

SCITUATE PLANNING BOARD MINUTES January 13, 2022

Members Present: Ann Burbine, Chair; Patricia Lambert, Vice Chair; Rebecca Lewis, Clerk; Stephen Pritchard, Benjamin Bornstein and Bob MacLean, Alternate.

Others Present: Karen Joseph, Town Planner; Shari Young, Planning Administrative Assistant.

Members absent:

See Sign-in List for names of others present at this meeting.

Location of meeting: Select Board Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chair Burbine called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 1/13/22 Planning Board Amended Agenda

ACCEPTANCE OF AGENDA: Chair Burbine indicated there was a posted agenda. Ms. Lewis seconded the motion for the posted agenda and the vote was unanimously in favor.

Continued - Public Hearing – Site Plan Administrative Review and Special Permit for a Multi-family Building in the Village Center and Neighborhood District - Greenbush Gateway District – Greenbush Gateway Business Subdistrict (VCN-GDG-GWB) and Stormwater Permit – 7 New Driftway

Assessor's Map/Block/Lot 53-05-37F

Owner: Joan Auciello, Tr of Shepard Way Realty Trust

Applicant: Drift-way LLC

Documents

- PDF 7 New Driftway Traffic Review 11.22.21
- PDF 12-14-21 Building Design
- PDF Common Driveway 163, 165 and 167 Stockbridge
- PDF Decision 163-165-167 Stockbridge
- PDF DRAFT DRC Meeting Min 12-14-21
- PDF DRC Minutes 11.16.21
- PDF Sewer Evaluation 1-4-22
- PDF Water Evaluation 1-4-22
- Doc REV 1
- Doc DRAFT Motion Form for 2nd Continuance
- Email dated 1.10.22 from Kayla Sepulveda with request for continuance

Motion:

Ms. Burbine moved to accept the applicants, request to continue the public hearing for Site Plan Administrative Review and Special Permit for a Multi-family Building in the Village Center and Neighborhood District – Greenbush Gateway District -Greenbush Gateway Business Subdistrict (VCN-GDG-GWB) until March 10, 2022 at 6:30 pm and to continue the time for action for filing with the Town Clerk until May 20, 2022.

Mr. Bornstein seconded the motion; a vote was taken and was unanimously in favor.

**Form A – Union Street - Anderson
Assessor's Map/Block/Lot 53-01-08
Applicant/Owner: Anderson, Inc.**

Documents

- PDF 276 ANR filing pkg 1-6-22
- PDF 276 – FMA – 01-06-22
- Doc DRAFT Motion Form A Union St-Jenkins Pl
- Doc Transmittal Union Street

Attendees: Paul Mirabito, Ross Engineering

Mr. Mirabito indicated the plan submitted for Union street is to re-endorse a plan that was endorsed in 2001; the original mylar has been lost and was never recorded. The owners will be transferring ownership of Lot A and retaining ownership of Lot B. Both attorneys are requiring the Form A be re-endorsed and recorded with the Registry of Deeds prior to any transfer of land.

Ms. Joseph said she spoke with Town Counsel who opined it was fine to endorse the plan with a note added to the mylar stating it is a duplicate mylar from the original dating back to 2001 and the plan is identical.

Ms. Joseph indicated current zoning would apply.

Motion:

Ms. Burbine moved to endorse as Approval Not Required the Plan of Land in the Town of Scituate, Massachusetts, Union Street stamped by Paul Mirabito of Ross Engineering Co. Inc. dated March 19, 2001 for applicant/owner Anderson Incorporated as the division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the public way of Union Street and Jenkins Place with a note added to the mylar indicating "This is a duplicate mylar originally endorsed by the Planning Board on May 10, 2001. This plan is identical to the 2001 plan." Planning Board endorsement of the plan is not a determination as to conformance with zoning regulations.

Ms. Lewis seconded the motion; the vote was unanimously in favor

Discussion preparation for Zoning Workshop January 27, 2022

Ms. Joseph indicated the Board has several articles being put forward for Annual Town and the first meeting to these articles will be a public workshop on January 27, 2022.

- Section 440.5 will be adding the VCN to Business Districts
- Section 620.3 amend the bylaw by changing the side setbacks in an R-3 District from 8' to 15'

- Outcome from a meeting with the Building Commission, Assistant Building Commission and Chair of ZBA as a step towards Lot Coverage/Floor Area Ratio and consistency with the R-1 and R-2 districts.
- Some existing homes will become non-conforming, but Chair of ZBA not concerned
- Section 610.1 new section B for Lot Area and Width Requirements
 - Adding language that any lot after town meeting should have dimensions sufficient that a circle of 50' diameter can be drawn tangent to any property line of all points without the circle passing over the opposite property line.
 - Discussed in meeting with Building Commissioner, Assistant Commissioner and Chair of ZBA. Chair of ZBA not concerned about making lots non-conforming

Ms. Burbine will spearhead the discussion regarding the above three articles.

Ms. Joseph indicated the next series of articles all relate to Marijuana.

- Working on a new Marijuana Bylaw
- Need to take out the old Medical Marijuana Bylaw and make it consistent with current terminology.
 - Need to make consistent with the Cannabis Control Commission Regulations
- Will move definitions into the definitions section
- Table of Uses will be changed to add the Marijuana types and businesses
- New section for Adult Use Marijuana
- Article to delete the temporary moratorium
- Article to delete the prohibition of Marijuana Establishments
- There are also General Bylaw amendments regarding Marijuana
- Working with a consultant who has been working pro bono, met with Police Chief and several other people and incorporated the Police Chiefs comments into the proposed bylaw
- Bylaw largely modeled after the Rockland Bylaw
- Articles need to go in a specific order for Marijuana

One last article will be discussed, but is it being sponsored by the ZBA to amend structures and uses of pre-existing uses; the Building Commission and ZBA will be presenting this article.

Mr. Bornstein said the Town Meeting could be a big night, i.e. with Marijuana and setbacks.

Ms. Burbine opined some of these have been in the works for years, i.e. trying to get rid of rattails. The Board thought there should be handouts for Town Meeting to show examples of rattails.

Ms. Joseph said that the Advisory Committee has been made aware of the public hearing dates per Ms. Holt.

Discuss/Follow up to Joint meeting with Select Board – Master Plan Implementation

Ms. Lambert opined the Board made their point of view clear about what they think is important.

Mr. Bornstein opined that having the meeting shows the implementation is being taken seriously; it was good to kick it off.

Ms. Pritchard opined “we” will have to see where it goes, is it adopted as a guideline/map and does the town manage it; it does not work if it is just turned over to the committee. Ms. Burbine said the group that was put together should be able to deal with those issues.

Mr. MacLean thought it was a good first step in making sure the plan gets implemented and doesn't get filed away.

Ms. Lewis said some of the things in the Master Plan are already being worked on and it is good to know that and figure out what are the things that need to be pulled forward. She said it is good to work with another Board.

Ms. Lambert volunteered to be the Planning Board appointee to the committee; she does have the time to do it. Mr. Bornstein would like to be involved on the back end.

Ms. Burbine spoke about the comment Mr. Vegnani made about hiring a consultant and suggested the Board may want to talk with Emily Innes. Ms. Joseph said she can reach out to her and get her thoughts and costs. Mr. Pritchard thought the reason for hiring a consultant is to help manage the effort. He opined the first meeting of the group should be to walk through what is here and think about how it would be organized and how it would be implemented in the town. He agreed with Ms. Lewis that there are a lot of things already happening because information was pulled from other studies that have been done or that are being worked on, but the challenge will be figuring out if some things have run their course, i.e. elevating the roadways in the town, should a stake be put in the ground to not continue on.

Ms. Joseph said that is why the Board was supplied with the capital budget plan because some things have already been put in the 5-year plan. She said the committee will have to keep on top of the 5-year plan to determine what direction and what things need to be accounted for so the town is ahead of the game.

There was discussion about how much has been put into the plan on coastal activities, 85% of the money.

Ms. Lambert asked how it works if everyone has a different opinion; at some point does the group decide on how to proceed. Ms. Joseph opined all the different plans need to be looked at and the Coastal meeting might be a good meeting for people to listen to when it happens.

Mr. Pritchard opined all the different committees focus on their individual task, the big picture master plan issue is can the town hope to accomplish it all, are there things the town should or should not work and should the town focus the resources on those items that collectively could make provide progress; someone has to put dollars and cents to the items.

Minutes **Documents**

- Meeting Minutes 12.9.21

Ms. Lewis moved to approve the meeting minutes for December 12, 2021.

Mr. Bornstein seconded the motion; a vote was taken and was unanimously in favor.

Mr. Pritchard did not vote as he was absent from the meeting.

Accounting
Documents

PO #2205657 (\$18.88), PO #2205947 (\$133.60), PO #2110776 (\$4,100.00), PO #2205923 (\$1,040.00), PO #2205946 (\$293.00), PO #2205912 (\$450.00), PO #2205704 (\$206.70), PO #2205602 (\$3,265.05), PO #2205418 (\$467.00), PO #2205419 (\$1,755.00), PO #2205417 (\$2,080.00), PO #2205420 (\$780.00), PO #2205334 (\$1,649.29), PO #2206061 (\$1,230.00), PO #2206120 (\$1,800.00)

Ms. Lewis moved to approve the requisition of \$1,649.29 to Vanasse & Associates for traffic peer review services for 7 New Driftway, for \$780.00 to Chessia Consulting for Stormwater Review of 3 Poplar Ave., for \$2,080.00 to Chessia Consulting for peer review services for 485 Country Way/ Residential Compound, for \$1,755.00 for peer review services for 533 Country Way, for \$467.00 to Chessia Consulting for peer review service for 48-52 New Driftway/Gas Backwards, for \$3,265.05 to RJB Development for return of stormwater bond and unexpended funds for peer review services, for \$206.70 to Karen Joseph for mileage, for \$450.00 to Horsley Witten for peer review services for 43 Watch Hill Dr./Inly School, for \$293.00 to Chessia Consulting for peer review services for 533 Country Way, for \$1,040.00 to Chessia Consulting for peer review services for 3 Poplar Ave., for \$4,100.00 to Barrett Planning Group for technical assistance for zoning amendments, for \$133.60 to Chessia Consulting for peer review services for 48-52 New Driftway/Gas Backwards, for \$18.88 to WB Mason for office supplies, for \$1,230.00 to Horsley Witten for peer review services at Seaside at Scituate, for \$249.14 to Vanasse & Associates for traffic peer review of 7 New Driftway, for \$1,800.00 to Merrill Associates for peer review of 16 Mann Hill Road.

Mr. Pritchard seconded the motion; a vote was taken and was unanimously in favor.

There was discussion about the bill for Barrett Consulting; Ms. Joseph explained that the Board has not been billed at all for any services and she thought it was appropriate.

Liaison Reports:

CPC – reported by Ms. Burbine:

- Executive session concerning land purchase
- Voted \$1,200.00 for archives
- Discussion for the Cole Parkway Band Stand for \$83K delayed till February
- High School tennis courts \$12,325.00 for an assessment of the conditions
- 90' Baseball field pushed out
- Voted to accept a late application for the Small Dog Park, coming back in February
- Hollett Street land acquisition has been delayed

Planning and Development – reported by Ms. Joseph:

- ZBA meeting next week- Board should have a representative for discussion on 5 Williamsburg Lane
 - Corner of Country Way and Williamsburg, proposing to build a house
 - Issue is a tributary that is same tributary on 305 Country Way

- 150' buffer is needed for a tributary; it is in the Water Resource Protection District
 - Tributary to Old Oaken Bucket Pond
 - Proposal is to build within the 150' buffer zone
- Ms. Joseph supplied some information from the files to the Building Commissioner
- Applicant is asking for a Special Permit, Section 6 Finding
- Border Street Scenic Road driveway - being moved 68' to the north
 - Stonewall was damaged in the October storm, moving driveway to where the wall was damaged
 - Moving further away from the corner, actually in a safer location
- Multiple projects under construction
- MBTA Community Multi-family dictate
 - Regulations being developed
 - Scituate is a MBTA Community
 - Depending on the service the town has, i.e. subway, bus, commuter rail determines the number of multifamily units
 - Districts are supposed to have 15 units by right/acre and be of reasonable size, reasonable size is 50 acres
 - North Scituate – Outer Village is zoned for 15 units by right and is 20.267 acres
 - NDTV in Greenbush qualifies because it allows for 16 units by right and 36 by special permit
 - Drew Property area
 - Accounts for another 9 acres
 - Town roughly has 30 acres by right currently
 - To comply in 2022 Town submits a form and will have to review the Draft guidelines with the Select Board
 - After 2022 if the town is not in noncompliance the town could miss out on grant programs, Housing Choice Initiative, local capital projects funds or MassWorks infrastructure program grants
 - Town has received \$2.2M for MassWorks grant
 - Town does not have 50 contiguous acres, but there maybe some ways around that
 - Regulations are Draft and are out for comment anyone can go and comment
 - Town may have to do some things in order to comply down the road
 - Can wait for the State to tell the Town what is needed to comply and go through and submit some of the information required and wait for their determination
 - Two other Districts in Greenbush that could be used to comply
 - GVC subdistrict – 30 acres, area by 50 Country Way and 18 Ford Place
 - GWB subdistrict – 18 acres, area by the Driftway
 - Districts need to be half mile from the MBTA
 - DHCD does layout a way to address the case of not being able to meet the ½ mile distance
 - Exceptions will be made

- If don't have the water or waste water structures how do you get the housing
- Scituate is suggested to have 1,239 units
- Ms. Joseph to discuss at next DRT meeting
- Full repercussions of not complying is not known at this time
- Scituate already $\frac{3}{4}$ of the way there
 - 9 acres in Greenbush
 - 20 acres in North Scituate in Outer Village
- Units do not have to be built the zoning just needs to be in place
- Board should maybe reach out to Town's local representatives to opine
- The Town will have to decide if it is worth making changes to zoning, etc. to be in compliance come 2023.
- The Direct of Planning & Development should be spearheading this effort
- This will be up for discussion at a later date

Documents

- Email to the Board from Shari Young dated 1.6.22 with meeting agenda 1.13.22
- Email to the Board from Karen Joseph dated 1.6.22 with meeting materials for 7 New Driftway.
- Email to the Board from Shari Young dated 1.10.22 with amended agenda 1.13.22 and materials for 7 New Driftway and Draft Meeting Minutes 12.9.21
- Email to the Board from Shari Young dated 1.12.22 with amended agenda II 1.13.22

These items were distributed to the Board electronically.

Mr. Bornstein moved to adjourn the meeting at 7:27 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Rebecca Lewis, Clerk

Date Approved: January 27, 2022