about the open Director of Planning & Community Development position and Ms. Joseph that they had re-worked the job description and the Town Administrator could provide additional updates. Mr. DiCosimo asked about North Scituate development and Ms. Joseph responded that the biggest constraint in North Scituate is the lack of public sewer. Ms. Seidel asked about the enforcement actions and why building permits were being given without permission. Ms. Joseph responded that is why they have consulting engineers doing site visits during the projects and she goes out as well for the items she is allowed to enforce. Mr. DiCosimo asked about the fines assessed for enforcement issues and Ms. Lambert pointed out that Ms. Joseph does not have control over all the enforcement issues.

Proposed Zoning Bylaw Amendments for April 2023 Annual Town Meeting

Section 720 Common Driveways – Karen Joseph, Town Planner and Patricia Lambert, Planning Board Chair

Ms. Russo asked for the genesis of these amendments to the zoning bylaws. Ms. Joseph noted that in a short period of time last year, five common driveway permits were filed. Some of the

applications were specifically trying to get isolated permits that should be obtained in conjunction with another, such as a stormwater permit. There were also interpretation issues from consultants of where a common driveway commenced and ended so the Planning Board wanted to spell it out. Ms. Russo asked if it was only for cases of 2-3 lots and Ms. Joseph replied in the affirmative. Ms. Joseph said they were going to bring it to the September 2022 special town meeting but the Planning Board was approached by several developers asked then to work with them more and that the December public hearing had no developers objecting.

Ms. Joseph noted they wanted the entire residential lot shown on the plan with utilities, snow storage areas and drainage rather than just where the common driveway would be situated. She noted the easements were already in place but the Planning Board wanted to strengthen that portion to protect the parties. She also stated the plans are circulated to other departments to review.

Ms. Metro asked about the reduction of the length from 1,000 to 500 feet and Ms. Joseph stated the subdivision was 600 feet and for a common driveway was reasonable at 500 feet and similar to other communities. Ms. Metro asked why it mattered and Ms. Joseph stated it was also for access of public safety vehicles in a timely and safe manner. Mr. DiCosimo asked for confirmation that a common driveway and private road are different. Ms. Joseph responded that a common driveway was private in perpetuity but a private road could be brought up to required standards and accepted as public.

Section 760 Parking Requirements – Karen Joseph, Town Planner and Patricia Lambert, Planning Board Chair

Ms. Joseph stated the changes were mostly housekeeping to make it easier to understand. She noted that the Planning Board is being proactive realizing that there is limited area for parking in some areas such as the harbor so allowing offsite parking should be allowed.

Other Business

Ms. Russo asked if there were any citizen petitions and Ms., Holt responded on the negative.

Ms. Metro made a motion to adjourn the meeting which was seconded by Ms. Seidel at 8:32 p.m.; the Committee voted unanimously in favor (6-0) by roll call vote; Ms. Russo-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. McGuiggin-yes, Ms. Metro-yes and Mr. DiCosimo-yes.

Respectfully Submitted,

Nancy Holt
Recorder