

SCITUATE PLANNING BOARD MINUTES April 10, 2014

Members Present: William Limbacher, Chairman; Stephen Pritchard, Vice Chairman; Richard Taylor, Clerk; Robert Vogel and Robert Greene, Alternate Member.

Members Absent: None.

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, Scituate, MA.

Chairman Limbacher called the meeting to order at 7:35 P.M. The meeting was being recorded for airing on the local cable television station.

Documents

- 4/10/14 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Vogel moved to accept the agenda. Mr. Pritchard seconded the motion and the vote was unanimous in favor.

Public Hearing – Accessory Dwelling Special Permit – 92 Marion Road

Assessor's Map/Block/Lot 40-11-4

Applicant/Owner: Alfred M. Boyajian, TRS

Documents

- Application, deed, notarized letter from the owner that he will occupy one of the dwelling units on the premises, site plans and floor plans for 92 Marion Road. Site Plan for Accessory Dwelling at 92 Marion Road by Ross Engineering Co., Inc. dated 1/22/14 (JN3425-ACC), architectural plans A-1, A-2 and A-3 by Sea'Scape showing Basement level Plan, First Floor Plan, Second Floor Plan and Third Floor Plan and three site perspective/elevations.
- ZBA decisions 92 Marion Road
- Assessor's Map 92 Marion Road
- Assessor's Field cards 92 & 94 Marion Road
- 1910 Land Court Plan of Land in Scituate showing Marion Road
- Email dated 4/2/14 to Ross Engineering on Stormwater Permit
- 3/31/14 letter from Kevin Mullaney and Maria Antonuccio
- 3/31/14 email from Laura Crosby with 92 & 94 Marion Road Assessment & Sales Report
- Email from Priscilla Grable to Laura Harbottle dated 3/31/14
- Email from Priscilla Grable to William Limbacher forwarded to the Board on 3/31/14 with 5 photos, letter dated 3/24 and MLS report
- Boyajian vs Holcomb & City of Atlanta 2009
- Draft motion 4-14
- Abutter petition for 92 Marion Road received 4-7-14
- Request for continuance dated 4/ 9/14 from Ross Engineering Co., Inc.

Chairman Limbacher opened the public hearing at 7:36 pm. He indicated that the Board has received a letter from the applicant requesting a continuance due to unexpected circumstances. No testimony or evidence was taken. Mr. Pritchard moved to accept the applicant's request to continue

the accessory dwelling special permit public hearing for 92 Marion Road until May 22, 2014 at 7:30 pm. Mr. Taylor seconded the motion. Motion was unanimously approved.

Form A – 138 & 138 R Hollett Street
Assessor's Map/Block/Lot: 20-4-38
Applicant/Owner: Anthony J. Meschini

Documents

- Application and Plan of Land 138 Hollett Street in Scituate, MA by mr Surveying, Inc. dated 3/5/14.

Mr. Meschini indicated he owns 138 and 140 Hollett Street. He said he is going to sell within the next 10 years and would like to sell or donate the rear 2.5 acre piece of 138 Hollett Street (Lot B) to the Town as the land abuts the Purple Dinosaur Park. He said his family always thought about donating the land as it abuts the ball field. He indicated that Lot B is 40,000 sq. ft. which is double the required lot area.

Ms. Harbottle indicated that both lots have less frontage than the zoning bylaw requires. She said that the lot for 140 Hollett could be made to be conforming, but both houses pre-date zoning and frontage is not being altered so that the plan is acceptable to endorse.

Mr. Taylor moved to endorse as approval under the Subdivision Control Law not required an ANR Plan of Land No. 138 Hollett Street, Scituate, MA, prepared by mr Surveying, Inc. for Anthony J. Meschini dated 3-5-14 as it is a division of a tract of land in one ownership into two lots under Section 81L and Lot A is noted as not a buildable lot. The existing frontage of Lot B with an existing house is not being altered. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Minutes

Mr. Taylor moved to approve the meeting minutes of 3/13/14 and 3/27/14. Motion was seconded by Mr. Pritchard. Motion was unanimously approved.

Accounting

Documents

- PO # 1406054(\$2,290.46)

Mr. Taylor moved to approve the requisition of \$2,290.46 to Chessia Consulting Services for traffic review by Vanasse and Associates for 50 Country Way Mixed Use Special Permit. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Town Planner Report

Ms. Harbottle indicated that she has talked with the Real Estate Manager at the MBTA who indicated that they are going ahead with the land auction, but are waiting until after Town Meeting to see if the Village Business Overlay District (VBOD) changes occur. She said that they have indicated that they will auction 2.5 acres and will be keeping 500 parking spaces although the exact location of the spaces is not determined. She said that there will be an article in The Globe hopefully

before Town meeting. Chairman Limbacher indicated that the Economic Development Commission has been asked to speak in favor of the (VBOD) expansion at Town meeting.

Ms. Harbottle indicated that the Water Resource Protection District (WRPD) report to Town Meeting needs to be revoted as the words “in the warrant” needs to be deleted. The wording in the warrant with respect to the map dates is incorrect as a new map was voted at the Planning Board public hearing. The new map date is 4/1/14. She also said that she, Chairman Limbacher and Mr. Clarkeson met with the Selectmen to explain the changes to the WRPD as a result of the Planning Board public hearing process. Ms. Harbottle said the meeting went well and the Selectmen understood why the changes were necessary. She confirmed that the change is DEP’s official position.

Ms. Harbottle indicated that she needs to review the 562 First Parish Road Common Driveway as the applicant would like his bond money back. She also indicated that the owners and their attorney for 214 Clapp Road – Benjamin Studley Farm are meeting with the Selectmen on 4/29/14 to discuss the open space that is proposed to be given to the Town. She indicated that they will likely be in for endorsement soon thereafter.

Chairman Limbacher suggested the Board take a break as it was not 8:30 yet. Mr. Pritchard moved to take a break. Motion was seconded by Mr. Greene. Motion was unanimously approved.

Public Hearing – Definitive Subdivision Plan

50 Country Way

Assessor’s Map/Block/Lot 53-5-3 and 3B

Applicant/Owner: 50 Country Way Trust, C. Christopher Ford Trustee

Documents

- Application for Definitive Subdivision Plan dated 2/11/14 and deed
- Definitive Subdivision Plan, Greenbush Park, 50 Country Way by Morse Engineering Co., Inc. dated 2/9/14 consisting of Sheets 1-6.
- Transmittal to departments dated 2-19-14
- 4/9/14 Planning Board Summary of Waivers Requested

Chairman Limbacher reconvened the meeting at 8:30 and indicated that the public hearing for the Definitive Plan for 50 Country Way Definitive Subdivision Plan with Chris Ford as applicant was open. Chris Ford, Greg Morse and Steven Guard were present for the applicant. Mr. Guard indicated that the Definitive Plan was filed in order for the applicant to obtain a zoning freeze as the Water Resource Protection District (WRPD) bylaw is proposed to be changed at Town Meeting. He said Ch. 40A sec. 6 allows for a freeze if a Preliminary Subdivision Plan is filed and followed up within 7 months with a Definitive Plan. Mr. Guard said the applicant filed the Definitive Plan. He said the zoning is frozen during the process and if endorsed an 8 year zoning freeze would apply to all dimensions. He indicated that the Board endorsed an ANR which provides a use freeze. Mr. Guard indicated that it would be very difficult for the applicant to comply with the new WRPD regulations with regards to coverage for impervious surface in the district for the mixed use special permit. The old bylaw requires 20% coverage which the applicant complies with. He said the Definitive Plan was filed with a multitude of waivers requested as the real plan the applicant would like to build is the mixed use plan already before the Board. He said the applicant does not want to subdivide the property, but needed to file the Definitive Plan to give time for the special permit to be approved. He said that the plan was filed before the first publication of the legal ad for the zoning

by law change in order to be safe if the zoning bylaw change passed. Mr. Guard said zoning bylaws become effective after the Town Meeting vote to the date of the first publication of the legal ad which is when the grandfathering occurs.

Mr. Guard said it is the applicant's intent to ask for a continuance of the Definitive Plan so that they can work on the special permit. With that being said, he outlined the 2 lot subdivision plan. Mr. Morse said the road right of way is 42 feet wide and 141 feet long to the center of the cul-de-sac at the end. He reviewed the waiver list from the Scituate Subdivision Rules and Regulations as shown on the Cover Sheet, Sheet 1 of 6 of the plan set dated 2/9/14 as noted below:

1. Sec. 7.2.1.2.C. – To allow construction of a subdivision road with a centerline offset of 160' +/- from center line of the proposed road to centerline of Stockbridge Road. (250' is required centerline to centerline) *Mr. Morse said that the property is limited in access. It can only be accessed over its frontage and that is why a waiver is needed from the centerline offset. He said the road is not in the Morning Glories access easement.*
2. Sec. 7.2.1.2.H – To waive the requirement for curb radii at the intersection of the proposed roadway and Country Way. [15' to 20' provided] (40' required, but no less than 30' to accommodate Scituate Fire Dept.)
3. Sec. 6.3.3.7 – To waive the requirement for an erosion control plan and narrative.
4. Sec. 6.3.3.6 – To waive the requirement for a landscape plan.
5. Sec. 6.3.4 – To waive the requirements for all supporting documentation subsections including but not limited to: Observation Pits, Stormwater Management Calculations, Traffic Report and Homeowners Association documents.
6. Sec. 7.2.1.9 – To waive the requirement for sidewalks.

Mr. Morse said that if the project was to move forward, they would hold with the curb radii and sidewalk request. He said they would submit some of the traffic and drainage calculations if they were to move forward with this project, but there was limited time to file so they requested the waivers.

Ms. Harbottle indicated that she has seen many Definitive Plans filed to freeze zoning. She said she uses Mark Bobrowski as a legal source who indicates that the plan must be acted upon and approved for grandfathering to exist. She suggested to the Board that they may want to get an opinion from Town Counsel as she has never seen the freeze in place during the process. She said that she checked with several other towns, who all have the same approach when a plan is submitted for grandfathering. They all agreed that the subdivision could be built if approved so all information should be submitted. She indicated that drainage information will be important as the stormwater should not impact the reservoir. She indicated that the plan needs to be buildable and a freeze would continue while any potential appeal is sought; however, after that grandfathering would not be applicable if the plan was denied. Mr. Guard indicated they would never submit a plan that can't be built. Ms. Harbottle indicated that more information is required as the Board can't determine if the plan is buildable or not. Mr. Vogel and Mr. Pritchard both agreed that if the subdivision could be built if it is approved, all the information required needs to be submitted regardless of the objective as the right to build exists with an approved plan.

Mr. Taylor asked if they looked at any other options. Mr. Guard indicated that if the WRPD article passes, they have some pre-existing non-conforming conditions, but don't have a lot of protection under Ch. 40 Sec 6 as commercial buildings can't be torn down. They can only be renovated. Mr.

Guard said that with 40% coverage that was considered not economically feasible as the front of the property in the Zone A area would virtually be eliminated from development. He said that this was confirmed with the Building Inspector. He said that filing a Definitive Subdivision Plan was the only way to fall under the old WRPD bylaw. Mr. Pritchard said that that doesn't change his view of the Planning Board responsibilities. He said that the Zone A is to protect the town as a whole and the Board needs to see the impact to the Town water supply with any development. Mr. Guard said that they will be recharging runoff out of the Zone A and if they have to comply with the new regulations, the front area in the Zone A won't be treated and the front will stay the same. Mr. Guard said the new plan is better for the environment as it cleans, filters, discharges and infiltrates water out of the Zone A. He said the project would greatly protect the Town's water supply far beyond what exists now. Mr. Vogel said he agrees with Mr. Guard and favors the mixed use project going ahead substantially as planned, but believes the Board has to cover the bases with the Definitive Plan. He said that he thinks more information is needed to approve the plan to provide grandfathering so that the other plan is able to proceed. Mr. Greene agreed that more information is needed to approve the subdivision, especially basic stormwater calculations in case that the plan was needed in the future.

Mr. Taylor questioned when the grandfathering is achieved. Mr. Guard said that it was achieved when the plan was filed as it is retroactive to then as it was before the first publication of the legal ad for the bylaw change. He said if the subdivision is approved after the bylaw passes it is grandfathered. Mr. Taylor said the Board can ask for more information and not prohibit the applicant from doing what they desire. Mr. Guard agreed. Mr. Pritchard asked if there was a way for the applicant to voluntarily say that they will not build the subdivision if approved. Chairman Limbacher said that the Definitive Subdivision has to be treated as a subdivision with a grandfathering benefit and needs to be treated the same as every other subdivision. Mr. Ford said there is no incentive to build the subdivision as the other plan is better. Chairman Limbacher still opined that despite the grandfathering objective, the subdivision has to be treated like all other subdivisions. He indicated he also talked with the Building Commissioner on the issue, and he would expect to see some waivers but not drainage analysis and calculations. Mr. Guard said if the special permit was approved it could be conditioned that the lot not be subdivided. He said he was glad to hear the Board is willing to consider the subdivision and waivers. Mr. Pritchard he was inclined to review the subdivision plan, but he is not happy to review a plan that will never be built considering the workload of the Board.

Mr. Guard said the Definitive Plan was the only way to freeze the zoning and asked the Board to work with the applicant to do it together so that they can get to the real plan. Mr. Ford said he could just do a 40B. He said the process has taken 8 years and is getting expensive and everyone wants it to happen. He said the project has to be economically feasible. Chairman Limbacher said the decision to do a 40B is the applicant's, but in terms of zoning the project has hit the "perfect storm." Mr. Guard asked the Board to see fit to grant some waivers as a real project is behind the definitive plan. He said that whatever waivers Mr. Ford doesn't have to do, that would enable money to be spent on the real project as it wasn't his fault that the zoning changed. Mr. Taylor asked if the Board could put weird conditions like the subdivision couldn't start until 2025. Chairman Limbacher said that it doesn't solve the problem that if it's an approved plan it could be built. Mr. Pritchard said he thinks Mr. Taylor was asking to put a condition on the approved plan that it is to be non-buildable without directly saying that. He said that he thinks that question should be asked to Town Counsel. Mr. Ford said the plan could have a condition that it is buildable in the event the special permit project can't be built. Mr. Pritchard said if that was the case, then he would want to see all the necessary submittals before approving the plan. Mr. Guard suggested it could be conditioned upon

complying with the waiver requests. Mr. Vogel said that it could also be conditioned that the erosion and sedimentation control narrative, landscape plan and observation pits could be submitted and approved by the Board prior to preconstruction. Chairman Limbacher and Mr. Pritchard both indicated that that seems to be pushing the envelope. Chairman Limbacher said that it is a Definitive Subdivision Plan that carries grandfathering and should be treated no differently than any other subdivision.

Mr. Pritchard said he would like a legal opinion. He said that it may be the case that the plan doesn't rise to subdivision review standards and may not provide grandfathering legally without the additional information. Ms. Harbottle said that it would also depend if there was no appeals to a decision. She said that drainage calculations and peer review are the most expensive part. She said for a 2 lot subdivision, those items shouldn't be that expensive. She said an erosion control plan and narrative and a landscape plan are not major costs and the Board should require what is asked for. She said if it is a cost issue, it may be less expensive to just provide what is required as representatives take up cost too. Mr. Ford asked if they were to modify the plan to remodel the front building and build the 2 buildings out back without touching the ground out front, would they be able to do it with the zoning now. Ms. Harbottle said probably. Mr. Guard said that leaving the front alone and working out back defeats the purpose of the bylaw and does nothing to protect the water supply. He indicated that Mr. Ford may consider doing the subdivision requirements depending on the cost of the peer review engineer. Chairman Limbacher said the peer review engineers are picked on a rotating basis. He indicated that which engineer is assigned to them will depend on what they do with the project. Mr. Guard said that he is told some engineering costs greatly differ and the difference in the peer review engineer would heavily weigh in on Mr. Ford's decision. Mr. Ford asked if there was any transfer of drainage from the special permit. Mr. Morse said very little. Chairman Limbacher said some traffic data may be reusable.

Mr. Guard said that their position is that the grandfathering is invoked based on the fact that the plan was filed prior to the first legal ad and not on the basis of plan approval. He said the approval would provide 8 years of a zoning freeze. Ms. Harbottle said that an opinion would be needed from Town Counsel on that as it is different from Bobrowski. Mr. Guard said the window is not addressed in Bobrowski, but the statute is clear on it. Chairman Limbacher said he thinks that when Bobrowski talks about a filing it is a complete one. Mr. Ford said they need a decision on the Board's position on those 2 issues before they do anything else. Chairman Limbacher said the issues are what constitutes a complete filing and is the clock currently ticking to provide grandfathering protection. Ms. Harbottle said it is up to the Board to determine completeness and under what zoning the project falls. She said she has never heard of it in the process. She said she thinks the applicant needs the protection of the grandfathering subdivision plan prior to the Board approving the special permit so that the zoning they fall under is established. Mr. Taylor asked the applicant if there were any other avenues they could pursue. Mr. Guard said there was not if they did not want to change the front part of the site. Ms. Harbottle asked what zoning the special permit plan would be under if the subdivision was continued indefinitely. She said the Board can consider if the application is incomplete without the waivers. Chairman Limbacher said other information will be required. Ms. Harbottle asked if submitting additional information would change the zoning freeze. Mr. Pritchard said that the hearing could be continued to receive more information. He said that he wants to know if they are still in their grandfathering provision and if the Board approves the plan can it be conditioned that they waive their right to build the plan with a deed restriction. Mr. Taylor said he was sensitive to cost, but he also has a responsibility to the Town to be fair and complete his due diligence.

Chairman Limbacher said they will seek input from Town Counsel. He said the sense of the Board is they are not willing to carte blanche waiver all items. He said the Board has not waived stormwater before, but has waived granite curbs. He asked that when the applicant sits to figure costs, it would not be unreasonable for them to request typically granted waivers. The applicant would like to wait until more information is received from Town Counsel prior to doing anything.

Mr. Taylor moved to accept the applicant's request to continue the public hearing for the Definitive Subdivision Plan for Greenbush Park at 50 Country Way until May 22, 2014 at 8:30 pm and to accept the applicant's request to continue the time for action until September 30, 2014. Motion was seconded by Mr. Vogel. Motion was unanimously approved.

**Continued Public Hearing – Mixed Use Special Permit in the Village Business Overlay District
50 Country Way**

Assessor's Map/Block/Lot 53-5-3 and 3B

Applicant/Owner: 50 Country Way Trust, C. Christopher Ford Trustee

Documents

- Chessia Consulting Services Engineering Peer Review revision 2 dated 2-20-14
- Transmittal to departments with public benefits dated 10/24/13

Chairman Limbacher indicated that this session of the public hearing would be devoted to talk about density, how many units should be there, parking and the public benefit. Mr. Ford indicated that he was not fully prepared to talk about density as the communication indicated the meeting was about public benefit. Mr. Guard surmised that the public benefit as related to density was the issue as the density bonus is related to the public benefit. He said as a matter of right, 24 units are allowed. He said the applicant wants to prevail upon the public benefit allowed in the bylaw to have an additional 6 units, or 30 units with 46 bedrooms. Mr. Ford said the shortcoming of the bylaw is that unit is not defined. He said there is a perception a unit is 2 bedrooms, but there could be a varying amount of bedrooms. He said he would like 46 bedrooms in 14 two (2) bedroom units and 16 one (1) bedroom units. He said he could have more bedrooms and more density and by right he could have 24 two (2) bedroom units for 48 bedrooms. Mr. Ford said he wants 46 bedrooms so he is already reducing the density. He said with 6 bonus units, he will be below the bedroom limit of the bylaw and he thinks a mix is desirable. Mr. Guard said the public benefits are preserving the historic building and linking the bike path through the MBTA property through the site to the future Country Way path. Mr. Guard indicated that this will involve added expenses for lighting and cost and liability for the Homeowner's Association to maintain the path. He said that there will be a rental component of the project and he hoped that the affordability component could count toward the Town's 10%. He indicated the rental component is not fixed as they may need some ownership units, but they do want to provide affordable rental units.

Mr. Pritchard asked if the path through the site was going to be a bike path or pedestrian path as he was concerned about bikes riding through the middle of a development. Mr. Morse said it would be a pedestrian path. Mr. Guard indicated it would have an easement if required for public access. Mr. Taylor asked about lighting. Mr. Ford said they would match the lights on the path now, but the lighting through the site will be different. Mr. Guard indicated that it is presumed that the residents will use the path and it will be maintained. Mr. Morse said the path in front of the buildings through the site will be poured concrete and 8 feet wide. He said it is wide to serve as the path and walkway. Mr. Guard said there could be signage to ask people to walk their bikes through the site.

Mr. Pritchard asked about the applicants not committing to keeping the units affordable. Mr. Guard said they will comply with the bylaw, but can't commit that all the units will be all rentals. Some may need to be owned units as it will cost a lot of money to develop the site and market conditions are constantly changing. Mr. Ford said the project is more expensive than initially thought and he needs to keep this rental/ownership options open. He said there would be the required 15% affordable units. Ms. Harbottle said that all of the units won't count toward the Town affordability component unless there are 25% affordable and they all are rental. Mr. Ford said he cannot afford to do that. Mr. Guard said Scituate needs rental units so young people can have affordable housing and live in this town.

Mr. Taylor summarized his understanding of the applicant's desires: 30 units (24 by right and 6 bonus units) with 16 two bedroom units and 14 one bedroom units for a total of 46 bedrooms. Mr. Ford said this is less dense than 24 two bedroom units. Ms. Harbottle moved into discussing the reduction in parking. Mr. Ford said 1 space is required for a 1 bedroom unit and 1.5 spaces are required for a 2 bedroom unit with an additional reduction due to proximity within 400 feet of the MBTA. Chairman Limbacher said the Board can allow that reduction. Ms. Harbottle said that is the reduced parking being close to a public parking facility as normally 1 space per bedroom is required. Mr. Morse said they have 1 extra space on site now. He said there are 66 total spaces and 46 for the apartments. Chairman Limbacher summarized that there is an increase in density of 6 units. He said the benefit so far is the path/trail. He inquired if it has been determined that the front historic building can be saved. Mr. Ford said that if it can't be saved then it will be reproduced. Mr. Taylor said preserving the structure is a public benefit.

The Board jumped back to the walk/path through the site. Mr. Morse said it would be appropriately landscaped/fenced and there will be signage so it will feel like a public path. Mr. Morse said there would be an 18" difference in the grade of the walk to the floor of the building. Mr. Vogel said he had hoped it would be 3 to 4 feet so people weren't able to look in the building windows. Ms. Harbottle asked if there were any other types of public benefits considered such as a stormceptor in Country Way to improve drainage or something with the Historical Society Park in Greenbush. Mr. Ford said the Board has not brought this up so he hasn't thought outside the box and doesn't see why he would do that. Mr. Guard thought that connecting the walks through the site is an important effective benefit as it encourages walkability. Mr. Ford reiterated that even with the density bonus he is still reducing the density of the development to 46 bedrooms at the Board's request.

Chairman Limbacher asked the Board if replication and preservation of the historic house and the walking path is enough benefit to warrant the additional units. Mr. Taylor thought it was as it is the Board's job to maximize benefits for all of Scituate and with the reduction in the number of bedrooms, the walk and preservation of the historic structure this would be accomplished. Mr. Pritchard agreed, but said that the preservation of the historic structure is in doubt. He said there is no historic value in a restoration and asked how likely it is that the building is unable to be moved. Mr. Ford said that the building has two halves. He said the barn would be moved to Ford Place at his cost. He said if it can't be made to move the building, then may be just the façade could be moved and integrated into a new building. Mr. Pritchard said that Mr. Ford is claiming to be preserving a historic building, but a replicated building is not a historic building. Mr. Vogel pointed out that preservation is a matter of the money spent and you can preserve anything. Mr. Pritchard said that despite the uncertainty with the historic structure, the walk and transit oriented development are important benefits that outweigh the additional units. Mr. Vogel said the benefits being shown are not as substantial as in other cases. He said the project is light in infrastructure improvements, but he agrees the walk is important. He said he agrees with the bedroom reduction and that the

stormwater being treated is a huge public benefit as the site is close to the reservoir. He also likes that an underutilized parcel is being developed. Mr. Greene said he is excited to see this type of development and feels it will encourage young people to live and walk in Scituate. He said he supports the development. Chairman Limbacher said he sees the path as a public benefit. He said the historic benefit is light and feels that the historic structure should be preserved as best as it can be. Mr. Ford said if it can't be preserved he will offer it to the community for relocation. Chairman Limbacher said he would be extremely disappointed if the historic structure vanished. He asked what would happen to the building in front if the Board did not grant the density bonus. Mr. Ford said he would tear it down or it would be just a shell remaining. He said he likes the building, but it is not functional.

Chairman Limbacher asked the Board if they would like to vote. He said that it seems everyone agrees to 46 bedrooms. Mr. Morse said there are 66 total parking spaces. He said 18 are for the office/common areas and 48 are for the residential portion. He said if there was a reduction in the number of parking spaces that would increase the open space. He said that if the parking is reduced the parking would go to 38 spaces for the residential component. Ms. Harbottle said the development would need to be marketed as having 1.5 spaces for a 2 bedroom unit. Mr. Ford said they have not decided if there are going to be designated spaces for the units. Mr. Vogel said the reduction in spaces make sense if the open space is next to public areas. Mr. Morse said there would be less impervious area if there is less parking. Mr. Pritchard said that the number of spaces could be reviewed and added back if there were traffic related issues. Mr. Taylor said he was in favor of less parking. Chairman Limbacher said that the Board gets less impervious area and the applicant has to sell the units with the reduced parking.

Mr. Pritchard summarized what the Board is agreeing to as follows:

The Board agreed that there would be thirty (30) units consisting of fourteen (14) one (1) bedroom units and sixteen (16) two bedroom units for a total of 46 bedrooms. The maximum number of units for the development is thirty (30). The maximum number of bedrooms is forty six (46).

15% of the units must be affordable. A minimum of four (4) affordable units are required.

A minimum of 38 and a maximum of 46 parking spaces shall be provided for the residential units. This is minimally 1 space for the one bedroom units and 1.5 spaces for the two bedroom units. Drainage is to be designed for the maximum number of parking spaces so that if additional spaces need to be constructed the drainage capacity exists. Units must be marketed with the parking limitations as noted. Mr. Ford indicated that he will provide the 38 spaces for the residential use.

The increase in units from 16 to 20 per 40,000 sq. ft. is tied to the provision of public benefits. The public benefits provided by the development will be:

- Preservation of a unique historic structure which contributes to the streetscape of Country Way in Greenbush. The applicant will pay for an architect with expertise in historic preservation to provide an assessment of the structure and the feasibility of moving it and renovating for the proposed use. In the event the architect determines preservation is not feasible, at a minimum, the main part of the structure (the oldest part of the building) shall be replicated, subject to the approval of elevations, materials and overall design by the Planning Board.

- Provision of a sidewalk/pedestrian/bicycle path through the site, connecting the access developed by the MBTA as part of their mitigation for the Town of Scituate with Country Way. This shall include provision of bike racks, signage indicating the path is public with some possible destination(s), landscaping or fencing to demarcate or separate the path from the private portion of the development, and lighting, all to be approved by the Planning Board.

Mr. Taylor moved to accept the applicant's request to continue the public hearings for the Mixed Use Special Permit in the Village Business Overlay District for 50 Country Way until May 22, 2014 at 9:00 pm. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Old Business and New Business

Documents

- 4/1/14 vote on Zoning Articles filed with Town Clerk
- WRPD March 2014 Map
- Email on Annual Town Meeting motions dated 4/1/14
- 305 Country Way Motion to Withdraw
- Staff Report for 4/10/14 meeting sent 4/4/14 to members
- 214 Clapp Road Conservation and Management Permit
- Email dated 4/3/14 from Laura Harbottle to Board on 214 Clapp Road gift of land
- Email dated 4/10/14 forwarded from Laura Harbottle re Scituate Zone A Map

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 10:23 p.m. Mr. Pritchard seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk

5-8-14
Date Approved