

Scituate Planning Board, August 9, 2012

SCITUATE PLANNING BOARD

MINUTES

August 9, 2012

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

Members Absent: Alternate 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 7:35 PM. He announced the meeting was being audio recorded and asked if there were any other recordings being taken. The meeting was being recorded for viewing on the local cable television station.

Documents

8/9/12 Planning Board Agenda

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

Request to eliminate Special Permit condition limiting number of signs – Jacob Hatch Building - 10 New Driftway (formerly 2 Country Way)

Documents

Letter dated 1/31/12 from Joseph G. Scanzillo, Country Way Associates, to Town Planner, Laura Harbottle requesting repeal/elimination of condition 8 of March 2, 2000 Special Permit with Special Permit attached
Picture of Jacob Hatch sign

Picture of Little steps Learning Center/Office for Lease sign

Email from Joseph Scanzillo dated 8/7/12 with proposed rotary signage attached

Chairman Limbacher indicated that he was a member of the Board of Directors of the Knights of Columbus which is an abutter to this site. He indicated he has no financial interest in the organization and believes he will be unbiased. He inquired if the applicant would like him to step aside for the discussion. The applicant had no problem with Chairman Limbacher chairing and voting on the matter.

Joseph Scanzillo and Russell Anderson were present. Mr. Scanzillo indicated he received a Special Permit in March 2000 to construct the present day Jacob Hatch Building. Condition 8 required only one sign for the site and he would like the condition eliminated to be treated like everyone else in Town who are allowed not more than two signs for each business unit or industrial unit. He will accept as a condition the colors used. The sign proposed is smaller than the bylaw allows. He will limit the number of signs to 2. The sign will reduce traffic and promote economic development.

Town Planner, Laura Harbottle thinks the existing sign at the building entry has a beautiful old fashioned look. The picture provided to the Board uses some nice colors for the proposed sign at the rotary and she would like to see them used. She indicated the proposed sign is smaller than the bylaw allows, but no

business has a 100 sq ft sign. She sees it good to limit the number of signs to one or two.

The building is operated by a condominium association. New clients have been complaining finding the location is difficult. They want their signage to be more accessible for all clients and it would benefit public safety too by helping clients be able to find the site better. The sign would have three panels and one could be changeable. Mr. Taylor inquired why the existing sign at the rotary has been on the property since 2006. Mr. Scanzillo indicated that the posts have been there since construction started and the sign there now has been too and they want to make the rotary sign legal. The old sign would be taken down and a new sign would be put up that is a little larger and lower than the existing one.

Mr. Taylor inquired about any other locations for the sign. He indicated it is visually apparent from the rotary. Mr. Scanzillo indicated that a sign needs to be at the rotary because people don't know where they are and this is a public safety concern. Mr. Anderson indicated the sign is effective in the rotary and would not be so at the building entry. Mr. Taylor concurred and asked if the sign could be moved in any direction. Mr. Scanzillo indicated it could not as there are trees in the Town layout that would interfere with visibility from his property. He indicated he could clean up scrub trees on his property, but not the Town's. It was confirmed that the sign needed to stay in its present location.

Mr. Monger indicated he would be willing to approve a new sign, but not totally eliminate the condition. He inquired if the sign should go to the Design Review Committee for review. The sign is in a very visible location and he would like to see the design pinned down. Mr. Monger and Mr. Taylor both indicated they prefer the new sign over the existing sign.

Mr. Anderson indicated he hopes the Board can understand their position that they want to be like all other sites and not be limited to one sign. He understood Mr. Monger's position and indicated it is their best interest to keep the building and sign looking good. Mr. Scanzillo said that if the Board needs to approve something specific without eliminating the condition, then they are going to have to clarify that stop signs and handicap parking signs are allowed. Mr. Vogel indicated that zoning allows for handicap signs. Mr. Monger indicated he is a believer in putting conditions in writing.

Mr. Vogel shares Mr. Monger's concern. He indicated that the zoning allows signs of 100 square feet. This could mean 200 sq ft for the site which is a lot of signage. He indicated he would rather write a condition for an additional sign and not eliminate the condition. Public safety and directional signs could also be written in the condition. Mr. Mercer thinks review by the Design Review Committee would be good. They offer professional advice to help applicants and the Board. He is concerned that there could be unintended consequences if the sign is eliminated. Chairman Limbacher was concerned that they think they are being held to a different standard if the Board eliminates the condition that would be a different standard. He is not dissatisfied with the sign or the location.

Mr. Taylor inquired why the condition was put there to begin with. Town Planner, Laura Harbottle, indicated it was a long time ago and the building was big and a different economy, but she can't remember all the reasons now. The existing sign at the entry is beautiful. Mr. Scanzillo indicated that they have proven that they are good neighbors and want to be held to the same standard as others. They could have torn down the original house, but they kept the existing house at a cost of \$300,000 to \$400,000 more. They said they would keep the house and did. They did not come back and say they wanted the decision modified due to cost.

Mr. Monger indicated that the Board scrutinized the icehouse as a gateway to Scituate. He said every special permit is discretionary and unique. He believes it is a disservice not to spend the time and review the sign. Mr. Scanzillo indicated that he does use architects and wants to eliminate the sign condition. He indicated he does not have a problem going to the Design Review Committee.

Mr. Vogel asked if it was approved under 710.3 or 710.4. Town Planner, Laura Harbottle, indicated it was under a Site Plan Special Permit. Mr. Vogel indicated he appreciates the integrity of the architecture and how it was developed. The sign at 56 sq ft is the first increment in a sign that could be 200 sq ft. He can see

the utility of eliminating the condition as everyone would want their own freestanding sign, but the proposed sign doesn't represent what could happen in the future under subsequent ownership.

Chairman Limbacher summarized the board's view. He indicated the Board won't support straight elimination. They would support a variation for a single sign to replace the current construction sign. He inquired of the Board of the process for modifying condition 8. Mr. Monger moved to refer the proposed sign to the Design Review Committee. Mr. Mercer seconded the motion. Motion was unanimously approved. Mr. Monger moved to continue the discussion until after the Design Review Committee comments. Mr. Mercer seconded the motion. Motion was unanimously approved. Mr. Monger asked if Mr. Scanzillo was up against a timeframe. He indicated Little Steps is having open enrollment soon. The Town Planner will set up a meeting with the Design Review Committee and Joe Scanzillo and then the sign discussion will be put on the agenda at the next meeting date.

Special Permit – Accessory Dwelling Unit – 33 Garden Road

Assessor's Map/Block/Lot 34/26/3

Applicant: John Townsend, Sandcastle Group

Owner: Maria Marcelino

Documents

Application and supporting documents for Accessory Dwelling Special Permit file 6/25/12

Comment from Director of Public Health dated 6/ 27 /12

Comment from Water Division received July 16, 2012

Comment received on 7/16/12 from 10 abutters and residents

4 pictures of the house and site taken by Town Planner, Laura Harbottle in July 2012

3 pictures of the house and site taken by member Richard Taylor in July 2012

33 Garden Road Existing Floor Plan

33 Garden Road Accessory Dwelling Floor Plan

33 Garden Road Site Plan

Chairman Limbacher indicated it was after 8:00 pm and the continued public hearing for 33 Garden Road Accessory Dwelling Special Permit was called to order. He indicated that the hearing was previously opened and continued to tonight. It is a Special Permit requiring a supermajority.

John Townsend indicated he represents Maria Marcelino who is requesting a Special permit for an Accessory Dwelling at 33 Garden Road. He said the existing building is 1090 sq. ft. He said the proposed accessory dwelling would be 745.6 sq. ft. There was an affidavit submitted that the owner will occupy the property. Mr. Townsend described the existing parking and indicated the new parking will be to the front and right of the proposed structure and will be about 46 feet long and 12 feet wide. He said 3 to 4 cars could park in the proposed area and 4 in the existing area.

Mr. Townsend said the existing home has 3 bedrooms and 1 bathroom. The proposed home would have 2 bedrooms and 1 bathroom. He said the proposed dwelling will have a separate connection to town sewer and all separate utilities. He indicated the proposal was discussed with the Health Department, DPW and the Conservation Commission and there were no negative comments. He indicated the proposal meets the purpose and criteria of Section 530.1 and 2. He indicated he would like the opportunity to respond to comments and questions as part of the public discussion.

Mr. Townsend indicated he spoke to Town Planner, Laura Harbottle, about the occupancy plans. He said Ms. Marcelino plans to occupy the proposed Accessory Dwelling as soon as it is complete. She would then remodel the existing dwelling for herself and three young children. The existing tenants have been notified that they will need to find alternative housing in preparation for the project being approved. Mr. Townsend said that Maria's mother has Alzheimer's Disease and the plan is for the parents to occupy the accessory dwelling in the future when the need arises. In the meantime, the accessory dwelling would be rented out. Mr. Townsend indicated the proposal meets the requirements for all dimensions and regulations.

Town Planner, Laura Harbottle, said that the accessory dwelling requires a Special Permit and the Town does not have that many requirements. A proposed unit can be no more than 750 sq. ft. or 40% of the floor area of the primary dwelling. 746 sq. ft. falls into that criteria. The property has to have adequate parking and the owner has to live on the property. Ms. Harbottle indicated it is unclear where Ms. Marcelino lives now, but she intends to live on the property after the accessory dwelling is approved and that is all that is required. Free standing accessory dwellings are allowed in this zoning district. The bylaw was changed in 2010. If there is room on the lot and the dwelling meets the requirements then it is possible to do an Accessory Dwelling as long as it complies with the bylaw.

Several items were clarified by the Board. Mr. Taylor inquired if there was an outside access to the basement from the accessory dwelling. Mr. Townsend confirmed it was for gardening equipment. Mr. Taylor confirmed that Ms. Marcelino intends to rent the accessory unit after the primary dwelling is renovated until such time as her mother requires more attention. Mr. Monger and Mr. Mercer both concurred that a Special Permit is not as of right. It is discretionary and the Board can put conditions on its approval. Mr. Monger indicated the footprint of the accessory dwelling is nearly the same as the primary dwelling and that is a concern. The accessory dwelling is supposed to be subordinate to the single family dwelling. This is visually the same. The bylaw is not meant to be a way to have a second house on a lot. This is different from Sand Hills. Precedent needs to be considered. This situation would appear to be two 5,000 sq. ft. lots.

Mr. Vogel indicated that under Section 530.2d the accessory dwelling complies. It is similar in size to the existing building. He indicated it is a double lot and people will see two homes. It won't seem any different from the homes around it. Mr. Mercer agrees with his fellow Board members.

Chairman Limbacher indicated he had the same concerns as Mr. Monger. The accessory dwelling does not look subordinate to him. This appears to be creating a 5,000 sq. ft. lot. If there were two buildings already existing, it could be a different story. This is creating a density greater than currently exists in the neighborhood. Mr. Monger indicated the bylaw requires 10,000 sq. ft. lots now. There are no more 5,000 sq. ft. lots in Scituate anymore. The Sand Hills area is grandfathered.

Mr. Taylor inquired about the character and elevations of the accessory dwelling. He asked if there was any thought to minimize the front elevation and put the gable in front. Mr. Townsend indicated the length of the proposed structure is almost 13 feet shorter than the existing. Mr. Townsend indicated there was an error in the package. To be subordinate, there will be a side entry so that it will be visually accessible from the primary dwelling so that Ms. Marcelino would be able to see if her mother were to wander due to her Alzheimer's disease. It is also set back from the primary dwelling.

Chairman Limbacher asked why there is a separate unit instead of adding on to the existing house. Mr. Townsend indicated that Ms. Marcelino has small children who are very active and this would keep them away from her mother with Alzheimer's. The accessory dwelling was separate, but monitorable.

Barbara McFadden indicated she has lived next door at 35 Garden Rd. for two years. She thought that the bylaw was meant to prevent overcrowding. She indicated eight other properties in the neighborhood could do the same thing by adding another house to their lot. She is concerned about establishing two homes on a 10,000 sq. ft. lot where one could be a rental forever. She doesn't see the need for a separate dwelling and eight other properties could do the same for rental income. This proposal will increase the density and have more cars. She is asking the Board to take a close look at this situation so no precedent is set. She indicated she moved from West Virginia where she was in a neighborhood for twenty years that went from ownership to more rental properties and was concerned about changing the character of the neighborhood and vandalism. Currently there are 4 rental properties out of 14 on the street.

Alan Stewart of 47 Norwell Ave wanted to know what the specific provision under the bylaw is for allowing for the accessory dwelling as he has not heard it. It wouldn't appear to be financial if she can build a new dwelling and remodel the existing. The bylaws have specific requirements.

Mr. Townsend specifically indicated bylaw Section 530.1 A. He said Ms. Marcelino intends to occupy the

accessory dwelling then renovate then primary and occupy it. She would then rent the accessory dwelling until her parents need it. The site will be owner occupied with a renter until her parents need it providing flexibility for Ms. Marcelino. 530.1 B. is not applicable. 530.1 C. – This provision protects property values and character and this property will be owner occupied. 530.1 D. is not applicable. For 530.1 E., they are converting the smaller home making sure it is done right according to all the codes. Mr. Townsend indicated they are complying with a vast majority of the criteria.

Alan Stewart asked if it was two 5,000 sq. ft. lots or one 10,000 sq. ft. lot. Chairman Limbacher indicated the lots were merged so it is on a 10,000 sq. ft. lot. He asked what the advantage of a separate dwelling was. He thought it would be safer attached. He said he did not understand why there needed to be a separate second dwelling.

Mr. Townsend indicated Ms. Marcelino has small children and intends to care for them in the primary dwelling. She will live in the accessory dwelling until the primary dwelling is renovated. In the short term, the accessory dwelling would be rental. In the long term, her parents would move in the accessory dwelling. She lives off site now.

Nancy Larkham of 38 Garden Road indicated the applicant has made 3 different scenarios. She said Ms. Marcelino told the neighbors she would rent out the accessory dwelling unit and have a corporate rental in the primary dwelling. She indicated that she heard the current renters of the primary dwelling would move to the accessory dwelling. She said Ms. Marcelino has never lived in the house since she bought it. She indicated that the project doesn't make sense as Ms. Marcelino is not going to lose her home. Ms. Larkham wanted to know how she will be ensured that Ms. Marcelino will live there. She asked if the Board received the neighborhood letter. Chairman Limbacher affirmed that they had.

Chris Patch of 82 Norwell Ave indicated he was representing his mother in law who lives behind the lot on Hawley Street. He is concerned about the density. He showed pictures of the density along Hawley Street and indicated that in some instances there is 8 feet between houses. He indicated that this would be putting a new house on a 5,000 sq. ft. lot. He questions which bylaw takes precedence - the bylaw for 10,000 sq. ft. lots or the accessory dwelling bylaw.

Alan Stewart indicated that he doesn't see the necessity of the separate accessory dwelling on a 10,000 sq. ft. lot. He inquired why they couldn't go up or out from the existing house. He said it was like putting another house on the same lot in the R-3 district. He and Mr. Patch concurred their concern is the density issue.

Jeanne Brouillette of 38 Garden Road said she grew up on in Sand Hills on Rebecca Road. The houses were very close. In the summer it was very loud, but the noise level was tolerated because it was mostly summer residents and not year round noise. She is concerned that the noise level will be high on Garden Road as this will be year round and some houses are only 8 feet apart. She inquired why if Ms. Marcelino was willing to rehab the existing house, why she wouldn't go up a level as this would be more in keeping with the neighborhood. She is concerned about noise and density with a free standing accessory dwelling.

Kim Stewart of 47 Norwell Ave was concerned about privacy. If the accessory dwelling is approved, she was concerned that trees would be removed, including the one on the property line taking all the privacy away and the accessory dwelling would be 8 feet off the property and her garage is about 5 feet away. She is concerned about the fire hazard with increased density.

Susan Elias of 40 Garden Road was concerned about the financial aspects. She said the bylaw's purpose is so people can financially maintain their home. She said Ms. Marcelino does not live there now. She questions the financial aspect of building the new unit, renovating the existing and then renting out the new accessory unit. She doesn't see how it fits the bylaw purpose. She echoed the other resident's views on the 10,000 sq. ft. lot size and density. She sees the accessory dwelling as a new home on a 5,000 sq. ft. lot and indicated the bylaw was changed for a reason. She doesn't want homes shoehorned in and a precedent set here. She said most accessory dwellings approved have been on larger lots with other circumstances. She feels this is circumventing the 10,000 sq. ft. lot size requirement. She wanted to know if there would be a

time limit to renovate the existing dwelling and how the owner will prove she will live there.

Mr. Townsend indicated Ms. Marcelino will occupy the property as long as the accessory dwelling receives a certificate of occupancy. He referred to the recent 129 Stockbridge Road and 130 Country Way decisions that had a reference to rental situations in them. He said the approved Grove Street and Bridle Lane properties were in the same area range. Mr. Townsend indicated he sent a letter to all of the parties who attended the last meeting inviting them to come to his office and review the proposed plans for development. People declined. He asked about the large tree that the neighbor was concerned about. He indicated he believes it would not be affected as he asked his surveyor to locate all the trees that would be impacted. He confirmed the accessory unit would have a full basement.

Mr. Townsend indicated that he understands and hears the opposition, but thinks it is the bylaw people are reacting to more than the project. He asked if there were going to be further deliberations and another meeting, that he be allowed to show in a rendering how the accessory dwelling will be subordinate in its design and location.

Mr. Stewart asked if there could be a condition that if she doesn't occupy the property that the occupancy permit is lost. Chairman Limbacher affirmed that if she or the owner does not live there, then the Special Permit is violated so that it does not exist. Barbara McFadden indicated that the two accessory dwellings that Mr. Townsend referenced on Stockbridge Road and Country Way were for additions and not separate accessory units. Ms. Marcelino is asking for a rental property. Mr. Townsend indicated the conditions referenced renters as related to parking.

Mr. Taylor inquired why Ms. Marcelino wanted separate units. Mr. Townsend reiterated that Ms. Marcelino is living with her parents now. Her experience there is driving her decision for detached dwelling units. She could have short term rental income as her mother is not infirm now. Mr. Taylor indicated that the accessory unit could be separate and share a wall. Mr. Townsend indicated he was instructed to design a separate unit in compliance with the bylaw as it gives Ms. Marcelino the most flexibility and opportunity to raise her family and care for her parents.

Mr. Vogel indicated that one building would seem preferable based on a number of architectural design issues and with some minor changes it would be cheaper to heat. He and Mr. Taylor agreed that the neighbors are being reasonable and appear to want to work with the owner for one building rather than two separate structures. They don't understand the need for two structures. Mr. Monger reaffirmed that the accessory dwelling does not appear subordinate and he feels there needs to be very compelling reasons for a separate accessory dwelling on a 10,000 sq. ft. lot. He indicated he is not supportive of the application now as he feels it does not meet the intent of the bylaw.

Chairman Limbacher summarized the hearing. He indicated that 4 votes were needed and sensed that they didn't have 4 votes. He indicated that the applicant could withdraw or proceed with a vote. Mr. Townsend confirmed that if his client wants an attached dwelling it would be a new application. That was confirmed. Mr. Townsend indicated he wished to withdraw the application.

Mr. Monger moved to accept the applicant's request to withdraw the application for the 33 Garden Road Accessory Dwelling Special Permit. Mr. Vogel seconded the motion. Motion was unanimously approved.

Form A Plan – 125 Mann Hill Road/370 Hatherly Road

Assessor's Map/Block/Lot 22-10-2, 22-10-3A

Applicant: L. Jeff Lowell

Owner: Joseph R. Stanton, Trustee, The Stanton Family Nominee Trust

Documents

Application and Approval Not Required Plan of Land Being a Subdivision of Lot 2 Plan 5140 – D 370
Hatherly Road 125 Mann Hill Road Scituate, Massachusetts prepared by J. Lowell Associates for applicant
L. Jeff Lowell and Owner Joseph R. Stanton, Trustee, The Stanton Family Nominee Trust revised dated 8-

2-2012.

Jeff Lowell indicated he represents the Stantons. He indicated he made some modifications to the plan from July 26 including adding street numbers issued by the DPW, adding some bounds, changing some bearings and some minor corrections needed for filing in Land Court.

Town Planner, Laura Harbottle indicated that both lots have the required frontage and lot width. She indicated that there are no questions as to the Form A, but there may be other issues not in the Planning realm.

Don Nagle indicated he was here on behalf of the Sullivans. He had 3 concerns:

The rattail piece of the lot – does that configuration conform to zoning.

The reason for the rattail is to obtain frontage for sewer on Hatherly Road. Is this allowed as Mann Hill Road is the legal access and there is no sewer on that road.

A concrete wall on the Sullivan property is not shown on the plan. It is just over the property line and it is the border of the septic system for the Sullivan property. Mr. Nagle questioned if this was brought to the Board's attention.

Mr. Lowell responded that the Building Commissioner, Neil Duggan, indicated rattails are acceptable. He said he talked with Bob Rowland in the Sewer Division who indicated that frontage is required to hook up to a utility. Mr. Lowell acknowledged the wall, but indicated that the Sullivan property will have a sewer hook up. Mr. Vogel inquired if they will be excavating in the easement on the rattail and if there is a minimum dimension for sewer frontage.

Chairman Limbacher indicated that the reality here is that a lot line is being changed. He indicated sewer was not the Planning Board's issue. Mr. Lowell read the note on the plan that Planning Board endorsement does not indicate that the lots are buildable or that they meet zoning, health, conservation or general bylaw requirements. Chairman Limbacher indicated that the plan will be signed and stamped with the Board stamp indicating the plan is not a determination of conformance with zoning if the Board approves the plan. Mr. Nagle indicated that if the sewer pipe will be in the easement not in the rattail then the sewer would be accessible not by the frontage, but by the easement. He inquired if there is a rule where frontage on a road is needed for sewer. Chairman Limbacher reiterated that the Board is being asked to change lot lines and approve a plan if it meets the requirements of an ANR. He indicated there are a lot of lots in Town with rattails. Mr. Nagle indicated that if sewer is allowed through rattails, then there will be more created.

He also brought up a point on practical access. He indicated there is a very narrow area on Mann Hill for the driveway and utilities to go to reach the buildable part of the lot due to wetlands. He said Mann Hill is very steep and questioned if there is adequate functional access considering the slope of the street. Chairman Limbacher indicated that the applicant will have to seek Conservation Commission and Building Department permits. Mr. Monger indicated that for an ANR they do have access. They have frontage and this ANR does not rise to the level of adequate access. Mr. Monger was concerned about the policy on frontage for obtaining utilities and the rattail aspect. Ms. Harbottle indicated many towns have lot shape bylaws.

Mr. Taylor moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land Being a Subdivision of Lot 2 Plan 5140 – D 370 Hatherly Road 125 Mann Hill Road Scituate, Massachusetts prepared J. Lowell Associates for applicant L. Jeff Lowell and Owner Joseph R. Stanton, Trustee, the Stanton Family Nominee Trust revised dated 8-2-2012. Mr. Monger seconded the motion. Motion was unanimously approved.

Review Proposed zoning changes for Fall Special Town Meeting
Village Business Overlay District
Water Resource Protection District

Documents

DEP regulations for surface water supply
DEP regulations for wells
Section 520 Water Resource Protection District with DEP required changes
Section 560 Village Business Overlay District with changes
Existing WRPD zoning map
Surface Water and Well zoning
Amendment to zoning map for Water Resource Protection District

Town Planner, Laura Harbottle, indicated that DEP has to approve a water withdrawal permit for Scituate. Scituate is trying to maintain/expand its withdrawal limits. A condition to this is that the zoning must be fixed to protect surface water supplies and wells per the state regulations. Ms. Harbottle indicated that she was asked by DPW to help draft the zoning and has been working with Jim DeBarros, Water Division, DEP, and the Building Commissioner to complete the drafts so that they can be on the warrant for the fall town meeting. A vote is needed from the Planning Board to send the article to the Board of Selectmen who refer it back to the Planning Board for a public hearing. This needs to be done by the Town Meeting projected for the end of October or the beginning of November. The Town wants to comply with their water withdrawal permit so the zoning is necessary.

A second article is for the Village Business Overlay District (VBOD). If that VBOD provision of the bylaw is to be used it needs dimensions of the lot to meet the bylaw. The frontage provision needs clarification. Language has been added to clarify the frontage and add a provision for waiving the frontage if the Board determined it was adequate for the projected traffic.

Ms. Harbottle provided maps to the Board showing the existing Water Resource Protection District (WRPD) and the proposed changes. The WRPD has been expanded to encompass the Zone A's for surface water supply protection. Mr. Monger expressed concern about the new surface water protection areas. Ms. Harbottle reviewed the changes in the bylaw that DEP wants and the map changes too. These changes include taking out the Special Permit, adding some findings and changes in what the Town needs to regulate as technology is better so towns don't have to prohibit as many uses. Mr. Monger expressed concern that the Special permit language was gone. He wants to study the issue because he does not want unintended consequences. Ms. Harbottle indicated the changes need to be finalized by the August 23 meeting to get on a Selectmen's agenda to meet the timeframe for Town Meeting. She indicated that these changes came from the state and are required for Scituate to keep its water withdrawal permit. Mr. Mercer indicated that if Scituate wants the water we need to do what the state wants.

Mr. Monger indicated that the WRPD has been too restrictive in the past. The Town needs to understand exactly what it is regulating to not stymie new economic development. Ms. Harbottle indicated she does not know if it is possible to get an extension on the time to complete the zoning changes, but the effort has to be sincere. She indicated she will talk to DEP about the requirements and that the Water Department and the Water Resource Commission will be asked to attend the next meeting. Mr. Monger questioned why the Town is not regulating just what it needs to and keep in the Special Permit for everything else. Ms. Harbottle will talk to DEP and John Clarkeson, Chairman of the Water Resource Committee.

The next zoning article is for a change to the language allowing mixed used in the Village Business Overlay District. The Planning Board would be able to waive the frontage requirement for lots where mixed use would be allowed. Chairman Limbacher indicated that the Building Commissioner is comfortable with the proposed change. The change could only come up under a Special Permit. Mr. Vogel confirmed everything in these districts is a Special Permit.

Mr. Monger moved to submit to the Selectmen Sec 560.4 as drafted for the future Town Meeting. Mr. Taylor seconded the motion. Motion was unanimously approved.

Accounting

Documents

PO # 13000648(\$6.92), PR # 13000915(\$172.50)

Mr. Taylor moved to approve the requisition for \$6.92 to WB Mason for manila folders and for \$172.50 to Chessia Consulting Services for July 2012 services for Walnut Tree Hill. Mr. Vogel seconded the motion. Motion was unanimously approved.

Minutes

Mr. Taylor moved to approve the July 12, 2012 and July 26, 2012 meeting minutes. Mr. Vogel seconded the motion. Motion was approved unanimously.

Liaison Updates - None

Town Planner Report

Ms. Harbottle indicated that the Housing Authority is redoing their parking lot and adding 25 spaces and a garage at Central Park adjacent to the Lawson Tower, Library and Dreamwold. They didn't realize that they needed Site Plan Review. She said the Building Commissioner thinks the Design Review Committee should be involved. Mr. Vogel concurred. She also indicated that the Permit Extension Act has been extended by a new bill for 4 years. Generally anything approved in 2008 – 2012 is extended. She indicated there will be a public meeting on August 21 to talk about the GATRA bus service. Ms. Harbottle informed the Board that the Settlement Agreement for Walnut Tree Hill is nearly ready to be signed. There has been a lot of back and forth and the contractor has been selected. It is still hoped that the work can be done this year.

Mr. Monger departed at 10:20 pm prior to the update of the Walnut Tree Hill Settlement Agreement. Mr. Vogel moved to adjourn the meeting at 10:25 pm. Mr. Mercer seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard W. Taylor
Clerk