

**SCITUATE PLANNING BOARD    MINUTES    November 5, 2020**

Members Present: Ann Burbine, Chairman; Benjamin Bornstein, Vice Chairman; Patricia Lambert, Clerk; Stephen Pritchard, Rebecca Lewis 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: Selectmen's Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chairman Burbine called the meeting to order at 7:00 P.M. The meeting was conducted in compliance with the Governor's executive order modifying the Open Meeting Law regulations for remote participation during the COVID-19 health pandemic. The meeting was being recorded for airing on local cable television.

**Documents**

- 11/5/20 Planning Board Agenda

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

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**Roll Call to call the meeting to order:**

A roll call vote was taken to open the meeting.

Ms. Burbine - yes

Mr. Pritchard – yes

Ms. Lambert – yes

Mr. Bornstein - yes

Ms. Lewis – yes

Mr. MacLean – joined the meeting late at 7:10 pm

**Continued - Public Hearing – Site Plan Administrative Review and Special Permit for Density and Tandem Parking in the Village Center and Neighborhood District – Greenbush Village Center Subdistrict – Greenbush Gateway District (GDG-GVC) - 18 Ford Place**

**Assessor's Map/Block/Lot 53-05-22**

**Applicant: Don McGill**

**Owner: JB Scituate LLC**

**Documents**

- Email from Fire Department with comments dated 9.28.20
- Doc Declaration of Trust(Ford Place Village)
- PDF Drainage Estimate
- Doc DRC – Memo\_18 Ford Pl\_Rev 2 for Design Review 3
- Doc Ford Place Village Condominium(DRAFT Master Deed) (revised 9.28.20)
- Doc Ford Place Village Condominium (DRAFT Master Deed) comments from Town Counsel

- PDF Letter on public benefit and plan
- PDF Letter regarding retention assemblies and rear footings 18 Ford Place Scituate MA 7-12-20
- Doc memo Park Coat 10-28-20
- Doc memo Site Cost 10-28-20
- Doc DRAFT Motion 18 Ford 1
- PDF DRAFT Motion 18 Ford 1
- Doc REV 3
- Excel Sample Cost Estimate Sheet
- PDF Permission from TA for park improvements
- Doc Easement Agreement (9.11.20)(with new dates 11.4.20)
- PDF Driftway Public Improvement Cost Estimate 1

Attendees: Bob Galvin, Attorney; Don McGill, Applicant; Kevin Grady, Engineer; John Chessia, Town's Consulting Engineer

Mr. Galvin provided updates.

- An easement with the abutting property owner has been provided to allow for shared access of over a common driveway
  - Agreement is contingent on:
    - Abutting owner still has to agree to the easement
    - Abutting owner will have to come to the Planning Board for a modification of his Special Permit.
- Revised comment letter from Mr. Chessia, Mr. Grady will address comments
- DRAFT motion has been provided to the Applicant
  - Applicant has provided comments some of which have been incorporated into the proposed motion.
- Copy of DPW estimate for work to the park off the New Driftway
  - Estimate is for \$22,000, the applicants' proposal is for more

Mr. Grady made comments in reference to the Peer Review letter from Mr. Chessia. The applicant received comments on 11.3.20 and made updates today 11.5.20. Ms. Joseph indicated this information has not been received by the Board.

- Applicant has addressed comments on the plan
  - Mr. Grady opined the items are punch list items and the overall design has been in place
- Made updates to the erosion control plans to show stockpiles
  - Majority of materials for construction will be trucked off site
    - Minimal excavation, stock pile and move it off site
    - Contractors will not be bringing big loads of material to the site
  - Stockpile plans are part of the construction phase not part of the permitting
    - Stockpiles are small, he pointed out a section on the plan

Mr. Chessia provided comments regarding his letter dated 10.27.20, he has not seen any of the new information spoken about this evening. He opined from an engineering point of view there is not a lot left to do, there are some details he would recommend be added, i.e. fencing, but it is up to the Board.

- Inconsistencies between the architectural plans and the site plans have been addressed

- Pervious pavers have been eliminated, now there is a bituminous concrete paved driveway
  - Pavement extends through a fence and becomes a patio
  - There is a berm and catch basin in the corner of the patio
  - There is a fence across the pavement to define the driveway from the patio
    - Board should opine
- Board should opine on the landscaping
- Drainage
  - Lack of adequate erosion control plan
  - Board should opine on the proximity of the drainage system to the abutters garage
    - Within 14', DEP Handbook has guidelines of structures near a foundation
    - Garage is likely on slab so may not be an issue vs. a basement where water could get in
- Plans reviewed had a pervious paver walkway from the door to the driveway
  - Changing to regular paving will not change the drainage
- Maintenance of the system
  - Bends in the system that could clog up recommends there be cleanups at every bend

He said there are things the Board needs to review in terms of the Public Benefit, etc.

Mr. Chessia provided more information on the comment he made regarding the DEP Handbook; it is a little vague, but most of the time a subsurface structure when it is close to an infiltration trench an infiltration trench has a 20' setback from a foundation; if there is a foundation near the system there is potential for water to get in. There is a slab on grade garage next to it so there may be a lesser chance of it causing an issue, but he wanted to highlight it. He opined there is not a huge potential for there to be an issue, but if there was a house with a foundation he would say it should not be so close.

Mr. Grady said the BMP for subsurface drainage systems should be set back between 10'-100'; 10' to a slab where the water is below the slab; he said they design systems 10' to a slab all the time. The soils are also very well drained here.

Ms. Joseph provided her comments to the Board regarding outstanding items.

- DRC Recommendations
  - Applicant technically complies with the recommendation for the roof
    - Roof still strange with flat roof sections and negative pitch
    - Not a traditional stick built roof
  - Mass is large and out of scale with the neighborhood
    - Board should decide if additional density is worth the added mass
    - Special Permit is requested for more units than is allowed
    - If allowed Board should be vigilant about follow through on the applicant's commitment
- Snow storage
  - No storage on site, all snow will need to be trucked off site
- Public Realm improvement
  - Plan and cost estimate provided
  - Peer Review - some areas of the applicant's estimate were inflated

- DPW Review – estimate considerable lower than the Applicants' estimate
- No permits are required
- Permission granted from Town to do work on the Town's Property
- Plantings - items the Town does not want, i.e. perennials, ground cover
- Town requesting another tree and additional guard rail
- Board needs to decide if benefit is worthy of three extra units
- Construction Plans – nothing new provided
- Drainage
  - Peer Review says it is satisfactory
  - Footing reviewed by Mr. Vogel
    - Okay because will stamped by Architect and they will be responsible
- O&M Plan
  - O&M Plan for construction needs to be coordinated with the plans
- Outdoor amenity space
  - 21% of the site, patio, now proposed as bituminous concrete – Board needs to opine
- Surety recommended for the Site Plan Approval and Surety for Density Bonus
- Access - Approve 2 ways
  - With shared driveway
    - Easement received 11.12.20
    - Recommend more drainage and spot grading be shown on the plan
  - Without shared driveway
- Clarification needed on pervious pavement – is it there are not?
- 760.7 Parking requirement – Board opined does not apply because residential use
- Emergency vehicle access
  - 3.5' path between cars and 3.5' at back of the building
  - Fire department will require the 20' access be marked as fire lane
- Parking is 1.5 spaces/unit, what is required in the VCN
  - No visitor parking, but close to public parking
- Water Supply
  - 550 gallons is projected use, 110 gallons/day/unit
- Landscaping
  - 6 Trees removing Norway Maples
  - Trees are not within 10' of the parking, Board will need to opine if acceptable
- Site Distance shown on plan, but no AASHTO Numbers
- Lighting – small scale residential lighting
  - No Street lights being provided, no street lights on MacDonald Terrace, many out on Ford Place, but not the applicants' responsibility
- Condominium Documents have been supplied and reviewed by Town Counsel, changes have been completed

Mr. McGill referenced the DRAFT Motion line item #7 which references items required prior to endorsement and indicated they have brought with them tonight the detail on the pervious pavers, the detail on the 6' Stockade fence, details on benches. He indicated he would be fine doing pavers for the patio and as the systems go in will update the O&M if there is any need to do so. He indicated they will submit those items tomorrow pending discussion tonight. The drawings will need to be updated.

Mr. Grady indicated they are proposing patio stone not asphalt and show a couple of benches on the revised plan they have brought tonight.

There was discussion about the snow storage; there isn't any it will have to be removed.

The Board had previously discussed the landscape plan and there are no issues.

The Board previously commented on the landscaping for the public realm benefit, Mr. Grady said they have removed the perennials and extended the guard rail. The Board has not seen the proposed changes.

Ms. Lambert asked when this application was submitted - May 12, 2020. She opined every time they meet there seems to more and more the applicant needs to give; this should be business as usual for the applicant. Mr. McGill said usually there are one or two revisions, but with the bylaw changes it delayed the submittal, they lost units, then there are numerous changes/comments, he said it is getting dragged out because changes keep coming up and they don't have time to react to get them submitted in time before the deadline. He said it is a little unusual and he has been doing this for 25 years.

Mr. Burbine commented the scale of the building is huge; she noted Section 750.5.A. The scale of the building depends on its overall size and mass, its relationship to the open space around it and the size of its doors, windows, porches, and balconies, it gives the building presence. She said as a matter of right there can be 2 units and the applicant has chosen to go forward with three additional units for 5; there will be other changes in Greenbush and this is the first, but it is pushed out to the limits, 10' from one end and 21' from the other side and right on the sidewalk; but she has concerns.

Mr. McGill said the project behind him which has already been approved is larger.

Mr. Galvin said it is the mass and scale of the neighborhood, if a large building was approved behind this project, it would bear some proportion to it.

- There was continued discussion about the size of the building. Ms. Lambert said looking down Ford Place there is going to be this huge building at the end; she knows the applicant can ask for the maximum density, but Board also has the right to deny that density based on what they think is right for the Town. It is the Board's job to do what they feel is best for the Town. She also has concerns about the traffic that will be coming out on to Country Way. She agrees with Ms. Burbine this is a very big building for the square space that it is on.

Mr. McGill said there has been objection from the neighbors, the town or anything. No objections/

Mr. Galvin said when looking at the design standards for what a multi-family building looks like in the bylaw there is a building that looks just like this proposal. He said the neighborhood now is from the prior zoning and the new Village Center District is for the express purpose of producing high quality housing for a variety of age groups, housing types and income ranges. He said that is not what is there now, but that is the bylaw now, in order to encourage the type of housing the bylaw now encourages developers to propose, these are the types of projects that the Board is going to be asked to consider.

Ms. Burbine agrees, but her concern is this project has been maxed out; 5 units instead of 2. The neighborhood is changing, but this building is right on the corner right on Ford Place.

Mr. Grady commented on the photos and that the train station is adjacent; he opined the zoning wants the density there. There is also a giant retaining wall at the end of the road. He opined the road is set up for density now, more like a 40R development with access to the train station. He opined Mr. McGill has done his best to meet the bylaw and fit it into the neighborhood.

Ms. Burbine said 40R is a long way out, Scituate needs to address its infrastructure issues first.

*Public Comment:*

Ms. Mary Lou Consilvio resident at 22 Ford Place said they are neighbors and they have expressed concerns and they have been to all these meetings; the building is just too big for the square footage of the lot, there is not room for parking, people will have visitors and most people have two cars, the building is going to be so large there will be no ambient light. She opined this is bringing South Boston to Scituate, there will be no quaintness. She said there are still things to talk about; it is too big for the lot, maybe if it were smaller and there was more space maybe there would be less concern.

Ms. Joseph indicated that a DRAFT motion was prepared and the Board needs to decide if they want to proceed with it.

Mr. Pritchard was in agreement with the applicant that the zoning is encouraging this kind of density; yet the Board is not required to approve more density than the Board feels is appropriate. The zoning that was set up is to encourage density and transit oriented development. He opined this is a change in approach that was approved at Town meeting for this particular area; it is going to be an area that is going to be a key commercial area and residential area in the future for the town that doesn't exist today. He opined the Board needs to be careful to say that the proposal doesn't match the scale of the housing developed in the area before; this is a new kind a zoning, it changes the way things are approached in this particular area. It is a difficult challenge, but the Board needs to figure out how to address it. Do we need to look at a broader area than just the site plan for this particular proposal, the town has set up the zoning to encourage this kind of development going forward, provides additional housing, provides housing close to the train station and mixed use as well.

Ms. Burbine said she agrees with what Mr. Pritchard said , but her biggest concern is it is overkill. The applicant is allowed 2 units by right and the proposal has an additional 3 units; is the scale larger than it could or should be. Mr. Pritchard said he is not sure; the zoning bylaws allow the Board to provide bonus housing; to allow for more dense housing in the Greenbush area and take advantage of the train.

The Board continued to discuss the scale of the building; what is the right/wrong scale, what will define what is good/bad. The Board does not know how to answer that and articulate it for the applicant. The applicant is within the realm of what can be done, they are meeting all the setbacks. It is probably late in the game to be talking about rescaling things.

Mr. Galvin said they don't deny this is large for the area, but they are trying to offer a different type of housing, they have met all the setback requirements, they are less tall than they could be, they took all the DRC comments to heart and they did all that was asked, they are asking for five units, it is high quality, these are the types of units that will sell right away, it is walkable to the train it is

walkable to amenities, so those types of things do not need to be on the property; it is the type of development that is permitted in this district. He opined when they are meeting the setbacks, they have lowered the height and it is less large than the project behind it, it is fair to ask for the development of five units. The applicant has looked to reduce the units, but this is a costly project, if they could economically get rid of the unit they would. Mr. Galvin said if the Board does not approve it or approves it a four units the applicant will have to look at their options. They are trying to stay within the confines of the bylaw and ask for the five units, because they don't feel the mass and scale is inconsistent with the new bylaw and that there will be projects like this more frequently in this area. He said if they had a larger lot, there could be up to 24 units/acre, with a public realm benefit.

Mr. Galvin then discussed the difficulty there was to find a public realm benefit. Initially they offered money to the Conservation Commission, but then switched to the making improvements at the proposed park location near Dunkin' Donuts, because the Board felt there need to be some work done. The Town Administrator gave approval for the applicant to do work in the area and they are willing to tweak it to what the Board wants. Mr. Galvin expressed concern the Board may have issue finding other public realm benefits for other projects that may come forward in the area. Ms. Burbine indicated the Board is looking to potentially have mitigation go into something like sidewalk fund, which may require a bylaw change. Ms. Joseph indicated there are plenty of public benefits to be had in the town. Mr. McGill said he would love to just do a fund.

Mr. McGill said the reason the building is designed for downsizers, the last 30 units he has sold have been downsizers; people selling their houses and there is nowhere to go in these communities. This is first floor living once in the unit, this is allowing people selling their large houses to stay in their communities and live on the South Shore. Those are the people he is targeting to move into these units.

Ms. Joseph indicated the building is at the minimum setback, the Board has to decide if the public benefit is worthy of the added density. Mr. Galvin said that this type of housing could be seen as a public benefit in this area.

Mr. Bornstein said that he is a big fan of smart growth/transit oriented development and tends to agree with Mr. Galvin and Mr. Pritchard about the density, but he would have loved to see four units at market rate and one affordable unit, understanding the bylaw does not require that for this size of development. He opined he would like to make a revision to the bylaw. He would really like to be able to add affordable units into these more dense developments and could be interpreted as public benefit in terms of housing. Mr. McGill said there is a threshold to affordable.

Ms. Lewis suggested, not for this applicant and a bylaw change may be needed, but money could be put aside for other things, i.e. housing. She spoke about property the Affordable Housing Trust has that they would like to build 2 affordable units on, but they don't have the money to do.

The Board said they would need to have a meeting about that separately, how do they do it, where do the funds go and the applicant cannot be the Guinee pig for this.

Mr. Bornstein said his comment was more philosophical in nature, but wanted to through it out there.

Mr. Pritchard said he agreed with Mr. Bornstein and liked Ms. Lewis's idea about creating a fund that could help support affordable housing; it would be a public benefit to contribute to something. Not for this project though; problem being the Board does not have the mechanism right now. Mr. McGill asked if there was a way to condition that he put \$20,000 towards a fund to be determined in the next several months before his project is complete. Mr. Galvin said he does not think the Board can require it, but the applicant could offer it and the Board could accept it. The Board said that could be an alternative approach.

The Board would like \$25,000 not \$20,000, Mr. McGill agreed. Ms. Joseph opined she does not think the Board can move forward with that tonight without input from Town Counsel. Mr. Pritchard suggested the Board continue with what has been defined already, but at the discretion of the Board if able to create a fund the public benefit could be shifted to be a \$25,000 donation to the fund. This could be set up as an either/or; the work on the public benefit is not going to start right away. Mr. Galvin opined the bylaw is not set up for the Board to demand this, but if the applicant offers it to the Board the Board can accept it. He suggest the way to write it up would be that the applicant offered to make a contribution to the Town's Affordable Housing Trust or an equivalent fund and the Board accepts the offer subject to the approval.

Ms. Joseph said she has not object to that in concept, but the Board has always wanted control over how any funds are spent for a Planning Board project.

Mr. Galvin said the Finance Director can create a reserved gift account for affordable housing; the gift would be at the discretion of the Planning Board for affordable housing purposes that can be qualified.

Mr. Galvin addressed surety; the Board has a long history with Subdivision Rules & Regulations for receiving surety to complete streets and ways, water infrastructure, sewage infrastructure, drainage lots the reasoning for that is because eventually the developer or homeowner's association is going to ask for the streets or ways to be accepted as public property; the Board has a way of making sure the work that was approved gets done. He opined that is not the case for this type of project. The applicant is not opposed to the issue of surety, but if the Board says and the applicant agrees that a Certificate of Occupancy cannot be applied for until the work is substantially completed and reviewed by the Board's peer review the Board has complete control. The Board does not feel it would have control, because there have been issues with permits being issued and items not being completed; that is why there is a list of requirements in the conditions.

Mr. Galvin explained what would be needed to acquire a cash surety, it would create a financial hardship and the Board will never take the money from them, because if the town did that would mean the project was not being built. Mr. Pritchard said the Board does not just take surety because the town may at some point adopt the road, etc., but because a developer may leave a project half way undone which is worse. It is bigger issue with a subdivision as opposed to this confined lot, but it is a policy and the Board does not want the Town to get stuck with a mess. Mr. Galvin said if the applicant left the project half way completed, what would the town do rip everything up; it is private property and would need permission to enter the property. The Town would never spend the money to get it done. He opined that is his issue, it is a condominium. Mr. Pritchard argue what if the stormwater system only got halfway done and then it rained and was a mess, it would need to be fixed and that is part of the intent.

Ms. Joseph indicated that she has had previous discussion on this matter with Town Counsel and it has been required on other projects; she was not able to discuss this project with Town Counsel. The Board did require surety on 50 Country Way. We cannot resolve this is tonight.

Ms. Burbine said there is some other homework to do; the public benefit, new information submitted for the plans to be reviewed and we should continue this until December 3<sup>rd</sup> and get it done.

Ms. Joseph said she would try to put together a meeting with Mr. Galvin, Nancy Holt and the TA to discuss the public benefit, i.e. putting money into affordable housing.

The Board asked the applicant to look at the fencing/gate from the patio to the driveway; they would prefer to see some kind of plantings, not arborvitaes.

Mr. Galvin indicated his other comments on the DRAFT motion were not as critical. He did ask that the Board's Peer Reviewer be given the discretion on to make the call on issues that come up in the field, i.e. something needs to move 6". Ms. Joseph incorporated that into the motion.

Mr. McGill asked for benchmarks for what/when the Peer Reviewer would need to be performing inspections; he wants to know when he should be scheduling the Peer Review to come out. The applicant will look at the subdivision rules to determine the benchmarks.

*Motion:*

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Site Plan Administrative Review and Special Permit for Density and Tandem Parking in the Village Center & Neighborhood District – Greenbush Village Center subdistrict – Greenbush Gateway District (GDG-GVC) for property located at 18 Ford Place until December 3, 2020 at 7:30 pm and continue the time for action until December 31, 2020.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Discussion/Vote – Surety Reduction and Street Acceptance Studley Farm Road**

**Documents**

- PDF 19-231 As-built Plan Review & Site Inspection, Studley Farm, 11-03-20
- Email to Peter Palmieri dated 10.22.20 with pictures of Studley Farm Roadway
- Doc DRAFT Motion Street Acceptance
- Doc DRAFT Motion Surety Release

Ms. Joseph indicated that the Board was holding \$1,300 plus interest in the Guarantee account so the grass would grow; they reseeded in September and the grass is growing. She recommends that the

Board return all the surety, the project is done. A certification has been received from the Town's Consulting Engineer and all other materials have been submitted. She also recommends that Board vote for street acceptance. Ms. Joseph indicated the DPW has commented they do not like the 20' street width.

*Motion: Surety Reduction*

Ms. Lambert moved to accept Joseph J. Iantosca's request, as Manager of Fern Properties, LLC, to reduce the amount of surety being held for completion of the Benjamin Studley Farm Definitive Flexible Open Space Development Plan approved by the Board on 1/30/2014 from \$1,300 being held by the Town Treasurer to \$0 plus accumulated interest as Merrill Engineers and Land Surveyors agrees seed germination has been slow due to the weather, but is beginning to grow.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

*Motion: Street Acceptance*

Ms. Lambert moved that the Planning Board recommend to Board of Selectmen and 2020 Special Town Meeting that the street of Studley Farm Road be laid out in accordance with MGL Chapter 82, Section 21 – 24 and be accepted by Town Meeting to become a public way in accordance with layout plans dated July 27, 2020 and to sign the Street Acceptance Plan.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Minutes**  
**Documents**

- Meeting minutes 10.22.20

Ms. Lambert moved to approve the meeting minutes for October 22, 2020.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes

Ms. Lewis – yes

**Accounting**

**Documents**

PO #2103804(\$103.00)

Ms. Lambert moved to approve the requisition of \$103.00 to Plymouth Country Registry of Deeds for recording of Board signatures.

Ms. Lewis seconded the motion; a roll call vote was taken and was unanimously in favor.

Ms. Burbine - yes

Mr. Pritchard – yes

Ms. Lambert – yes

Mr. Bornstein – yes

Ms. Lewis - yes

**Liaison Report**

**Water Resource Committee – reported by Mr. Bornstein:**

- Working on initiatives
  - Water Offset Program
  - Regulations for private water use during water bans
- Resident proposing a parcel of land in the west end to CPC
  - Looking for Water Resource Committee to give an endorsement
  - In Water Resource Protection District, could be opportunity for storage
- See if plan can be sent in WordDoc vs. PDF

**Master Plan – reported by Mr. Bornstein:**

- First draft of Master Plan written
- Scheduling another Advisory Committee meeting - 19<sup>th</sup> or 23<sup>rd</sup>
- Need to get comments

**Planning and Development – reported by Ms. Joseph:**

- Next meeting will be doing Zoom
- December meetings - 3<sup>rd</sup> and 10<sup>th</sup>
  - Need to discuss Zoning
  - Place holders will go on the Warrant
  - Public forum in January
  - Public Hearings in February for April 12<sup>th</sup> Town meeting
- Sign Bylaw
  - On warrant for Special Town meeting but needed a new public hearing and paper missed deadline so will be referred to the Planning Board
  - Will be held till Annual Town meeting
- Working on North Scituate for Spring Town meeting
- Moderator's meeting is next week

**Documents**

- Email to the Board from Karen Joseph dated 10.29.20 with meeting materials for 18 Ford Place
- Email to the Board from Karen Joseph dated 10.30.20 with meeting materials for Studley Farm
- Email to the Board from Shari Young dated 10.30.20 with meeting agenda for 11.5.20 and draft minutes from 10.22.20
- Email to the Board from Karen Joseph dated 11.2.20 with meeting materials for 18 Ford Place
- Email to the Board from Karen Joseph dated 11.4.20 with meeting materials for Studley Farm
- Email to the Board from Karen Joseph dated 11.5.20 with meeting materials for 18 Ford Place

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 8:23 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Ms. Burbine - yes

Mr. Pritchard – yes

Ms. Lambert – yes

Mr. Bornstein – yes

Ms. Lewis -yes

Respectfully submitted,

Shari Young

Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: December 3, 2020

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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.

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**Roll Call to call the meeting to order:**

A roll call vote was taken to open the meeting.

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Mr. Pritchard – yes

Ms. Lambert – yes

Mr. Bornstein - yes

Ms. Lewis – yes

Mr. MacLean – joined the meeting late at 7:10 pm

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- An easement with the abutting property owner has been provided to allow for shared access of over a common driveway
  - Agreement is contingent on:
    - Abutting owner still has to agree to the easement
    - Abutting owner will have to come to the Planning Board for a modification of his Special Permit.
- Revised comment letter from Mr. Chessia, Mr. Grady will address comments
- DRAFT motion has been provided to the Applicant
  - Applicant has provided comments some of which have been incorporated into the proposed motion.
- Copy of DPW estimate for work to the park off the New Driftway
  - Estimate is for \$22,000, the applicants' proposal is for more

Mr. Grady made comments in reference to the Peer Review letter from Mr. Chessia. The applicant received comments on 11.3.20 and made updates today 11.5.20. Ms. Joseph indicated this information has not been received by the Board.

- Applicant has addressed comments on the plan
  - Mr. Grady opined the items are punch list items and the overall design has been in place
- Made updates to the erosion control plans to show stockpiles
  - Majority of materials for construction will be trucked off site
    - Minimal excavation, stock pile and move it off site
    - Contractors will not be bringing big loads of material to the site
  - Stockpile plans are part of the construction phase not part of the permitting
    - Stockpiles are small, he pointed out a section on the plan

Mr. Chessia provided comments regarding his letter dated 10.27.20, he has not seen any of the new information spoken about this evening. He opined from an engineering point of view there is not a lot left to do, there are some details he would recommend be added, i.e. fencing, but it is up to the Board.

- Inconsistencies between the architectural plans and the site plans have been addressed

- Pervious pavers have been eliminated, now there is a bituminous concrete paved driveway
  - Pavement extends through a fence and becomes a patio
  - There is a berm and catch basin in the corner of the patio
  - There is a fence across the pavement to define the driveway from the patio
    - Board should opine
- Board should opine on the landscaping
- Drainage
  - Lack of adequate erosion control plan
  - Board should opine on the proximity of the drainage system to the abutters garage
    - Within 14', DEP Handbook has guidelines of structures near a foundation
    - Garage is likely on slab so may not be an issue vs. a basement where water could get in
- Plans reviewed had a pervious paver walkway from the door to the driveway
  - Changing to regular paving will not change the drainage
- Maintenance of the system
  - Bends in the system that could clog up recommends there be cleanups at every bend

He said there are things the Board needs to review in terms of the Public Benefit, etc.

Mr. Chessia provided more information on the comment he made regarding the DEP Handbook; it is a little vague, but most of the time a subsurface structure when it is close to an infiltration trench an infiltration trench has a 20' setback from a foundation; if there is a foundation near the system there is potential for water to get in. There is a slab on grade garage next to it so there may be a lesser chance of it causing an issue, but he wanted to highlight it. He opined there is not a huge potential for there to be an issue, but if there was a house with a foundation he would say it should not be so close.

Mr. Grady said the BMP for subsurface drainage systems should be set back between 10'-100'; 10' to a slab where the water is below the slab; he said they design systems 10' to a slab all the time. The soils are also very well drained here.

Ms. Joseph provided her comments to the Board regarding outstanding items.

- DRC Recommendations
  - Applicant technically complies with the recommendation for the roof
    - Roof still strange with flat roof sections and negative pitch
    - Not a traditional stick built roof
  - Mass is large and out of scale with the neighborhood
    - Board should decide if additional density is worth the added mass
    - Special Permit is requested for more units than is allowed
    - If allowed Board should be vigilant about follow through on the applicant's commitment
- Snow storage
  - No storage on site, all snow will need to be trucked off site
- Public Realm improvement
  - Plan and cost estimate provided
  - Peer Review - some areas of the applicant's estimate were inflated

- DPW Review – estimate considerable lower than the Applicants' estimate
- No permits are required
- Permission granted from Town to do work on the Town's Property
- Plantings - items the Town does not want, i.e. perennials, ground cover
- Town requesting another tree and additional guard rail
- Board needs to decide if benefit is worthy of three extra units
- Construction Plans – nothing new provided
- Drainage
  - Peer Review says it is satisfactory
  - Footing reviewed by Mr. Vogel
    - Okay because will stamped by Architect and they will be responsible
- O&M Plan
  - O&M Plan for construction needs to be coordinated with the plans
- Outdoor amenity space
  - 21% of the site, patio, now proposed as bituminous concrete – Board needs to opine
- Surety recommended for the Site Plan Approval and Surety for Density Bonus
- Access - Approve 2 ways
  - With shared driveway
    - Easement received 11.12.20
    - Recommend more drainage and spot grading be shown on the plan
  - Without shared driveway
- Clarification needed on pervious pavement – is it there are not?
- 760.7 Parking requirement – Board opined does not apply because residential use
- Emergency vehicle access
  - 3.5' path between cars and 3.5' at back of the building
  - Fire department will require the 20' access be marked as fire lane
- Parking is 1.5 spaces/unit, what is required in the VCN
  - No visitor parking, but close to public parking
- Water Supply
  - 550 gallons is projected use, 110 gallons/day/unit
- Landscaping
  - 6 Tress removing Norway Maples
  - Trees are not within 10' of the parking, Board will need to opine if acceptable
- Site Distance shown on plan, but no AASHTO Numbers
- Lighting – small scale residential lighting
  - No Street lights being provided, no street lights on MacDonald Terrace, many out on Ford Place, but not the applicants' responsibility
- Condominium Documents have been supplied and reviewed by Town Counsel, changes have been completed

Mr. McGill referenced the DRAFT Motion line item #7 which references items required prior to endorsement and indicated they have brought with them tonight the detail on the pervious pavers, the detail on the 6' Stockade fence, details on benches. He indicated he would be fine doing pavers for the patio and as the systems go in will update the O&M if there is any need to do so. He indicated they will submit those items tomorrow pending discussion tonight. The drawings will need to be updated.

Mr. Grady indicated they are proposing patio stone not asphalt and show a couple of benches on the revised plan they have brought tonight.

There was discussion about the snow storage; there isn't any it will have to be removed.

The Board had previously discussed the landscape plan and there are no issues.

The Board previously commented on the landscaping for the public realm benefit, Mr. Grady said they have removed the perennials and extended the guard rail. The Board has not seen the proposed changes.

Ms. Lambert asked when this application was submitted - May 12, 2020. She opined every time they meet there seems to more and more the applicant needs to give; this should be business as usual for the applicant. Mr. McGill said usually there are one or two revisions, but with the bylaw changes it delayed the submittal, they lost units, then there are numerous changes/comments, he said it is getting dragged out because changes keep coming up and they don't have time to react to get them submitted in time before the deadline. He said it is a little unusual and he has been doing this for 25 years.

Mr. Burbine commented the scale of the building is huge; she noted Section 750.5.A. The scale of the building depends on its overall size and mass, its relationship to the open space around it and the size of its doors, windows, porches, and balconies, it gives the building presence. She said as a matter of right there can be 2 units and the applicant has chosen to go forward with three additional units for 5; there will be other changes in Greenbush and this is the first, but it is pushed out to the limits, 10' from one end and 21' from the other side and right on the sidewalk; but she has concerns.

Mr. McGill said the project behind him which has already been approved is larger.

Mr. Galvin said it is the mass and scale of the neighborhood, if a large building was approved behind this project, it would bear some proportion to it.

There was continued discussion about the size of the building. Ms. Lambert said looking down Ford Place there is going to be this huge building at the end; she knows the applicant can ask for the maximum density, but Board also has the right to deny that density based on what they think is right for the Town. It is the Board's job to do what they feel is best for the Town. She also has concerns about the traffic that will be coming out on to Country Way. She agrees with Ms. Burbine this is a very big building for the square space that it is on.

Mr. McGill said there has been objection from the neighbors, the town or anything. No objections/

Mr. Galvin said when looking at the design standards for what a multi-family building looks like in the bylaw there is a building that looks just like this proposal. He said the neighborhood now is from the prior zoning and the new Village Center District is for the express purpose of producing high quality housing for a variety of age groups, housing types and income ranges. He said that is not what is there now, but that is the bylaw now, in order to encourage the type of housing the bylaw now encourages developers to propose, these are the types of projects that the Board is going to be asked to consider.

Ms. Burbine agrees, but her concern is this project has been maxed out; 5 units instead of 2. The neighborhood is changing, but this building is right on the corner right on Ford Place.

Mr. Grady commented on the photos and that the train station is adjacent; he opined the zoning wants the density there. There is also a giant retaining wall at the end of the road. He opined the road is set up for density now, more like a 40R development with access to the train station. He opined Mr. McGill has done his best to meet the bylaw and fit it into the neighborhood.

Ms. Burbine said 40R is a long way out, Scituate needs to address its infrastructure issues first.

*Public Comment:*

Ms. Mary Lou Consilvio resident at 22 Ford Place said they are neighbors and they have expressed concerns and they have been to all these meetings; the building is just too big for the square footage of the lot, there is not room for parking, people will have visitors and most people have two cars, the building is going to be so large there will be no ambient light. She opined this is bringing South Boston to Scituate, there will be no quaintness. She said there are still things to talk about; it is too big for the lot, maybe if it were smaller and there was more space maybe there would be less concern.

Ms. Joseph indicated that a DRAFT motion was prepared and the Board needs to decide if they want to proceed with it.

Mr. Pritchard was in agreement with the applicant that the zoning is encouraging this kind of density; yet the Board is not required to approve more density than the Board feels is appropriate. The zoning that was set up is to encourage density and transit oriented development. He opined this is a change in approach that was approved at Town meeting for this particular area; it is going to be an area that is going to be a key commercial area and residential area in the future for the town that doesn't exist today. He opined the Board needs to be careful to say that the proposal doesn't match the scale of the housing developed in the area before; this is a new kind a zoning, it changes the way things are approached in this particular area. It is a difficult challenge, but the Board needs to figure out how to address it. Do we need to look at a broader area than just the site plan for this particular proposal, the town has set up the zoning to encourage this kind of development going forward, provides additional housing, provides housing close to the train station and mixed use as well.

Ms. Burbine said she agrees with what Mr. Pritchard said , but her biggest concern is it is overkill. The applicant is allowed 2 units by right and the proposal has an additional 3 units; is the scale larger than it could or should be. Mr. Pritchard said he is not sure; the zoning bylaws allow the Board to provide bonus housing; to allow for more dense housing in the Greenbush area and take advantage of the train.

The Board continued to discuss the scale of the building; what is the right/wrong scale, what will define what is good/bad. The Board does not know how to answer that and articulate it for the applicant. The applicant is within the realm of what can be done, they are meeting all the setbacks. It is probably late in the game to be talking about rescaling things.

Mr. Galvin said they don't deny this is large for the area, but they are trying to offer a different type of housing, they have met all the setback requirements, they are less tall than they could be, they took all the DRC comments to heart and they did all that was asked, they are asking for five units, it is high quality, these are the types of units that will sell right away, it is walkable to the train it is

walkable to amenities, so those types of things do not need to be on the property; it is the type of development that is permitted in this district. He opined when they are meeting the setbacks, they have lowered the height and it is less large than the project behind it, it is fair to ask for the development of five units. The applicant has looked to reduce the units, but this is a costly project, if they could economically get rid of the unit they would. Mr. Galvin said if the Board does not approve it or approves it a four units the applicant will have to look at their options. They are trying to stay within the confines of the bylaw and ask for the five units, because they don't feel the mass and scale is inconsistent with the new bylaw and that there will be projects like this more frequently in this area. He said if they had a larger lot, there could be up to 24 units/acre, with a public realm benefit.

Mr. Galvin then discussed the difficulty there was to find a public realm benefit. Initially they offered money to the Conservation Commission, but then switched to the making improvements at the proposed park location near Dunkin' Donuts, because the Board felt there need to be some work done. The Town Administrator gave approval for the applicant to do work in the area and they are willing to tweak it to what the Board wants. Mr. Galvin expressed concern the Board may have issue finding other public realm benefits for other projects that may come forward in the area. Ms. Burbine indicated the Board is looking to potentially have mitigation go into something like sidewalk fund, which may require a bylaw change. Ms. Joseph indicated there are plenty of public benefits to be had in the town. Mr. McGill said he would love to just do a fund.

Mr. McGill said the reason the building is designed for downsizers, the last 30 units he has sold have been downsizers; people selling their houses and there is nowhere to go in these communities. This is first floor living once in the unit, this is allowing people selling their large houses to stay in their communities and live on the South Shore. Those are the people he is targeting to move into these units.

Ms. Joseph indicated the building is at the minimum setback, the Board has to decide if the public benefit is worthy of the added density. Mr. Galvin said that this type of housing could be seen as a public benefit in this area.

Mr. Bornstein said that he is a big fan of smart growth/transit oriented development and tends to agree with Mr. Galvin and Mr. Pritchard about the density, but he would have loved to see four units at market rate and one affordable unit, understanding the bylaw does not require that for this size of development. He opined he would like to make a revision to the bylaw. He would really like to be able to add affordable units into these more dense developments and could be interpreted as public benefit in terms of housing. Mr. McGill said there is a threshold to affordable.

Ms. Lewis suggested, not for this applicant and a bylaw change may be needed, but money could be put aside for other things, i.e. housing. She spoke about property the Affordable Housing Trust has that they would like to build 2 affordable units on, but they don't have the money to do.

The Board said they would need to have a meeting about that separately, how do they do it, where do the funds go and the applicant cannot be the Guinee pig for this.

Mr. Bornstein said his comment was more philosophical in nature, but wanted to through it out there.

Mr. Pritchard said he agreed with Mr. Bornstein and liked Ms. Lewis's idea about creating a fund that could help support affordable housing; it would be a public benefit to contribute to something. Not for this project though; problem being the Board does not have the mechanism right now. Mr. McGill asked if there was a way to condition that he put \$20,000 towards a fund to be determined in the next several months before his project is complete. Mr. Galvin said he does not think the Board can require it, but the applicant could offer it and the Board could accept it. The Board said that could be an alternative approach.

The Board would like \$25,000 not \$20,000, Mr. McGill agreed. Ms. Joseph opined she does not think the Board can move forward with that tonight without input from Town Counsel. Mr. Pritchard suggested the Board continue with what has been defined already, but at the discretion of the Board if able to create a fund the public benefit could be shifted to be a \$25,000 donation to the fund. This could be set up as an either/or; the work on the public benefit is not going to start right away. Mr. Galvin opined the bylaw is not set up for the Board to demand this, but if the applicant offers it to the Board the Board can accept it. He suggest the way to write it up would be that the applicant offered to make a contribution to the Town's Affordable Housing Trust or an equivalent fund and the Board accepts the offer subject to the approval.

Ms. Joseph said she has not object to that in concept, but the Board has always wanted control over how any funds are spent for a Planning Board project.

Mr. Galvin said the Finance Director can create a reserved gift account for affordable housing; the gift would be at the discretion of the Planning Board for affordable housing purposes that can be qualified.

Mr. Galvin addressed surety; the Board has a long history with Subdivision Rules & Regulations for receiving surety to complete streets and ways, water infrastructure, sewage infrastructure, drainage lots the reasoning for that is because eventually the developer or homeowner's association is going to ask for the streets or ways to be accepted as public property; the Board has a way of making sure the work that was approved gets done. He opined that is not the case for this type of project. The applicant is not opposed to the issue of surety, but if the Board says and the applicant agrees that a Certificate of Occupancy cannot be applied for until the work is substantially completed and reviewed by the Board's peer review the Board has complete control. The Board does not feel it would have control, because there have been issues with permits being issued and items not being completed; that is why there is a list of requirements in the conditions.

Mr. Galvin explained what would be needed to acquire a cash surety, it would create a financial hardship and the Board will never take the money from them, because if the town did that would mean the project was not being built. Mr. Pritchard said the Board does not just take surety because the town may at some point adopt the road, etc., but because a developer may leave a project half way undone which is worse. It is bigger issue with a subdivision as opposed to this confined lot, but it is a policy and the Board does not want the Town to get stuck with a mess. Mr. Galvin said if the applicant left the project half way completed, what would the town do rip everything up; it is private property and would need permission to enter the property. The Town would never spend the money to get it done. He opined that is his issue, it is a condominium. Mr. Pritchard argue what if the stormwater system only got halfway done and then it rained and was a mess, it would need to be fixed and that is part of the intent.

Ms. Joseph indicated that she has had previous discussion on this matter with Town Counsel and it has been required on other projects; she was not able to discuss this project with Town Counsel. The Board did require surety on 50 Country Way. We cannot resolve this is tonight.

Ms. Burbine said there is some other homework to do; the public benefit, new information submitted for the plans to be reviewed and we should continue this until December 3<sup>rd</sup> and get it done.

Ms. Joseph said she would try to put together a meeting with Mr. Galvin, Nancy Holt and the TA to discuss the public benefit, i.e. putting money into affordable housing.

The Board asked the applicant to look at the fencing/gate from the patio to the driveway; they would prefer to see some kind of plantings, not arborvitaes.

Mr. Galvin indicated his other comments on the DRAFT motion were not as critical. He did ask that the Board's Peer Reviewer be given the discretion on to make the call on issues that come up in the field, i.e. something needs to move 6". Ms. Joseph incorporated that into the motion.

Mr. McGill asked for benchmarks for what/when the Peer Reviewer would need to be performing inspections; he wants to know when he should be scheduling the Peer Review to come out. The applicant will look at the subdivision rules to determine the benchmarks.

*Motion:*

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Site Plan Administrative Review and Special Permit for Density and Tandem Parking in the Village Center & Neighborhood District – Greenbush Village Center subdistrict – Greenbush Gateway District (GDG-GVC) for property located at 18 Ford Place until December 3, 2020 at 7:30 pm and continue the time for action until December 31, 2020.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Discussion/Vote – Surety Reduction and Street Acceptance Studley Farm Road**

**Documents**

- PDF 19-231 As-built Plan Review & Site Inspection, Studley Farm, 11-03-20
- Email to Peter Palmieri dated 10.22.20 with pictures of Studley Farm Roadway
- Doc DRAFT Motion Street Acceptance
- Doc DRAFT Motion Surety Release

Ms. Joseph indicated that the Board was holding \$1,300 plus interest in the Guarantee account so the grass would grow; they reseeded in September and the grass is growing. She recommends that the

Board return all the surety, the project is done. A certification has been received from the Town's Consulting Engineer and all other materials have been submitted. She also recommends that Board vote for street acceptance. Ms. Joseph indicated the DPW has commented they do not like the 20' street width.

*Motion: Surety Reduction*

Ms. Lambert moved to accept Joseph J. Iantosca's request, as Manager of Fern Properties, LLC, to reduce the amount of surety being held for completion of the Benjamin Studley Farm Definitive Flexible Open Space Development Plan approved by the Board on 1/30/2014 from \$1,300 being held by the Town Treasurer to \$0 plus accumulated interest as Merrill Engineers and Land Surveyors agrees seed germination has been slow due to the weather, but is beginning to grow.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

*Motion: Street Acceptance*

Ms. Lambert moved that the Planning Board recommend to Board of Selectmen and 2020 Special Town Meeting that the street of Studley Farm Road be laid out in accordance with MGL Chapter 82, Section 21 – 24 and be accepted by Town Meeting to become a public way in accordance with layout plans dated July 27, 2020 and to sign the Street Acceptance Plan.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes  
Ms. Lewis – yes

**Minutes**

**Documents**

- Meeting minutes 10.22.20

Ms. Lambert moved to approve the meeting minutes for October 22, 2020.

Ms. Lewis seconded the motion, a roll call vote was taken; the vote was unanimously in favor.

Ms. Burbine - yes  
Mr. Pritchard – yes  
Ms. Lambert – yes  
Mr. Bornstein - yes

Ms. Lewis – yes

**Accounting**  
**Documents**

PO #2103804(\$103.00)

Ms. Lambert moved to approve the requisition of \$103.00 to Plymouth Country Registry of Deeds for recording of Board signatures.

Ms. Lewis seconded the motion; a roll call vote was taken and was unanimously in favor.

Ms. Burbine - yes

Mr. Pritchard – yes

Ms. Lambert – yes

Mr. Bornstein – yes

Ms. Lewis - yes

**Liaison Report**

**Water Resource Committee – reported by Mr. Bornstein:**

- Working on initiatives
  - Water Offset Program
  - Regulations for private water use during water bans
- Resident proposing a parcel of land in the west end to CPC
  - Looking for Water Resource Committee to give an endorsement
  - In Water Resource Protection District, could be opportunity for storage
- See if plan can be sent in WordDoc vs. PDF

**Master Plan – reported by Mr. Bornstein:**

- First draft of Master Plan written
- Scheduling another Advisory Committee meeting - 19<sup>th</sup> or 23<sup>rd</sup>
- Need to get comments

**Planning and Development – reported by Ms. Joseph:**

- Next meeting will be doing Zoom
- December meetings - 3<sup>rd</sup> and 10<sup>th</sup>
  - Need to discuss Zoning
  - Place holders will go on the Warrant
  - Public forum in January
  - Public Hearings in February for April 12<sup>th</sup> Town meeting
- Sign Bylaw
  - On warrant for Special Town meeting but needed a new public hearing and paper missed deadline so will be referred to the Planning Board
  - Will be held till Annual Town meeting
- Working on North Scituate for Spring Town meeting
- Moderator's meeting is next week

**Documents**

- Email to the Board from Karen Joseph dated 10.29.20 with meeting materials for 18 Ford Place
- Email to the Board from Karen Joseph dated 10.30.20 with meeting materials for Studley Farm
- Email to the Board from Shari Young dated 10.30.20 with meeting agenda for 11.5.20 and draft minutes from 10.22.20
- Email to the Board from Karen Joseph dated 11.2.20 with meeting materials for 18 Ford Place
- Email to the Board from Karen Joseph dated 11.4.20 with meeting materials for Studley Farm
- Email to the Board from Karen Joseph dated 11.5.20 with meeting materials for 18 Ford Place

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 8:23 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Ms. Burbine - yes

Mr. Pritchard – yes

Ms. Lambert – yes

Mr. Bornstein – yes

Ms. Lewis -yes

Respectfully submitted,

Shari Young

Planning Board Administrative Assistant

Patricia A. Lambert, Clerk

Date Approved: December 3, 2020