

SCITUATE PLANNING BOARD MINUTES November 6, 2014

Members Present: Richard Taylor, Clerk; Robert Vogel, Robert Greene and Alternate Member Ann Burbine.

Members Absent: William Limbacher, Chairman; Stephen Pritchard, Vice Chairman.

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.

Acting Chair, Richard Taylor called the meeting to order at 7:30.M. The meeting was being recorded for airing on the local cable television station.

Documents

- 11/6/14 Planning Board Agenda

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

Review Economic Development Zoning Changes with Matt Smith of MAPC

Documents

- Scituate Economic Development Study Phase III report by MAPC dated October 2014

Matt Smith of MAPC and Chris McConaughy, Chairman of the EDC, were present. Mr. McConaughy said that MAPC was engaged over a year ago to assess the current conditions of the Town and to do a market study with recommendations for the future. A goal was to have something that will help the Town understand limitations and ideas for future economic development.

Mr. Smith reviewed the current conditions for the market analysis. He indicated the population is growing older. He said there will be more households, but smaller sized. He said that Scituate relies heavily on the residential tax base with mostly owner occupied single family homes with high median prices. He indicated that there is a low unemployment in Town with educated workers travelling far to their jobs. He said that there is a lack of housing available for first time homeowners and older residents.

Mr. Smith indicated Scituate's strengths are its high quality of life, waterfront with tourism, local retail and restaurants and commuter rail access. He said the Town's weaknesses include accessibility, market reach is limited, low commercial tax base and not as business friendly as it could be. He indicated that there is potential for the maritime sector to grow through charter rentals, expanding maritime research and linkages associated with fishing. He said that tourism is the Town's best amenity with the harbor and the beaches. Additional hotels, bed and breakfasts, restaurants, expanded beach access, bike and kayak rentals and promotion of the municipal golf course are revenue producing items that are worth exploring.

Mr. Smith said the retail in town is diverse with low vacancy rates. He said the market study identified 80,000 sq. ft. of retail in the village areas. Expansion potential along Route 3A is limited due to wetlands and the large vacancy factor in Cohasset. He thought that there is potential for

expansion in small regional chain stores, cafes and convenience stores. As the Town is comprised of 84% being single family homes, multifamily rental and smaller less expensive units with walkable environments are needed. He said more rental housing is needed in Greenbush. Mr. Smith said that the major constraints that the Town faces are access, not a lot of developable land, not a lot of public land, infrastructure limits such as lack of sewer in North Scituate, flooding and FEMA issues.

Mr. Smith identified the following recommendations from the market analysis:

Goal 1 – Develop a comprehensive market strategy to improve marketing of Scituate to attract visitors, residents and businesses. Mr. McConaughy said the EDC has funding for this and are putting out an RFP.

Goal 2 – Maximize the Town's geographic location to focus new development in the villages. Some thoughts for considerations are prioritizing sewer to North Scituate, improving public transportation, explore possibility of a hotel at Widow's Walk, make Scituate a cultural center, provide festivals to support the businesses, promote trails throughout town, expand maritime industries and expand healthcare and assisted living facilities in Greenbush. Possible ways for more revenue include a room occupancy tax, more beach parking and more day beach passes.

Mr. Smith said the study did an economic opportunity analysis for the village areas of Greenbush, North Scituate, the Harbor and Humarock. He said that the MBTA parcel for sale in Greenbush affords the highest opportunity for revenue with a mixed use development. He said there are several other parcels along Driftway that provide opportunities for redevelopment with the highest density to be located near the commuter rail. Mr. Smith said that North Scituate has some potential for expansion in the MBTA overflow lot and by making buildings on Gannett Street two stories; however sewer is needed. He said the Harbor should continue with mixed use development possibly including some marine education and repair, more eating establishments and specialty food stores as well as additional programming in the fall and spring. He indicated that Humarock has limited access, flooding and parking issues so any new development would need to be small. Mr. Smith indicated that development potential along 3A is limited due to wetlands and existing housing. The most potential for development is around town hall and the Mann Lot gas station.

Mr. Smith reviewed potential zoning approaches for development. He indicated that the Village Business Overlay District (VBOD) that the Town currently has provides for mixed use by the train stations. He said 40 R zoning districts could be added in Greenbush now and North Scituate after sewer is in place. He said it encourages smart growth and the infrastructure needs to be in place. He said several towns in the state have established the districts. He said the 40 R district requires 20% affordable housing, requires no public benefit like the Scituate VBOD and must be by right. He indicated that there can be sub districts within the 40 R district and a detailed site plan and design criteria that the Town develops must be met. It would have a site plan review with a majority vote. The Town does receive incentive payments. Mr. Smith said that for a 40 R to be approved there must be the district, the guidelines, an updated Housing Production Plan and a Masterplan within the past 10 years. He indicated the advantages of a 40 R are municipal motivations, diverse housing options, flexibility, potential to upgrade underutilized sites and upzoning. He said a developer would be motivated to do this approach as it is a collaborative planning approach that addresses design and density requirements upfront and has an expedited permitting timeline.

Ms. Harbottle said that if this is going to be on the April Town meeting then business owners in Greenbush need to be contacted so that their input is obtained early in the process. She inquired if the Board was in favor of this. Mr. Vogel said it was similar to the VBOD, except it is by right. He wanted to know if conditions could be imposed like the special permit and if density, materials,

landscaping etc. could be regulated and what difficulty is there in getting these districts approved. Ms. Harbottle said conditions could be imposed if consistent with the housing plan. Mr. Smith said that by right is the resistance to 40 R. He said that showing constituents examples of what can be done is a good way to obtain support. Ms. Harbottle said the business owners could be invited to a meeting and shown what the state likes to see near public transit centers. Mr. Smith said that constituents like the predictability of a 40R and they know what is needed/expected through the guidelines. Mr. McConaughy said there is a perception that Scituate is hard to deal with. He said the guidelines would be easier for developers to understand.

Ms. Burbine said that 40R is what the EDC has been working toward. She said that the stakeholders should be invited to a meeting to get their support. She said her biggest concern is that Harbor merchants were unhappy when retail was proposed for the golf area years ago. She said the Harbor merchants need to be kept happy. Mr. Smith said successful towns market vacant spaces and Greenbush is an opportunity for the Town. Mr. Greene concurred that there is appeal to the 40 R as the ground rules are laid out for developers. Mr. McConaughy said the study is helpful to the market now. He said their surveys reached out to the Town's residents for what they desired in the community. Mr. Taylor said that the proposal would be for Greenbush now and inquired if there were unintended consequences in other towns. He said Scituate has a Design Review Committee which would be helpful in reviewing development.

Ms. Harbottle said that Greenbush is a prime area for mixed use as it is a gateway to the Town and there could be a denser sub district closer to public transit. Mr. Vogel said it would be easier to explain to the Town that the VBOD is going to change for the 40 R district and a new sub district will be implemented. Mr. Taylor said that people know what the district is now. It can be expanded later. He said that it seems that 40 R is what the town is in need of in Greenbush. Ms. Harbottle said that the project going through the Planning Board now would be grandfathered. She said developers like the by right part, but not necessarily the 20% affordable housing part.

Form A – Longley Road

Assessor's Map/Block/Lot: 34-16-13, F, F2 & F3

Applicants/Owner: Benjamin Goulston, Tr. G.A.G. Realty Trust & SLC Realty Trust

Documents

- Form A application and Plan of Land in the Town of Scituate, MA Longley Road stamped by Paul J. Mirabito of Ross Engineering Co., Inc. for applicant Benjamin Goulston, Trustee G.A.G. Realty Trust and SLC Realty Trust dated July 16, 2014.
- Transmittal to departments dated 10/21/14

Paul Mirabito was present for the applicant. He indicated that lots B and C will be combined for a 50 foot frontage special permit lot and lot A has over 10,000 sq. ft. Ms. Harbottle said that both lots have frontage on a public way so the plan can be endorsed.

Mr. Vogel moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in the Town of Scituate, MA Longley Road stamped by Paul Joseph Mirabito of Ross Engineering Co., Inc. for applicant/owner Benjamin Goulston, Tr. Of G.A.G. Realty Trust and SLC Realty Trust dated 7-16-14 as the division of land is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the

public way of Longley Road with the 50 foot frontage special permit issued by the Zoning Board of Appeals on March 14, 2011. Mr. Greene seconded the motion. Motion was unanimously approved.

Form A – 24 Gardiner Road

Assessor's Map/Block/Lot: 4-1-3 & 4

Applicants/Owner: Brian W. & Christine M. Hotarek

Documents

- Form A application and Plan of Land in Scituate, MA Showing Parcels 4-1-3 & 4-1-4 being combined 24 Gardiner Road stamped by William Joseph McGovern of Morse Engineering Co., Inc. for applicant/owners Brian W. & Christine M. Hotarek dated 10-21-14.
- Transmittal to departments dated 10/30/14
- Comment from Conservation Agent dated 10/30/14

Greg Morse was present for the applicant. He said that the applicant would like to merge the existing two lots into one. No new lots are being created. Ms. Harbottle said there are no issues with the plan and it can be endorsed.

Mr. Vogel moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, MA Showing Parcels 4-1-3 & 4-1-4 being combined at 24 Gardiner Road stamped by William Joseph McGovern of Morse Engineering Co., Inc. for applicant/owners Brian W. & Christine M. Hotarek dated 10-21-14 as the division of land is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the public way of Gardiner Road. Mr. Greene seconded the motion. Motion was unanimously approved.

Form A – 179 Edward Foster Road

Assessor's Map/Block/Lot: 51-3-23A

Applicant/Owner: Ryan D. Whitney

Documents

- Form A application and Plan of Land in the Town of Scituate, MA 179 Edward Foster Road stamped by Paul J. Mirabito of Ross Engineering Co., Inc. for applicant Ryan D. Whitney dated October 1, 2014.
- Transmittal to departments dated 11/3/14

Paul Mirabito was present for the applicant. He indicated the Board previously endorsed the plan for the registry and now the plan must be filed with the Land Court for the registered land. Ms. Harbottle said there were no issues and the plan could be endorsed.

Mr. Vogel moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in the Town of Scituate, MA located at 179 Edward Foster prepared by Ross Engineering Co., Inc. for Ryan D. Whitney dated 10-1-14 as the division of the tract of land shown is not a subdivision because it shows a conveyance or change in lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw. Mr. Greene seconded the motion. Motion was unanimously approved.

Informal Discussion – Scituate Country Club

Documents

- PDD Subdistrict B Zoning

Paul Mirabito, Richard Bochenek, Allen Reardon and David Miller? were present for the applicant. Mr. Mirabito indicated that Parcel A was approved with a provision for 40 units based on the land area. 36 units are present. Mr. Bochenek, President of the Homeowners Association, said they would like to build 8 more units for a total of 44 but the bylaw gives a maximum of 40 units. They are looking for the support of the Planning Board to change the bylaw so that the number can be changed to 44. Mr. Taylor asked if they are looking for the Planning Board to sponsor the proposed bylaw change. Mr. Mirabito indicated they were. He said there is ample room to build the additional units and sewer and water are present.

Ms. Harbottle said that this could be done by citizen petition with 100 signatures of Scituate voting residents. She said the Town Clerk could provide the information. It was indicated that the article would need to be submitted prior to the warrant closing and a public hearing would be necessary as it is a zoning change. Mr. Taylor asked what advantage there is to the Homeowner's Association to put in the additional units. Mr. Bochenek said that it would raise funds to enable them to do work on the other buildings and roads. He said it would eliminate the requirement for large assessments and provide 8 more units for the condominium association base and tax base. He said that the condominium association will not be the developer, but it will be some type of joint venture. Ms. Harbottle inquired why a building was not put there originally. She indicated that there was much sentiment expressed from third cliff residents due to the Country Club. She said the Board approved 36 units on the ridge and that went to court so the project was reapproved and was built across the street.

Mr. Vogel, Mr. Greene and Ms. Burbine said it looks logical and seems to fit. Mr. Taylor said that he understands the homeowner's association agrees and is supportive of the increased density, but thinks that a discussion with the other neighbors is necessary. Ms. Burbine concurred and suggested they be very proactive and make people aware of their desires.

Public Hearing – Stormwater Permit – 46 Watch Hill Drive Assessor's Map/Block/Lot 53-5-3 and 3B Applicant/Owner: Inly School

Documents

- Application, Cover letter and drainage calculations for Inly School field expansion received 9/29/14 by McKenzie Engineering Group, Inc.
- Site Improvement Plan for Inly School dated 9/23/14 by McKenzie Engineering Group, Inc.
- 10/29/14 comment from abutter Ron Simons of R & C Farms with proposed drainage comment drawn on Inly School Site Plan

No evidence or testimony was taken. Mr. Vogel moved to accept the applicant's request to continue the public hearing for the Stormwater Permit for Inly School field expansion at 46 Watch Hill Drive until November 25, 2014 at 8:30 pm. Mr. Greene seconded the motion. Motion was unanimously approved.

Accounting

Documents

- PO # 1502970 (\$60.15), PO # 1502966 (\$11.50), PR # 1503498 (\$450.00)

Mr. Taylor moved to approve the requisition of \$60.15 to Image Resolutions for Permitting Open House Flyers, for \$11.50 to Schwaab Inc. for a nameplate for the new alternate member and for \$450.00 to American Planning Association for annual dues. Mr. Greene seconded the motion. Motion was unanimously approved.

Minutes

Mr. Taylor moved to approve the meeting minutes of 10/9/14. Mr. Greene seconded the motion. Motion was unanimously approved.

Liaison Reports

Mr. Vogel reported that the Waterways Commission is in discussion over mooring rights. He indicated that the library should have Design Development drawings done before Christmas. Ms. Burbine reported that there are two meetings on 11/8/14 at the Scituate Harbor Community Building. She said one was at 1:00 pm for the land swap proposed for Jack Livingstone and the second was at 3:00 pm for the proposed Public Safety Complex.

Town Planner Report

Ms. Harbottle said that the decision has been made to hire Horsley Whitten for the consulting engineer on the upcoming Toll Brothers project. She said the Town is awaiting a signed contract. Ms. Harbottle also indicated that the Permitting Forum was well attended with 35 to 40 builders, developers and attorneys present. She said 80% of the discussion focused on the consulting engineers. She indicated the major concerns with the consulting engineers were that they were too expensive, the prices between them are not consistent and they add time to a project. Mr. Taylor, who was also present at the forum and so indicated that he said that the consulting engineer serves the Board as DPW cannot provide this service. Ms. Harbottle said she met with the consultant engineers to review the end product that the Board is to receive so that results would be more consistent for all the projects. She indicated that all of the hourly rates are similar, except for one which is a bit high. Several members of the Board suggested different ways to pick the consulting engineer including have the applicant pick, or pick 2 of the 5 then the Board decides or do an RFP each time and receive quotes. Ms. Harbottle said that all the engineers have strengths and weaknesses that are considered in project assignments and doing an RFP would add a lot of time. She said she wants the process to be more predictable. Ms. Burbine said that the process does not have to be adversarial. She suggested a forum every year would provide an opportunity for communication.

Old Business and New Business

Documents

- Staff report for 11/6/14
- Letter and pictures from P. Grable on the accessory dwelling bylaw

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 10:20 p.m. Mr. Greene seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk
12/11/2014
Date Approved