

**Scituate Planning Board, May 24, 2012**

TOWN OF SCITUATE MASSACHUSETTS

SCITUATE PLANNING BOARD

MINUTES

May 24, 2012

Members Present: Mr. William Limbacher, Chairman, Daniel Monger, Vice Chairman, Eric Mercer, Robert Vogel and Richard Taylor.

Members Absent: Associate member seat vacant.

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 7:35PM. He announced the meeting was being audio recorded and asked if there were any other recordings being taken. WATD was present.

Documents

5/24/12 Planning Board Agenda

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

Reorganization of the Planning Board

Elect Chairman, Vice Chairman and Clerk

Sign Signature forms for Plymouth County Registry of Deeds and Land Court

Appointment of Liaisons

Mr. Monger moved that Mr. Limbacher be re-elected chair. Richard Taylor seconded the motion. Motion was unanimous in favor.

Mr. Mercer moved that Mr. Monger be re-elected vice chair. Mr. Limbacher seconded the motion. Motion was unanimous in favor.

Mr. Mercer moved that Mr. Taylor be elected clerk. Mr. Vogel seconded the motion. Motion was unanimous in favor.

Signature forms for Plymouth County Registry of Deeds and Land Court were signed.

All of the liaison relationships from last year remained the same, except that Richard Taylor agreed to be the representative to the South Shore Coalition. Richard Taylor will be the new representative to the Water Resources Committee. It was decided at this time to leave open the liaison positions to the Conservation Commission and Recreation Commission until a new alternate member is named.

The alternate member seat is now vacant. The Board will write a letter to the Board of Selectmen and advise them of the vacancy. The Board will ask that interested applicants apply to either the Planning Board or Board of Selectmen. The Planning Board would then interview the potential candidates then make a recommendation to the Board of Selectmen. The appointment would then be a joint appointment between the two Boards. Some of the Planning Board members suggested that the candidate that took out papers

for the seat, but didn't return them, may be interested. Mr. Limbacher indicated that Ann Burbine expressed an interest to him.

## Accounting

### Documents

P.O. # 12006707 (\$1,660.63), P.O. # 12006991(\$77.00), P.O. # 12007063(\$550.00), P.O. # 12007113 (\$85.00), P.O. # 12007143 (\$753.65), P.R. # 12007623 (\$236.50)

Mr. Taylor moved to approve the requisitions of \$1,660.63 from the Planning Board Guarantee Account to Diamond Development Realty Trust for unexpended engineering fees for Cornerstone Estates and Great Rock Island Definitive Subdivisions, for \$77.00 to the Registry of Deeds/Plymouth County for recording Planning Board signatures, for \$550.00 to Sprint Spectrum, LP for unexpended landscape consultant fees for the 2004 cell tower at 1010 Rte 3A, for \$85.00 for the Town Planner to attend the annual MAPD conference, for \$753.65 from the Planning Board Guarantee Account to Popes Pond Cranberry Company for unexpended engineering fees for Cranberry Estates Definitive Subdivision and for \$236.50 from the Planning Board Guarantee account to Edward McLaughlin and Robert Morrissey for unexpended engineering fees for a Special Permit modification for Maple Street Common Driveway. Mr. Monger seconded the motion. Motion was unanimously approved.

## Minutes

Mr. Taylor moved to approve the May 10, 2012 meeting minutes. Mr. Vogel seconded the motion. Motion was approved unanimously.

## Town Planner Report

Ms. Harbottle indicated that the new office is almost done. We will hopefully be back in the office next week. She indicated that she is putting in for a state grant for the Higgins-McAllister property that town meeting approved to purchase with CPC money. She indicated she will need the application from the CPC, an application to the land grant program and the appraisal from the CPC which Chairman Limbacher indicated should be available in mid- June. The last application for the Crosby property was wait listed with the grant program. She indicated the program will probably not fund both properties.

Ms. Harbottle indicated that the Town Administrator has her working on a bus route for GATRA. The proposed route would pick up boaters in the harbor and take them to Widow's Walk and the MBTA. The idea will be to market Scituate as a boater destination spot. The bus service is hoped to be running on the weekend. Mr. Taylor indicated that he thought that the MBTA service to Greenbush will be terminated as of July 1. Ms. Harbottle indicated that the senior center will be a stop on the bus route as well as the condos in the harbor, Stockbridge Rd, Herring Brook Meadow and she is looking at others. She also indicated that for the fall Town Meeting there will likely be zoning articles for drinking water protection. She will be working with the DPW and the Water Dept on the zoning. The DEP has given some comments to the Water Dept. Chairman Limbacher asked that the Town Administrator figure out who will sponsor the article.

## Informal Discussion, Mixed Use Development at 157-165A Front Street

### Assessor's Map/Block/Lot

Applicant: Vin Albanese, Eastern Retail Properties

### Documents

Condominium Plan of Land for 157, 159, 161, 165 & 165 A Front Street prepared by Bay Colony Group, Inc. for Gamfam, LLC dated 4/25/12 along with pictures and a description of the four properties by Eastern Retail Properties

Vin Albanese was present representing Suzy and Bill Gambel. He is investigating mixed use on the property on Front Street. There are four separate buildings presently located on two lots. There is the Ravies

business and an apt in one building, an art store, a bookstore and a 2 story residential building. Chairman Limbacher indicated that the house has a special permit. Mr. Albanese indicated that his clients would like to sell the individual buildings as this would be more financially lucrative and convert the bookstore back to residential use. The bookstore was a former residence and was built in the 1700's. Mr. Albanese is trying to determine if there is a mechanism to apply under the Planning Board or if this is a Zoning Board matter.

Ms. Harbottle indicated the property is unique. She has talked with Building Inspector, Neil Duggan who said the building couldn't be converted to residential use by right as each residential unit needs 10,000 sf of lot area. She suggested mixed use under the VBOD may be applicable. The separate building cannot be used as a residential use exclusively as Mr. Duggan said under Sec 560.4 of the zoning bylaw, if the construction doesn't meet the underlying zoning, it won't be acceptable. Mr. Duggan indicated to Ms. Harbottle that each residence and business would need its own frontage so that disregards mixed used. Section 810.3 of the zoning bylaw involves nonconforming structures that are not one or two family and may be applicable here.

Ms. Harbottle suggested to Mr. Albanese that he may want to talk to Mr. Duggan. Chairman Limbacher indicated that the bookstore has a unique following. Mr. Monger asked if the existing building is a pre-existing nonconforming use. If there is a modification to the pre-existing nonconforming use then a Section 6 permit would be required from the ZBA. There are 2 residences now so they are nonconforming as each should have 10,000 sf. Chairman Limbacher indicated that a variance would be needed to have a second house as it would have less than 10,000 sf of lot area. Mr. Vogel clarified that the intention is if it is converted to a residential use then it would be condominium and all on one lot. There are 2 lots out there right now, but technically would probably be merged into one.

Chairman Limbacher suggested that Sec 560 of the bylaw would not apply here because of the residential use. Ms. Harbottle suggested that it may be possible to make the case of a unique lot. Converting from a business to a residential use would be less intense, but the ZBA would have to grant a variance for change in use then the project would need to come back to the Planning Board for Site Plan Review. Chairman Limbacher suggested talking to the Building Inspector and Chair of the Zoning Board. Parking may be an issue as well as more than 11 spaces would be required.

Ms. Harbottle indicated that the EDC survey is out and everyone should try to take part.

Mr. Vogel moved to adjourn the meeting at 8:25 pm. Mr. Monger seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Richard Taylor, Clerk