

## **SCITUATE PLANNING BOARD    MINUTES    December 8, 2022**

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

Others Present: Karen Joseph, Town Planner; Shari Young, 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 Lambert called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television and streaming live on Facebook with in-person and remote access available. Mr. MacLean attended remotely.

### **Documents**

- 12/8/22 Planning Board Amended Agenda

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

A roll call vote was taken, and was unanimously in favor.

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

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**Public Hearing – Stormwater Permit – Central Field – 90' Baseball Field**  
**Assessor's Map/Block/Lot 38-1-2**  
**Applicant: Scituate Little League**  
**Owner: Town of Scituate**

### **Documents**

- PDF 0-2200-PB Transmittal
- PDF 1-Stormwater Permit Application 10-16
- PDF 3-Stormwater Report
- PDF 4 – Plan Set 24x36
- PDF 2022-11-22-Scituate SW Memo
- PDF 221122-1<sup>st</sup> Peer Review – Central Field
- PDF 22102-2<sup>nd</sup> Peer Review – Central Field
- PDF Deed

- PDF Transmittal 11-7-22
- Email letter to Ms. Joseph and the Planning Board dated 12.6.22 from Water Resource Committee
- DOC Draft Motion

Attendees: Mark Novak, Activitas; Megan Buczynski, Activitas; Janet Bernardo, Town's Consulting Engineer, Horsley Witten

Ms. Burbine read the legal posting into the record.

Ms. Joseph made a statement that before the Planning Board is a Stormwater Permit for Central Field; a public hearing is necessary because there is over 40,000 sq. ft. of disturbance under the stormwater regulations. She indicated several people have come to the office with concerns over traffic and parking; that is not the scope of the stormwater permit. She said both the Chief of Police and the Town Administrator have been made aware of the issues. She said the project also proposes irrigation; there is an existing irrigation system and the Water Commissioners are going to allow the use of water from the municipal system. She said the discussion tonight is in regards to stormwater.

Ms. Lambert said she wishes this was a Site Plan Review, but it is not.

Mr. Novak and Ms. Buczynski gave an update on the project; since the last informal meeting with the Board.

- Several public meetings have taken place with CPC, Select Board, Advisory Board
- Field project was approved at Special Town Meeting in September
- Submitted application and received comment from Peer Review, Horsley Witten
  - Horsley Witten requested a test pit
    - Test pit was performed and materials came back very favorably
  - 2<sup>nd</sup> Peer Review memo received and everything is in order and tied up
- Existing softball field on northern portion of the site remains
  - Renovated a number of years ago and used by the JV High School Team
- Southern Softball field will be renovated into a 90' Baseball Field
  - Town only has one 90' Baseball Field
  - Schedule dictates another field is needed
- In-field is clay in-field mix
  - Considerations made so that it would not blow dust in drought times
- Landscape buffer included along side of abutters
- 40' netting system to control foul balls - similar to high school
- Team areas
  - Shade structure with benches and chain link fencing; not true dugouts
- There will be two batting cages
  - One batting cage for baseball
    - Stone pack for three-quarter of the batting cage
  - One batting cage for softball
- Handicapped accessible walkway from Central Park Drive around the field to the team areas
- Walkway will extend all the way around with black chain link fence
- Softball field largely used by softball program and the Senior Softball program

- Distance between softball fields, home plate to home plate, is 600'
  - Two games can go on at the same time
  - Softball field and the Baseball field cannot be used at the same time
- Backstop at the Softball field is 24' tall and is chain-link
- Softball Field team areas will be concrete surrounded by chain-link fence, there will be no shade structures
- Netting along Central Park Drive
- Two score boards

Mr. Novak addressed the irrigation system; he knows it is a concern and things have been done to mitigate water usage. He pointed out the area on the plan that would require irrigation for the sod for the first year for it become established; there will be zones so during the first year the one particular area is focused on. He said they are sticking with Kentucky Blue Grass because it is the most standard for athletic fields in the northeast and it is the most durable. He discussed the calculations for water usage that he had provided to the Board at their informal meeting. He said the area being irrigated is approximately 70,000 sq. ft. and if they irrigated three times a week an inch of water to make sure they were driving the roots and soaking the soil profile there would be approximately 80,000 gallons in the height of the summer. He said it is still using water and water has to be used, but it paints a better picture than what was originally discussed.

Mr. Novak also addressed the parking issues; he opined that is more of an enforcement issue and is going to be relayed to the Chief of Police.

Ms. Buczynski added that from a stormwater management point of view the project is meeting the standards and Town Bylaw. She said there was some back and forth with Horsley Witten, but they do agree that everything has been met.

Ms. Pritchard asked for an overview of the stormwater management.

Ms. Buczynski reviewed the plan.

- Majority of the site drains towards Branch Street
- Increase in impervious surface is due to ADA Walkways
- There is a swale that directs water to the basin
  - Water from the Abutters property flows to a flat area now and will continue to do so
- There are two existing catch basins within the basin that connect and drain out to Branch Street
- The low area is depressed a little more so runoff flows from the walkways and team area towards that spot and it is able to infiltrate
- They are maintaining what is there now and making sure the water from the walkways is being captured

Ms. Buczynski said they are meeting the rates and volumes; there is no increase.

Ms. Lambert made the statement there is a difference between “site plan review” and “stormwater”; with site plan review there is a lot more to say about what happens and where it happens. She said everyone is aware of the parking issues and irrigation concerns, but this is a stormwater permit and she will not share her opinion of the project. She asked the Board members for their comments.

Ms. Burbine had no comment.

Mr. Bornstein had no comment.

Mr. Pritchard asked if there is management of the irrigation system during storms. Mr. Novak said that there was a comment from the Water Resource Committee about using water sensor irrigation products and that will be in their specification package as well as a rain gauge. It is all automatic and does not require a person to flip a switch; the rain gauge will need to be maintained and is something that will have to be replaced every 3-4 years, but it is fairly simple.

Neither Ms. Lewis or Mr. MacLean had any comments.

Ms. Bernardo, Town's Consulting Engineer, indicated two letters for peer review have been submitted to the Town on November 22, 2022 and December 2, 2022. She said one of their primary concerns was having the test pit done and making sure the parking lot runoff does not drain onto the fields. She said she spoke with the project engineer who was able to confirm that the runoff is going away from the fields and is going into the catch basins in the parking lot. She said the existing basin has been expanded enough to capture the runoff from the walkways. She said there are a few conditions the Board should consider, i.e. the stormwater pollution prevention plan (SWPPP) and confirmation/requirement that the contractor does not stock anything in the existing basin and an Operations and Maintenance Plan that is for the entire site, so maintenance is done all at once. She said they found the stormwater does meet the necessary requirements and suggested that an As-built be provided to the Planning Board so that the location of everything is on record, the size of the basin, location, etc. so it is known and kept with DPW for their records. She said they are comfortable with the design.

*Public Comment:*

Mr. Arbonies resident at 23 Gannett Pasture Road and member of the Water Resources Committee (WRC) asked if there would be a site plan review; Ms. Lambert said there will not be. Mr. Arbonies discussed numbers Mr. Novak had mentioned in another meeting that about 200,000 gallons of water would be used three times a week for twelve weeks. He asked about the number of weeks for watering and is assuming it is probably still 12 weeks initially to get the sod to establish an asked what the frequency of watering would be annually after the first year. Mr. Novak said the number will go down drastically once the sod is established and could even be eliminated. He said this year with a historic drought everything went to dormancy and when fall came it all came back and is flourishing because the soil is good; he said it will be up to the Town on how the field is maintained it is not up to them as consultants.

Mr. Novak addressed the 200,000 number and explained that when the question was first asked he took the total area being disturbed and assumed everything would be irrigated, walkways, etc. and that was not correct. He said it is drastically reduced.

Mr. Arbonies asked if a rainwater catchment system has been considered as a source for watering the field. Mr. Novak explained that it has been looked at, but the rainwater catchment systems don't scale very well to athletic fields. He said a 20,000-30,000-gallon tank would need to be installed and we don't get that amount of water all at once; if it is raining enough to fill the tank than the irrigation is not needed. In his opinion rain catchment system work best for smaller scale landscaping applications.

Mr. Cochrane resident at Shore Acres (12 Hawley Road) who was participating remotely asked the price for the project. Mr. Novak said the construction budge approved at Special Town Meeting was just under a million dollars. Mr. Cochrane said we are paying a million dollars for a baseball field. Ms. Lambert reminded Mr. Cochrane that this was approved at Town Meeting and that is why we are moving forward with it.

Mr. Dietz resident at 54 Branch Street lives across the street and said he represents a bunch of people that feel this project has over stepped. He indicated 20 years ago the Town spent slightly more than a half million dollars to change the grade of the field and put in 2 diamonds so they did not affect any neighbors or destroy the historic character of the area. He said now there is a baseball diamond in someone's front yard, a batting tunnel that looks like it will be in front of the Dreamworld driveway. He said it changes the whole character of the town. He understands kids need to have a facility, but he does not understand why the existing diamond can't be used and improved upon; it lowers the water use, stormwater concerns and up ending the neighborhood or changing the historic character.

Mr. Lawler resident of 46 Branch Street said he has lived there for the last 8 years and that he was not aware of this, but a lot has been invested in the high school and there are other baseball fields, but this is a residential area and he has been trying to think where there are other fields like it where there are sports facilities outside someone's house. He is worried about the impacts on the neighborhood. He said baseball is a dying sport; the interest in the US has halved in terms of participation in the last 20 years; he opined it is short sighted of the Town to put something like this in a historical area and there could have been much more creative ways to use the property.

Ms. Lambert let Mr. Novak know the Board does not close meeting like this in one night; it is a complicated issue for the Board because it is not a site plan review where they would have a lot more to say.

Ms. Burbine asked about the signage/scoreboards. Mr. Novak said the score boards are 6'x10' and will not be lit at night because there are not lights on the fields.

Ms. Joseph said she does not have a decision tonight, but she will be incorporating all the items from Horsley Witten and all the standard conditions into the permit. She asked if something could be put in the O&M Plan about replacing the rain gauge every 3-4years it would be in the best interest of the Town to have a complete manual for DPW.

Ms. Bernardo also added that snow removal or snow storage should be included in the O&M Plan.

Ms. Lambert asked about the usage of the field.

Mr. Novak explained soccer is probably the heaviest user, Scituate Youth Soccer, it is played in both fall and spring, Senior softball plays on the field twice per week, Youth Softball and JV and Little League will be using it.

There was discussion about how many baseball games are played. Mr. Novak did not know the specifics, but said this is the only other 90' baseball diamond aside from the high school. Roach Field, Greenbush, St. Mary's are all 60' Little League diamonds.

Mr. Campbell representative from Scituate Little League said it is for kids that are 13-years and older, they cannot compete on 60' diamond, there are about 140-160 players across all the leagues that have to use a 90' diamond and have been sharing just the one diamond at the high school. The field will be used in the summer, but not as heavily as in the spring. It would be Little League 13-years and above, legion teams may need to use it and a cranberry league that happens at the high school.

*Motion:*

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Stormwater Permit for Central Field until January 12, 2023 at 7:30 pm and to continue the time for action for filing with the Town Clerk until February 10, 2023.

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

**Form A – ANR Plan – 334 Chief Justice Cushing Highway  
Assessor's Map/Block/Lot 48-3-A  
Applicant/Owner: 334 CJC Highway LLC**

**Documents**

- PDF 02-2022-071 ANR-Revised Stamped
- PDF 77-2-29-2012
- PDF 334 CJC Tax Bill
- PDF 2022-11-28-signed ANR Application
- PDF Amendment to Corporation
- PDF LLC
- PDF Locus Deed
- DOC Motion Form
- DOC Transmittal

Attendees: Ed Jacobs, PMP Associates

Mr. Jacobs reviewed the plan located at 334 Chief Justice Cushing Highway

- Current parcel is 48-3-A
- Located in R-1
- 3.08 acres
- 583.9 'of frontage
- Proposing to divide into three lots
  - Lot 1
    - Contains existing house and garage
    - Over 41,000 sq. ft.
    - Width regulation met as it is well over 175'
  - Lot 2
    - 53,364 sq. ft.
    - A little over 100' of frontage

- Maintain 100' width up until the house where extends beyond the 175'
- Lot 3
  - Complies with frontage, area, and lot width

Mr. Jacobs said there are no houses on the lots, they are just there for presentation purposes to demonstrate the lot width. The plan was reviewed with the Building Inspector. He said the lot width needed to be shown and the plan is noted it is for presentation purposely only with regards to the homes.

Mr. Pritchard said the Board is not endorsing the buildings or that the lots are buildable.

Ms. Joseph said it is a requirement to show the set back lines for and ANR Plan, but the buildings do not need to be put on it. She said they will need highway access permits and there are significant grading changes along the frontage, but she does not feel it is a detriment to endorsing the lots. She opined they do have access and frontage.

Mr. Jacobs said the front setback on CJC Hwy is 100' so there is plenty of frontage to make up the grade changes to get to the houses set back on the lots.

Ms. Joseph said the property is also in the Water Resource District which will need to be considered and stormwater permits will likely be needed. Tonight, is about frontage and access and she recommends endorsing the plan. The Board is only endorsing access and frontage.

*Motion:*

Ms. Burbine moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land 334 Chief Justice Cushing Highway in Scituate (Plymouth County) MA prepared by PMP Associates for applicant/owner 334 CJC Highway LLC dated November 28, 2022 as each lot shown on the plan has frontage of at least the distance presently required under the Scituate Zoning Bylaw on the public way of Chief Justice Cushing Highway.

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

### **Re-appointment of John Buckley to Design Review Committee (DRC)**

#### **Documents**

- DOC Re-appointment John Buckley

Ms. Lambert explained the Mr. Buckley is already on the DRC and his term is ending and he has requested to be re-appointed. She said he does a great job.

*Motion:*

Ms. Burbine moved to re-appoint John Buckley to a three-year term on the Design Review Committee for a term running from January 24, 2023 to January 24, 2026.

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

**Minutes**  
**Documents**

- Meeting Minutes 11.17.22

Ms. Burbine moved to approve the meeting minutes for November 17, 2022.

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

**Accounting**  
**Documents**

PO #2314996 (\$47.79), PO #2314922 (\$2,165.95), PO #2314923 (\$751.25), PO #2314774 (\$1,275.00), PO #2314697 (\$400.00)

Ms. Burbine moved to approve the requisition of \$400.00 to TEC, Inc. for peer review services for 556 First Parish Road, for \$1,275.00 to Merrill Corp for peer review services at Curtis Estates, for \$751.25 to Horsley Witten Group for peer review services at 14-16 Old Country Way, for \$2,165.95 to Horsley Witten Group for peer review services at Seaside at Scituate, for \$47.79 to WB Mason for office supplies.

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

**Liaison Reports:**

**Community Preservation Committee (CPC) – reported by Ms. Burbine:**

- CPC meeting Monday night
  - Reviewing 12 applications
- 2 Meetings in January to get things squared away before going to the Advisory Board

**Discussion on Traffic Study for Greenbush – reported by Ms. Joseph:**

- Not much of an update
- Working with Consultant to come up with a DRAFT Scope
- Recommended area
  - Conservation Park/Widows Walk down Driftway to the rotary, up to Old Country Way, Old Country Way and Jenkins intersection, Country Way and Stockbridge and Old Driftway
- Waiting for results from an unmitigated traffic issue at the new gas station with left hand turns people traveling from the harbor.
  - Gas Station going back to study, information not yet available and has not been peer reviewed yet
  - Any new traffic studies coming in will have to pick up this unmitigated traffic issue
- Ms. Joseph recommends the Planning Board use some of the money received from projects to do a study so the Board is in control
  - Provide traffic mitigation ideas to potential applicants
  - Last one in is supposed to pick up all/any issues
- Ballpark figure is \$10,000-\$20,000, no prices have been obtained



- Drew Company is supposed to review the signal at Driftway and Old Driftway when 60% occupied, but all projects are going to have review the signal timing
- Board will need to take a vote to spend some of the money that has been collected for a traffic study
- The hope is that recommendations will be provided in the study
  - Outlines of what solutions would look like
- Ms. Joseph has concerns if New Driftway needs to be expanded with the current zoning and setbacks

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

- By end of the month all units at Seaside at Scituate will have occupancy permits
  - Does not mean the site work is done
  - Will be working as long as they can into the winter
  - Punchlist of items has not been completed
- Curtis Estates looking to get on the warrant for street acceptance
  - Project is not done
  - Planning Board at this time would vote “no”

**Public Hearing – Propose Zoning Amendments – Annual Town Meeting 2023**

**Documents**

- PDF TC filed Legal Notice ATM 2023
- PDF TC filed Section 720 – Common Driveways - REDLINE
- PDF TC filed Section 760 – Parking - REDLINE

Ms. Burbine read the legal posting into the record; Section 720 – Common Driveways and Section 760 – Parking Requirements.

**Zoning - Section 720 – Common Driveway**

Ms. Joseph indicated the Board has been working on the Common Driveways for several months and all changes that were requested are incorporated into the Bylaw. She reviewed the changes.

- Still have Site Plan Administrative Review and still have Special Permits
- Requiring the entire residential lot for common drive be shown on the plan
- If Stormwater Permit is required it is to be submitted simultaneously with the common driveway
- Added standards
  - Width of the Common Driveway requires written recommendation of the Fire Department with concurrence of the Planning Board
  - Utilities, signage, snow storage all needs to be clearly shown on the plan
  - Length of the Common Driveway shall not exceed 500’
  - Runoff should not discharge into the public way
  - Turnarounds shall be at the ends of the common driveway
  - Directional signage identifying addresses
  - Site distance is required
  - Setback is a minimum of 10’ is required from any adjoining property line

- Common Driveway should be 50' from any existing driveway
- Common Driveway shall be sole means of access for any lots using it
- Minimum grade of 1% and maximum grade of 9%
  - Consistent with Subdivision Regulations

Ms. Joseph opined this is a good compromise of what the Board wanted and what some of the Developers wanted.

### **Zoning - Section 760 – Parking Requirements**

Ms. Joseph said not too much is being changed in the parking requirements.

- Off-street parking requirements adding verbiage - 760.8.B
  - Outdoor seating cafes are exempt from off-street parking requirements under the discretion of the Planning Board
- Clarified language in parking reduction methods
  - Proposing to change off-site parking by removing “for employees”
    - Allows anyone to try and do off-street parking if they meet the off-street requirements
    - Provides opportunity for parking
    - Handicapped parking still needs to be on-site
- Clarification on street screening
  - Can have a wall or a fence and landscaping that provides a sight screen
  - “Impervious” is not the right word so it is being removed

There was no public comment for either Common Driveways or Parking.

*Motion:*

Ms. Burbine moved to close the public hearing.

Ms. Lambert seconded the motion; a vote was taken and was unanimously in favor.

### **Update/Discussion – MBTA Communities Compliance Model and Action Plan**

Ms. Joseph indicated the compliance model and action plan need to be submitted January 31, 2023.

- Scituate needs to be zoning for 1,239 units
  - Town is a Commuter Rail Community
    - 2 Commuter Rail Stations
- Town is supposed to have 50 acres zoned for Multi-family housing
- Compliance model came out after Thanksgiving
  - Working on inputting data into the model
  - So far have input the 2 districts that allow for 15units/acre
  - We will have to test other districts because the Town is not in compliance
  - Relies on GIS to figure out the models for how big the district is, what is really developable land and how many units an area can support
  - Directions not clear
  - We know our 2 districts will not give us 1,239 units or 50 acres
  - Testing three other districts with increase density of 15units/acre by-right

- Test North Scituate Village Center with multi-family
  - Currently not allowed because at the visioning meetings people wanted to see more of an area with business and residential, similar to the Harbor
- Mixed-use numbers are not factored into the density numbers for the model
- MBTA Communities discussion will be on the agendas for upcoming meetings
- All of our districts seem to be within the transit radius so that is good

There was discussion if this is mandated by law or just that the Town will be ineligible for grants. Ms. Joseph explained it is both; Chapter 40A was changed so it is mandated, but the direction from the Town Administrator (TA) is the Town wants to pursue MassWorks grants, Housing Choice Grants and some others so we need to try and meet these requirements. Discussion continued about what happens if the Town does not meet these requirements. Ms. Joseph noted that there was an article in the paper that Waltham is losing \$300,000 from their Housing Authority because they did not comply with the initial step. She said we don't know what methods might be used.

Ms. Lambert said there is lots going on here; some Towns are suing the State. She opined it was good on paper, but it is not a one size fits all. She said we will do our very best to comply and we probably won't make it and will have to see if they accept it.

Ms. Joseph said we will be working on this over the next week and hope to have more information with some numbers for the next meeting. She reminded the Board the units do not have to be built it just has to be zoned for the building.

Ms. Joseph said she will be before the Select Board on January 10<sup>th</sup>. Ms. Lambert suggested that the entire Board should be at that meeting to participate.

Ms. Joseph explained some different scenarios that could take place with some zoning changes in the Greenbush area and potentially in North Scituate. We will be running those areas as tests to see if/how the Town could come into compliance, but the Board, Select Board and TA will need to make decisions on which avenue to pursue. She said the Town has until December 31, 2024 to come into compliance once the Action Plan is submitted in January 2023.

Ms. Joseph said there will be 3 Town Meetings for the Town to come into compliance, it is unknown what happens after that if the Town still does not comply. The Town would likely not receive any of the grants. Mr. Pritchard asked how much does the Town get in these grants now; Ms. Joseph did not know. Mr. Pritchard said those are the decisions that have to be made, what is the cost versus the benefit. If getting into compliance changes the nature/character of an area of Town that is something to consider.

Mr. Pritchard said we need the information on the amount of grant money the Town has received before any decisions could be made to see whether it is worth it or not to try and come into compliance.

*Public Comment:*

Ms. Connolly, Select Board liaison said there is a report of all the grants that are received in Town; it may not include everything, but it is very comprehensive.

Mr. Pritchard said a judgement still has to be made if the nature of the Town is going to be ruined.

Ms. Joseph said that is why we are meeting with the TA weekly with Ms. Lambert, updating the Board and meeting with the Select Board; it is a complicated thing.

**Form A – ANR Plan - 18 & 18A Mitchell Ave.**

**Assessor's Map/Block/Lot 15-4-13**

**Applicant/Owner: David and Nancy Creighton**

**Documents**

- PDF 20-208 ANR application pkg 11-28-22
- PDF 20-208 ANR Plan
- PDF 81 L Definition
- PDF 81 L Exemption
- PDF Doc 1
- DOC Transmittal 18 Mitchell Ave
- DOC DRAFT Motion Form 18 Mitchell Ave
- DOC DRAFT Motion Form 18 Mitchel Ave 1
- Email from Karen Joseph date 12.2.22 with photo
- Email dated 11.29.22 from the Water Department

Attendees: Jason Scott, Morse Engineering; David and Nancy Creighton, Property Owners

Mr. Scott presented the Form A – Plan.

- 2 Existing dwelling prior to Zoning and the Subdivision Control Laws
- Dividing parcel 15-4-13 know as 18 & 18A Mitchell Ave.

Ms. Joseph said under 81L the Planning Board can divide a lot if two or more structures were standing on a lot before the date of the Subdivision Control Law went into effect. She said the information presented by the applicant shows 2 or more structures were present at the time; legally under Planning Board the lot can be divided. She said no evidence has been provided that two or more “dwellings” were on the lot prior to August 3, 1947. She said if the lot is divided and they try to do something with it they will be in violation of Zoning; Zoning says that “one such dwelling has to remain standing on each lot”. She said for the purpose of the Planning Board under 81L the Assessor's card shows something was standing in 1927, but the data does not say there was a dwelling. The card shows there was a garage conversion, but there is no date associated with it.

Mr. Pritchard said in terms of the Planning Board they only need to address the fact that there were structures and asked who addresses if there was a dwelling. Ms. Joseph said the Building Commissioner because it is Zoning. She noted the Board always puts their stamp that endorsement does not mean compliance with Zoning. She is just pointing out the evidence does show there was a dwelling. Mr. Pritchard asked what the ramification would be if the Board approves the subdivision; if the applicant wants to build something they would be in violation.

Mr. Pritchard opined the Board does not really have anything to do with that; under 81L as far as the Board is concerned there were 2 structures and the lot can be divided.

Ms. Joseph suggested that language be used say the Planning Board is not finding that 2 dwellings existed before August 3, 1947.

Ms. Creighton said their house is listed as a multi-house lot.

Ms. Joseph said that is correct, but the Assessor's card information does not show there were 2 dwelling standings before August 3, 1947. She said the applicant will have to prove that it was a dwelling.

Mr. Scott said the Assessor's card says there was a bedroom and shows there year it was built. He questioned if the Assessor's card would note that a bedroom was built on a certain date. Ms. Joseph said she asked that of the Assessor and there is nothing on the card that shows there was a dwelling that existed before August 3, 1947.

There was discussion about what is noted on the Assessor's card regarding occupancy and age. Mr. Scott pointed out is says it is 1.5 stories and the age is 1927 and under occupancy it says dwelling.

Ms. Joseph explained the Assessor says there is no way to tell when the garage was converted from the information on the card. She said she tried to go back to septic records, but the Board Of Health could not provide them. She said she is sure the big house existed, but not sure the second was a dwelling.

Ms. Burbine said the bottom line is the Board endorses the plan because it is 81L and if it doesn't meet zoning is not up to the Board.

Ms. Joseph said the Board can endorse the plan, because there were 2 structures on the property, but she recommends language be added about dwellings.

Mr. Scott said under 81L they do not need to meet any current or former zoning for the land to be divided.

Ms. Joseph said that is correct, but the Town of Scituate has bylaws that call out the reduction of lot area and whether something is a dwelling.

Mr. Scott said his opinion is different and feels there was a dwelling standing in 1927 from the Assessor's card.

*Motion:*

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land in Scituate, MA Showing a Division of Parcel 15-4-13 18 & 18A Mitchell Avenue prepared by Morse Engineering Co., Inc. for applicant David and Nancy Creighton dated 11-16-22 as the division of land shown on the accompanying plan is not a subdivision because two or more structures were standing on the property prior to August 3, 1947, the date the Subdivision Control Law went into effect in the Town of Scituate, and one such building remains standing on each of the proposed lots. This decision makes no finding that a dwelling was present on August 3, 1947 ~~as no evidence has been presented that a dwelling was present at that time~~. Planning Board endorsement of this plan is not a determination as to conformance with zoning regulations

Ms. Lambert seconded the motion; there was discussion.

Ms. Lewis seconded the motion as amended, a vote was taken and was unanimously in favor.

**Documents**

- Email to the Board from Shari Young dated 12.2.22 with meeting Agenda 12.8.22 and DRAFT minutes 11.17.22
- Email to the Board from Karen Joseph dated 12.2.22 with meeting materials for Central Field, 18 & 18A Mitchell Ave., 334 CJC Hwy, ad Zoning.
- Email to the Board from Karen Joseph dated 12.6.22 with meeting materials for Central Field
- Email to the Board from Karen Joseph dated 12.7.22 with meeting materials for Central Field

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 8:15 p.m. Mr. Pritchard seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Ann Burbine, Clerk  
Date Approved: December 15, 2022