

SCITUATE PLANNING BOARD MINUTES February 11, 2021

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 6:30 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

- 2/11/21 Planning Board Agenda

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

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 - yes

Public Hearing – Zoning – Section 710 - Signs

Documents

- Doc Scituate Sign ZBL TC_JABv10
- PDF TC filed Current Bylaw. Signs Section 710
- PDF TC filed Legal Ad Signs Section 710
- PDF TC filed Proposed Amendments. Signs Section 710

Ms. Burbine read the public notice.

Notice is hereby given pursuant to M.G.L. Chapter 40A Section 5 that a Public Hearing will be held by the Scituate Planning Board on Thursday, February 11, 2021 at 6:30 P.M. via REMOTE ACCESS to consider amendments to the Scituate Zoning Bylaw as described below. These amendments will appear as articles on the Warrant for the Annual Town Meeting commencing April 12, 2021. All references below refer to sections of the Zoning Bylaw.

Section 710 Signs

Sign Definition and Sign Bylaw – Amend the Zoning Bylaw

Delete existing Section 710 in its entirety and replace with a new Section 710 which defines signs and provides for prohibited, exempt and temporary signs and provisions for them in zoning districts

The text of the current Zoning Bylaw and the complete text of the proposed amendments to the Zoning Bylaw are available for inspection during the normal hours of business of the Scituate Town Hall at the offices of the Town Clerk and the Planning Board at Town Hall, 600 Chief Justice Cushing Highway, Scituate, Massachusetts and on the Town of Scituate website on the Planning Board web page under proposed bylaw changes. Any person wishing to comment on these proposed zoning amendments should appear via **REMOTE ACCESS due to COVID-19 protocols** at the public hearing at the time and date designated above. Written comments on the zoning amendments will also be accepted by the Planning Board prior to the public hearing. The Planning Board office is available at 781-545-8730 for further information.

Ms. Burbine said the proposed change is so “content” for signs is not regulated; most everything else is the same. The current bylaw is unconstitutional; this bylaw has been vetted by a consultant and Town Counsel.

Ms. Joseph indicated there have been some grammatical changes made by Town Counsel, but is essentially the same as what was previously proposed last spring.

Public Comment:

Ms. Linda Ferguson, resident at 57 Kings Way and representative of the Advisory Committee asked about prohibited Signs, Section 710.4 specifically about interior illuminated signs. Does it refer to signs that are inside the window and illuminated or illuminated from within the sign. Ms. Burbine provided an example, the sign at the nail salon in North Scituate has an open sign on a switch in the window that is okay, signs on the outside of a building and lit from within are not allowed.

Ms. Joseph suggested the wording could be changed to make it clearer in Section 710.4.G.

Ms. Burbine gave an example of the sign at the Public Safety building as an internally lit sign, that is only allowed because it is a municipal building.

Ms. Ferguson mentioned the signs at Seaside at Scituate on Hatherly and Tilden as being internally lit. Ms. Joseph said the signs are not 100% internally lit and the bylaw currently allows them because it is in a Residential District. They have been asked to turn down the brightness and they have complied. The Board worked to address the problem.

Motion:

Ms. Burbine moved to close the public hearing for proposed zoning amendments for Section 710 – Signs.

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 1.28.21

Ms. Lambert moved to approve the meeting minutes for January 28, 2021.

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 #2106693 (\$131.04), PO #2106670 (\$1,797.00), PO #2106417 (\$1,415.00)

Ms. Lambert moved to approve the requisition of \$131.04 to Gate House Media for 418 Country Way legal ad, for \$1,797.00 to Horsley Witten for peer review of Seaside at Scituate Phase 2, for \$1,415.00 to Chessia Consulting for peer review of 48-52 New Driftway Gas Backwards.

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 Reports:

CPC – reported by Ms. Burbine:

- Discussion about purchase of property on Chief Justice Cushing Highway on hold until further review of the Appraisal
- Stonewall on Country Way not moving forward
- Steps down to beach at North Scituate not moving forward
- Beach nourishment at North Scituate on hold, more information needed

- Herring Brook Berm on hold till the next meeting in March
 - Engineering needs to be done
 - Could be much more than \$45K requested, more like \$200K plus

Master Plan – reported by Mr. Bornstein:

- Meeting with Advisory Committee held on 2.10.21
- Reviewed comments with Consultant
- Will not present at Town Meeting until Fall 2021
- Moving forward to get DRAFT completed, contract with consultant expires in June 2021
- Will send to Planning Board, other Boards and Departments in next few months for additional comments
- Next step coming to Planning Board for review and public comment

Public Hearing – Zoning – Section 754 – Fair Housing and Affordability

Documents

- PDF TC filed Current Bylaw Section 754
- PDF TC filed Legal Ad Section 754
- PDF TC filed Redline Version Proposed Amendment. Section 754

Ms. Burbine read the public notice.

Notice is hereby given pursuant to M.G.L. Chapter 40A Section 5 that a Public Hearing will be held by the Scituate Planning Board on Thursday, February 11, 2021 at 6:45 P.M. via REMOTE ACCESS to consider amendments to the Scituate Zoning Bylaw as described below. These amendments will appear as articles on the Warrant for the Annual Town Meeting commencing April 12, 2021. All references below refer to sections of the Zoning Bylaw.

Section 754 - Fair Housing and Affordability Standards

Amend Section 754 Fair Housing and Affordability standards so it applies to more than five (5) units in all districts with the requirement that land under common ownership for housing developments cannot be segmented to avoid this requirement.

The text of the current Zoning Bylaw and the complete text of the proposed amendments to the Zoning Bylaw are available for inspection during the normal hours of business of the Scituate Town Hall at the offices of the Town Clerk and the Planning Board at Town Hall, 600 Chief Justice Cushing Highway, Scituate, Massachusetts and on the Town of Scituate website on the Planning Board web page under proposed bylaw changes. Any person wishing to comment on these proposed zoning amendments should appear via REMOTE ACCESS due to COVID-19 protocols at the public hearing at the time and date designated above. Written comments on the zoning amendments will also be accepted by the Planning Board prior to the public hearing. The Planning Board office is available at 781-545-8730 for further information

Ms. Joseph indicated the Board has requested and it has been recommended in both the 2015 and 2020 Housing Production Plans that Inclusionary Zoning be added. She said the Town has always

had some type of inclusionary zoning, i.e. in the Village Business Overlay District for affordable units; the Board is now proposing to expand it to include all developments with 6 units and above. Five or fewer units would not require affordable units. Scituate's subsidized housing inventory is currently 5.1%, 10% is the State mandate. The Board is proposing to expand inclusionary zoning so that it applies to more zoning districts and more developments. Currently the bylaw does not apply to several of the Town's development areas.

Ms. Lambert said she has done some research and opined the Advisory Board's question/concern about cost is not the Planning Board's purview to make sure it is affordable for developers. It is the Board's purview to make sure there is affordable housing for everyone. She said lots of research shows it does not have a detrimental effect on the development as it is about 1% and in a unit of five or more units developers spread that cost across the rest of development. She opined there has been a lot of gentrification of Scituate and affordability is a non-tangible goal for a lot of people. She said her position on the Planning Board does not support that "we" not allow all kinds of people to live here.

Mr. Bornstein said he agrees with Ms. Lambert and opined this is an important and good revision to the existing bylaw. He said the Housing Production Plan of 2015, the current Housing Production Plan, and Master Plan all point to the need of affordable housing. He opined the Board should move on this because the goal is to have an inclusive community that provides a variety of housing types and meet the State mandate. He discussed 40B's and the pressure to the Town; anything that can be done to work towards the goals of having an inclusive community and getting away from 40B's is a win for the Town in terms of planning. He opined the revisions are good and supported by information from other Towns and will be supported by a lot of people in town.

Ms. Lewis and Mr. MacLean agreed with points made by Ms. Lambert and Mr. Bornstein.

Mr. Pritchard agreed with Mr. Bornstein and opined the Board should be making steps on this and this is a small incremental step, but it is worth trying to move the needle forward. He said the affordable housing issue is a much bigger issue than changing the target by a couple of individual units that trigger providing one affordable unit. He said this will help move in the right direction, but he opined it would not make a material impact on staving off 40B type facilities. He does not think it is making too much of a burden on development and there are plenty of examples around the area that this is the target and is in support of it.

Public Comment:

Mr. Mark Fenton resident at 25 Crescent Avenue thanked the Board for their continued work on this issue. He said he did some research at the Board's request from the last meeting. He indicated this is aligned with the last version of the Master Plan and the current process of updating the Master Plan as he is on the Advisory Committee. He said any improvement the town can make on affordability is important. He said this moves from an incentive-based, density bonus program in restricted areas to include the entire town that's not an insubstantial effort. He discussed some of the information he found; best inclusionary programs are a part of a more comprehensive approach to affordability, they don't stand alone.

He discussed his findings:

- Developers can't afford to develop and housing production goes down or there is an increase in prices

- Further research suggest that does not happen
- There are aspects of programs that preclude such problems
 - Inclusionary policies work best where there are strong housing markets
 - Mandatory programs are better than voluntary programs
 - This is what is being proposed, with trigger size
 - Predictability is important
 - Once put into bylaw developers have a clear picture of what is expected and when requirements kick in so they can adjust their calculations accordingly
- Some evidence of “fee in lieu” approach
 - Developer allowed to pay money into an affordable housing fund
 - Risky - money goes into a fund and it “may” be spent on affordable housing
 - Potential to have clusters of affordable housing
 - Goal of this proposal is to distribute affordability and get more heterogeneity in housing
- Looks like the Board is following best practices

He commended the Board for their work on this and testifies strongly he is in support of the proposal.

The Board thanked Mr. Fenton for providing the additional research.

Ms. Joseph indicated she spoke with Town Counsel regarding the new housing initiative that has just come out from the Department of Housing and Community Development (DHCD). Town Counsel advised this public hearing should be continued to review and understand the impact of the directive on this proposed bylaw and North Scituate Village Center and Neighborhood (VCN) District.

Ms. Burbine mentioned an article in the Boston Globe that speaks about housing choices being pushed by Governor Baker. She said it is very applicable to the next hearing for the North Scituate Zoning article.

Motion:

Ms. Burbine moved to continue the public hearing for proposed zoning amendments for Section 754 – Fair Housing and Affordability Standards to Thursday February 25, 2021 at 7:15 pm

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

Public Hearing – Zoning – Village Center & Neighborhood District, North Scituate and Housekeeping Items

Documents

- PDF TC filed Clean North Scituate. VCN
- PDF TC filed Current Zoning Map
- PDF TC filed Legal Ad. North Scituate VCN
- PDF TC filed North Scituate Map Description
- PDF TC filed North Scituate Map VCN
- PDF TC filed Redline North Scituate VCN
- PDF enlargement existing zoning map
- PDF Larger Enlargement existing zoning map
- Email dated 2.11.21 with comments from Aaron Cutler regarding North Scituate Zoning

Attendees: Chris Kuschel, MAPC

Ms. Burbine read the legal notice.

Notice is hereby given pursuant to M.G.L. Chapter 40A Section 5 that a Public Hearing will be held by the Scituate Planning Board on Thursday, February 11, 2021 at 7:00 P.M. via REMOTE ACCESS to consider amendments to the Scituate Zoning Bylaw as described below. These amendments will appear as articles on the Warrant for the Annual Town Meeting commencing April 12, 2021. The intent of the changes is to add a new Village Center and Neighborhood District (VCN) in North Scituate and do some housekeeping to delete sections previously changed by adding a VCN and to make the VCN bylaw more user friendly. All references below refer to sections of the Zoning Bylaw.

1. Amend All Sections – change all references throughout the bylaw accordingly from General Business (GB) District to Business (B).
2. Amend All Sections – remove Harbor Business (HB), Commercial(C) and Residential Multi-family (RM) districts throughout the bylaw accordingly.
3. Amend All Sections – change Board of Selectmen throughout and replace with Select Board throughout the bylaw accordingly.
4. Section 200 Definitions - Amend Definition of “Cottage Court” – delete number of bedrooms.
5. Section 310 Types of Districts – add a new Village Center and Neighborhood District to include North Scituate Village (NSV) and its subdistricts.
6. Section 320 Location of Districts– clarify Location of District map by adding current zoning map date of April 8, 2019 and add previously approved Humarock Village Overlay Business District (STM November 5, 2019) and add North Scituate Village Center and Neighborhood District and its subdistricts.
7. Section 420 Table of Use Regulations– amend the table to include titles of the districts for the Village Center and Neighborhood District by adding a title Greenbush-Driftway Gateway District to the table and add North Scituate Village (NSV) and its subdistricts and uses to the

Table of Uses.

8. Section 490 Planned Development District– Delete Section 490 Planned Development District in its entirety as it was previously replaced (ATM April 9, 2019, STM November 2019) with the Village Center and Neighborhood District - Greenbush-Driftway Gateway District.
9. Section 560 Village Business Overlay District– remove all references to North Scituate as a Village Business Overlay District and its boundaries, uses and requirements.
10. Amend Section 580 - add North Scituate Village (NSV) and its subdistricts as a new Village Center and Neighborhood District (VCN) with requirements and design and development standards; update Greenbush-Driftway allowed Building Types in the VCN District in Table 1 and Table 2 and delete the maximum dwelling units per building under Bulk Standards.
11. Section 720 Common Driveways - correct Standards of Review listed in 720.1 from Section to 770.5 from 770.6
12. Section 750 Design Review for Business, Commercial, Mixed Use and Multi-Family Development - re-organize to make more user friendly by separating Design Standards and Design Guidelines and adding a new North Scituate VCN to be included in the building types and design standards and building activation encroachments. Delete ordinances in Figure 12 Building Activation Encroachments and replace with Bylaws.
13. Section 751 Low Impact Development Standards – Amend Section 751.3 B. 4. To add “as applicable” for use of native landscaping and delete the excess words “The maximum” in Section 751.3 H. 1.
14. Section 753 Public Realm Standards – Update Table 1 – Public Realm Design Standards to clarify street width components and sidewalk components.
15. Amend Section 754 Fair Housing and Affordability Standards – Delete sentence on bedrooms in Section 754.6
16. Amend Section 760 Parking – clarify parking to so that use of Table 1 and Table 2 is clarified and update Table 2 for restaurant use and delete Place of Assembly in Table 2.

The text of the current Zoning Bylaw and the complete text of the proposed amendments to the Zoning Bylaw are available for inspection during the normal hours of business of the Scituate Town Hall at the offices of the Town Clerk and the Planning Board at Town Hall, 600 Chief Justice Cushing Highway, Scituate, Massachusetts and on the Town of Scituate website on the Planning Board web page under proposed bylaw changes. Any person wishing to comment on these proposed zoning amendments should appear via **REMOTE ACCESS due to COVID-19 protocols** at the public hearing at the time and date designated above. Written comments on the zoning amendments will also be accepted by the Planning Board prior to the public hearing. The Planning Board office is available at 781-545-8730 for further information.

Mr. Kuschel presented the proposal. Refer to ATTACHMENT A.

Ms. Burbine acknowledged that she has a business in North Scituate, The New Upholstery Shop, and has been there for 30 years and has no monetary interest in anything that may happen down the road. She said her concern is for the Town; the zoning needs to be dealt with, this has been going on for a very long time. She opined North Scituate has been the poor relative with regards to other places in town being taken care off, updated etc. with the idea that there should be no competition for the harbor; North Scituate is a viable, wonderful place to be and with these changes whether sewer comes or not it will enable necessary growth, necessary changes that will work for the future. This is for the future; it may not be perfect with a parcel here and there that people have asked to be deleted, but she opined she is not sure that makes sense.

Ms. Lewis commended Mr. Kuschel for his presentation.

Mr. Bornstein opined that Chris, MAPC and Town Planning have done a great job pulling this bylaw together. He opined it is a strong bylaw and charts the course for the future. He is in support of it.

Mr. MacLean asked about the architectural styles in the presentation that had received the most support; Mr. Kuschel did not know the architectural styles of the buildings.

Mr. Pritchard said he is generally in favor of this and opined it is a transition from the Greenbush area and it is appropriate that the Board do the same for North Scituate; the same approach has been adopted. He said he does not have an opinion on the density.

Ms. Lambert agreed with all the above.

Ms. Joseph indicated the Board will have a discussion on the changes to Chapter 40A that states each MBTA community shall have a zoning ordinance or bylaw that provides for at least one district of reasonable size in which multi-family housing is permitted as of right. She said the question for the Board will be does the Board want to jump up to 15 units/acre by right in North Scituate now and is North Scituate the district the Boards wants it to be in. She said Town Counsel has advised that the Board continue this hearing so that more information can be reviewed.

Mr. Pritchard asked if the development in Greenbush meets the density requirements. Ms. Joseph indicated no. The density is currently 12 units/acre by right with 24 units per acre maximum by special permit, the density would have to be increased and would have to be done at a Fall Town Meeting.

Public Comment:

Ms. Susanna Hofmeister, resident at 4 Jason's Lane thanked the Board for all their hard work in preparing this for North Scituate. She said she had the opportunity to participate in all forums and surveys and likes that there is opportunity for input. She said she also represents the Economic Development Commission (EDC) and Friends of North Scituate Village. She said the proposed changes are critical to revitalization of North Scituate after the sewer comes for development. She asked if the density at 15 units/acre will make the buildings taller, she believes the height is only allowed at 3 stories; would there be any impact on the building heights. Mr. Kuschel said no; he opined that going from 12 units to 15 units on such small parcels with height requirements, parking requirements, open space, etc. may be difficult to the get to the 15 units.

Ms. Hofmeister also commented that she likes the buildings to be set back so there can be tables, outdoor dining, strolling on wider walkways through the village; there is competition with Cohasset Village and other villages which have a lot of outdoor dining space. She would like to see whatever is developed that the buildings are set back and there is space up front. Mr. Kuschel indicated there is; on the map there is a dotted red line representing a pedestrian frontage zone which is already defined through the VCN, part of it is ground level activation, i.e. public seating, etc., cars could not be parked in the front yard setback.

Mr. Aaron Cutler resident at 58 Mordecai Lincoln and property owner of the old Hingham Institution for Savings Bank, 400 Gannett Road, opined what has been done is great. He has commented in the past about the parking. He said it will be very difficult for redevelopment from Country Way down to Mordecai Lincoln without some kind of parking solution and hopes it can be addressed in the future.

Mr. Mark Fenton, resident at 25 Crescent Ave. said he agrees with Ms. Burbine that this is forward looking zoning and the Board has done great work on it. He said from his work around the country people are using form-based codes or hybrid form-based codes; it is incredible work done and getting ahead of it before sewer comes is great. He said acknowledging the village center and outer village is a really good way to address concerns of residential pushing out commercial. He asked for clarification that the setbacks do not allow for cars in the front yard; Mr. Kuschel confirmed that is correct.

Motion:

Ms. Burbine moved to continue the public hearing for proposed zoning amendments for North Scituate VCN and VCN Housekeeping to Thursday February 25, 2021 at 7:15pm.

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

Ms. Burbine thanked everyone for all their hard work; this if for the future.

Discussion/Vote – Historical Preservation Policy

Documents

- PDF Proposed Policy Historic Preservation
- DOC Draft Motion Form Historic Preservation 3
- DOC Proposed Policy Historic Preservation

Ms. Joseph indicated this policy had been worked on last year, COVID hit and the Board was awaiting comments from the Historical Commission. The Commission has come back and said they are in support of the policy as written.

Motion:

Ms. Burbine moved to that the Planning Board adopt a standard policy for review of any project that proposes to provide “public benefit” through the preservation and/or restoration of a building or structure for Historic Preservation purposes:

- 1) Any project subject to a special permit or site plan review which is proposing to provide, as a public benefit from the project, the Historical Preservation of building(s) and/or structure(s) shall submit with their application the following: i) photographs of the existing condition of the historic buildings and/or structures they are proposing as a Historic Preservation public benefit; ii) a description of the existing structure and its historical significance; iii) any information on the Massachusetts Cultural Resource Information System (MA CRIS); iv) a narrative detailed description of the proposed work on the historic buildings and/or structures including all proposed interior and exterior work (collectively, the “Historical Preservation Public Benefit Submittal”).
- 2) The Planning Board will distribute a copy of the Historical Preservation Public Benefit Submittal to the Historical Commission for review and comment.
- 3) The Historical Commission shall endeavor to provide written feedback to the Planning Board on the Historical Preservation Public Benefit Submittal prior to the public meeting to discuss the submittal.
- 4) It is recommended a member of the Historical Commission shall attend a Planning Board meeting to help determine the "public benefit" of the proposed Historic Preservation Public Benefit Submittal. Should the Planning Board and Historic Commission agree that such “public benefit” is acceptable, the following steps would be required to finalize the specific public benefit or the Historical Public Benefit Submittal:
 - a. The proposed buildings and/or structures shall be evaluated by a historic preservation consultant or historic architect as approved by the Historical Commission and Planning Board to determine and confirm the historical significance of a property (e.g. see the evaluation of the Wetherbee House, by Wendy Frontiero for 50 Country Way for an example of such an evaluation). The evaluation should consider whether the property conforms with the existing building code and/or zoning and the specific positive impacts the preservation of the building will have to benefit the public. This evaluation/review process will occur during the Planning Board public hearing/meeting process for a Historical Preservation public benefit. All such input and public comment shall be delivered and reviewed by the Planning Board prior to issuing any decision on the project. All costs for third party consultants shall be paid for by the Applicant.
 - b. If the Planning Board decides that there is significant public benefit to the proposed historic preservation of the buildings and/or structures, such building and /or structures would be treated as if they were listed on the National Register of Historic Places and will therefore need to conform to the latest version of the U. S. Secretary of the Interior’s guidelines for preservation found at <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf> (as may be amended from time to time).

- c. As a condition of the Planning Board's approval of the proposed project with the approved public benefit, the Applicant shall provide any necessary extensions for the issuance of a building permit in order that a final review of the documents can occur by a historic preservation consultant or historic architect that is approved by the Planning Board in consultation with the Historical Commission. The Building Commissioner, Planning Board and Historical Commission shall be given this information. The Planning Board approval shall be conditioned with the requirement that the Building Commissioner must have approval of the Planning Board and Historical Commission prior to issuance of a building permit.
- d. A final review of the historic preservation work by the Applicant by a historic preservation consultant or historic architect will determine if the standards and treatment guidelines were followed. This report must be reviewed and approved by the Historical Commission and Planning Board prior to a Certificate of Occupancy being given for the historic public benefit structure. If conditions were not met, a meeting shall be held with the Planning Board, Historical Commission, the historical consultant, the Building Commissioner and the applicant to determine why and consequences. No Certificate of Occupancy shall be given until the public benefit has been met.
- e. The Planning Board will require a cash surety provided by the owner in an amount determined by the Board based on the proposed work and public benefit, in addition to other surety required for the project, to be held by the Town Treasurer until the Planning Board and Historical Commission agree the public benefit is completed in accordance with the Permit and a Certificate of Occupancy has been issued.

The Planning Board will require a cash surety provided by the owner in an amount determined by the Board based on the proposed work and public benefit, in addition to other surety required for the project, to be held by the Town Treasurer until the Planning Board and Historical Commission agree the public benefit is completed in accordance with the Permit and a Certificate of Occupancy has been issued.

Mr. Pritchard 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

Planning and Development – reported by Ms. Joseph:

- Clubhouse at Seaside at Scituate seeking a temporary Certificate of Occupancy (CO)
 - Inside is complete
 - Exterior bike rack and landscaping is not complete
 - Condition that bike rack must be complete prior to occupancy
 - Need to get into clubhouse for the mailroom because Toll Brothers running out of temporary mailboxes

- Clubhouse houses the mail room and secure package room
 - All mail would be received in one location versus temporary mailboxes scattered around the site.
- Horsley Witten had no objection, still work to be done and Town is holding surety
- Pool would not be part of the CO
- No pervious pavement at the clubhouse
- No As-builts have been received
- Intent is once a temporary CO is given then can use the entire clubhouse
- Bike rack, landscaping, As-built are not complete
 - As-built can not be done until all landscaping and bike rack are installed
- Temporary CO would be six months, anticipated everything would be done within the next 6 months
- Board asked to just give TCO for the mail room and no other part of the building
 - If not able to get TCO just for the mail room, then Toll will need to get more mailboxes.
- Board was concerned giving the TCO would diminish Ms. Joseph's ability to get things done
- Ms. Joseph indicated there is still surety being held and they will not get more back until things are complete
- Board left it up to Ms. Joseph's discretion
- February 25th, ZBA will be hearing Section 6 finding for 1 Mill Wharf
 - Theater is going out of business
 - Want to replace with 4 condominiums and 900 sq. ft. of retail space
 - Recommend the Board write a comment letter that a Site Plan Review will be needed for a change of use
 - Originally got a Site Plan Review from the Planning Board
 - In 2001 got Section 6 finding from ZBA to reduce the size of the theater and have condominiums and associated condominium parking
 - Eliminating retail use on the first floor and replacing with residential
 - Allowed in the district - condominiums are single family dwellings
 - First floor theater use will be changed to residential and retail in the back
 - Ms. Joseph to send all information from the ZBA and work on comment letter
 - Comment letter to say that Planning Board review will be required
 - The Board questioned if the rest of the units will ultimately become residential too
 - Parking – less demand on parking than theater parking
 - Residential is overnight versus theater that comes in and out
 - Parking proposed for Cole Parkway and Mill Wharf parking lot
 - Parking for the current 28 units is not enough
 - Units park in the Welch Company lot as well as their own
 - New units should have to park in Welch Company lot
 - No overnight parking is permitted in Cole Parkway
 - Concerns over flooding
- Notification of ENF to MEPA for MBTA reduction of service
 - Contradictory to SmartGrowth and new housing directive

- Speaking to Town Administrator as to who/if will send a comment letter
- Housing Initiative new directive from State
 - First time in 45 years Chapter 40A has been changed
 - MBTA community must have one district in which multi-family is permitted as of right
 - Minimum gross density of 15 units/acre, subject to further limitations imposed by Section 40 Chapter 131 and Title 5
 - Does the Board want it to apply to all the VCN's, just Greenbush, just North Scituate?
 - Room in the existing legal ad for North Scituate to change the number to 15 units/acre from 12 units/acre
 - Municipal alert from Murphy Hesse Toomey & Lehan, LLP about votes need for Special Permit requirements
 - Unclear if North Scituate multi-family housing by right could be approved by majority vote or 2/3rds vote at town meeting, because of the way it is written
 - Town would not be able to apply for certain grants if don't have multi-family by right somewhere and proposed density requirement of 15 units/acre
 - Housing Choice Initiative Grants, Local Capital Projects Funds, Massworks Infrastructure
 - Guidance indicates all MBTA Communities will be deemed in compliance until more specific guidance is developed and made available
 - Ms. Joseph opined Town is largely there with current VCN and proposed VCN need some further review in next couple of weeks
 - Ms. Joseph referenced the Municipal Alert from Murphy Hesse Toomey & Lehan
 - Municipal Alert says - special permit may be issued by a simple majority vote versus a 2/3 vote for certain projects
 - multi-family housing within ½ mile of an MBTA station where at least 10% of units are affordable for at least 30 years
 - Not clear where directive of 10% affordable came from cannot find in DHCD directive
 - Town Counsel recommends continuing the public hearing to further review
 - Current zoning 12 units by right for multi-family within ½ mile of MBTA, both Greenbush and North Scituate, at 8 units affordable housing is required
 - Proposed change would make affordable unit requirement at 6 units and above
- Next meeting will have public hearing on the Fee Schedule

Documents

- Email to the Board from Shari Young dated 2.5.21 with meeting agenda 2.11.21 and DRAFT minutes 1.28.21
- Email to the Board from Karen Joseph dated 2.5.21 with meeting materials for Zoning – Signs, Fair Housing, and Village Center & Neighborhood District (North Scituate and Greenbush), and Historic Preservation
- Email to the Board from Shari Young dated 2.11.21 with meeting materials for Zoning.

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 8:45 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

Ann Burbine, Chair

Date Approved: February 25, 2021

ATTACHMENT A

North Scituate Village Center Zoning

February 11, 2021



Introduction

- Project overview**
- Process**
- Background**

Project Overview

- Rezone North Scituate Village
 - Part of VCN zoning in advance of sewer
 - Ensure development “fits” with New England village
 - Expand development options for landowners
- Fixing VCN issues
- Fixing other bylaw issues

Project Process



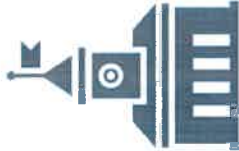
Review North Scituate Vision Plan (2016)



Draft zoning



Public feedback



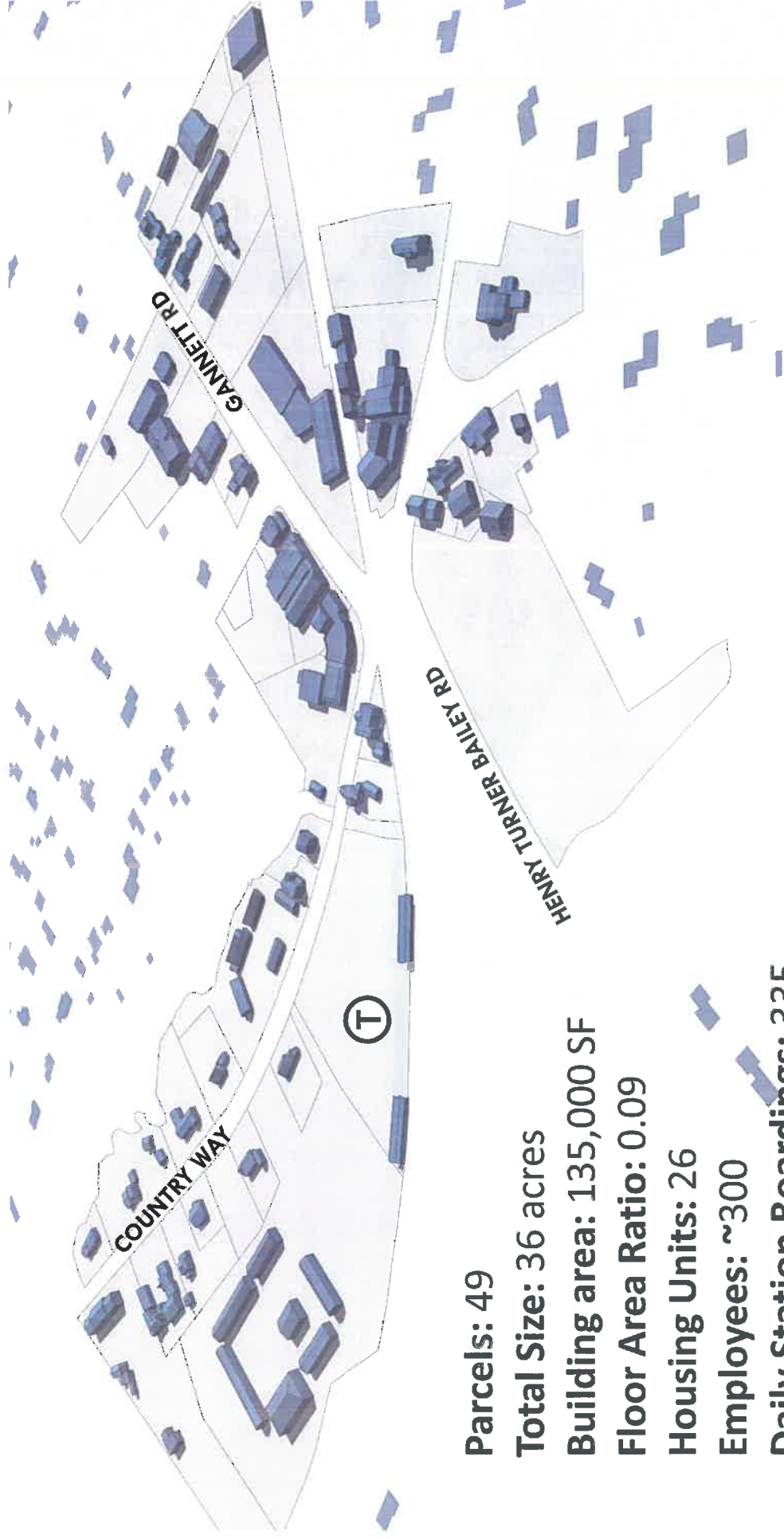
Town Meeting

- Kick-off forum (April 24, 2019)
- Committee meeting (June 22, 2019)
- Committee meeting (October 2, 2019)
- Second forum (November 20, 2019)
- Planning Board Workshop (January 6, 2020)
- ...hiatus...
- Committee meeting (November 30, 2020)
- Stakeholder meeting (January 6, 2021)
- Planning Board workshop (January 14, 2021)
- Public Hearing (February 11, 2021)
- Spring Town Meeting (TBD)

Study Area



Study Area



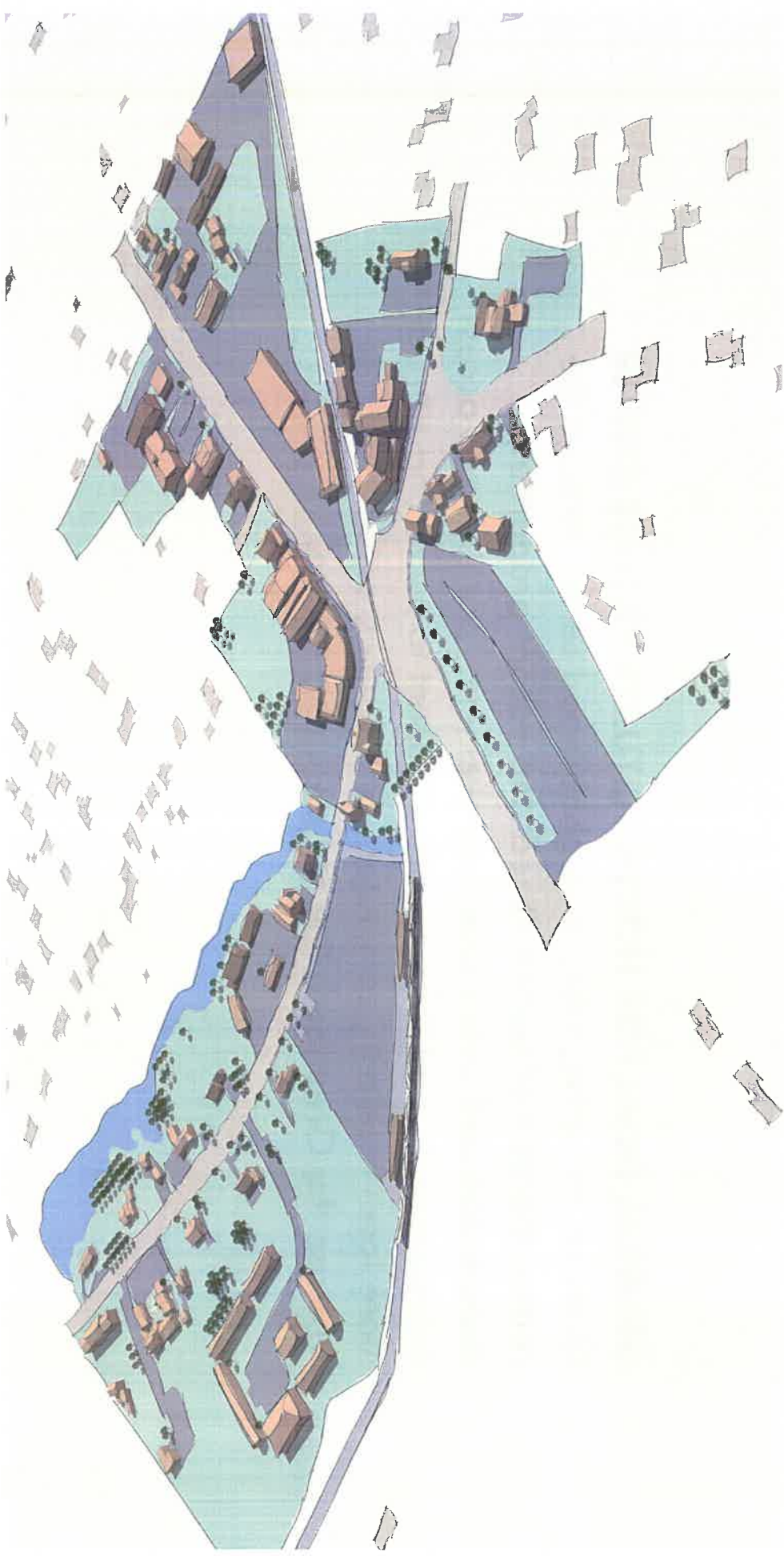
Parcels: 49
Total Size: 36 acres
Building area: 135,000 SF
Floor Area Ratio: 0.09
Housing Units: 26
Employees: ~300
Daily Station Boardings: 335

North Scituate Village Vision

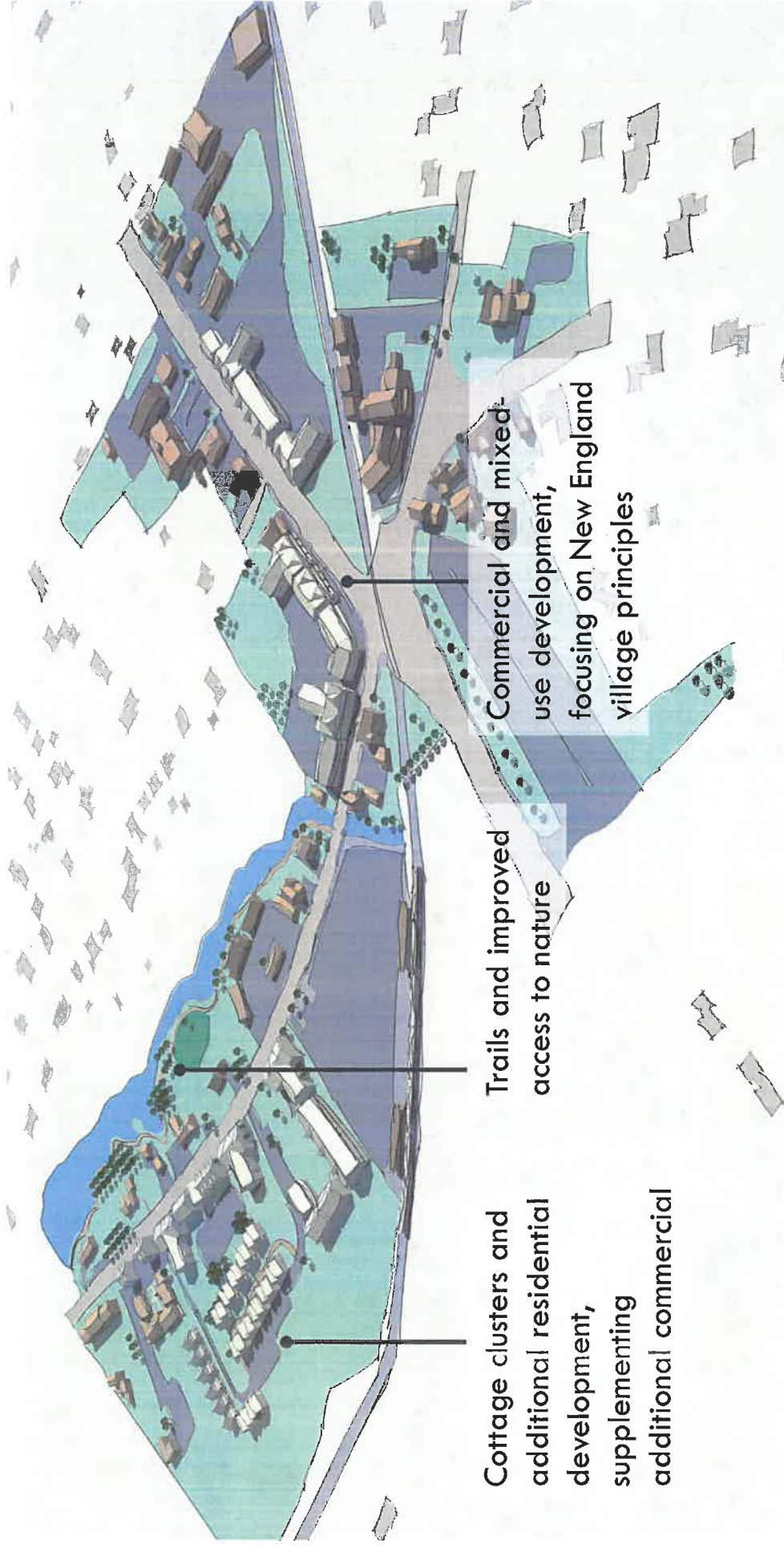
GENERAL GOAL FOR NORTH SCITUATE VILLAGE CENTER

Grow as an active, vibrant neighborhood center through the redevelopment of underutilized and vacant properties, streetscape and civic space improvements, parking and access enhancements, and business development to serve and attract more local residents, commuters, and visitors, especially those who use the Greenbush line for work and leisure.

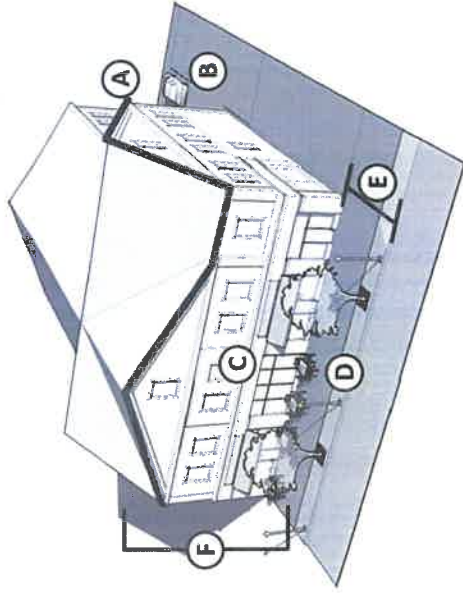
Example of future vision



Example of future vision



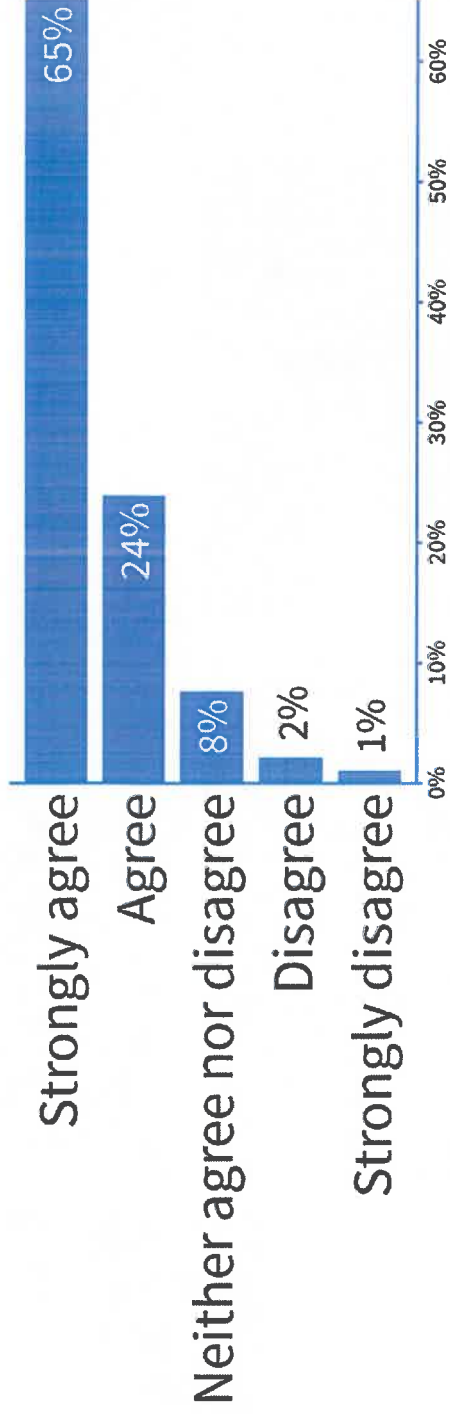
Recap from Public Input



- (A) Traditional roof lines
- (B) Parking located in rear or side
- (C) Façade oriented to street
- (D) Attractive streetscape
- (E) Minimal setbacks
- (F) Height, massing, articulation appropriate for location

Priorities: All new buildings in North Scituate should follow traditional New England village patterns, not just mixed-use development

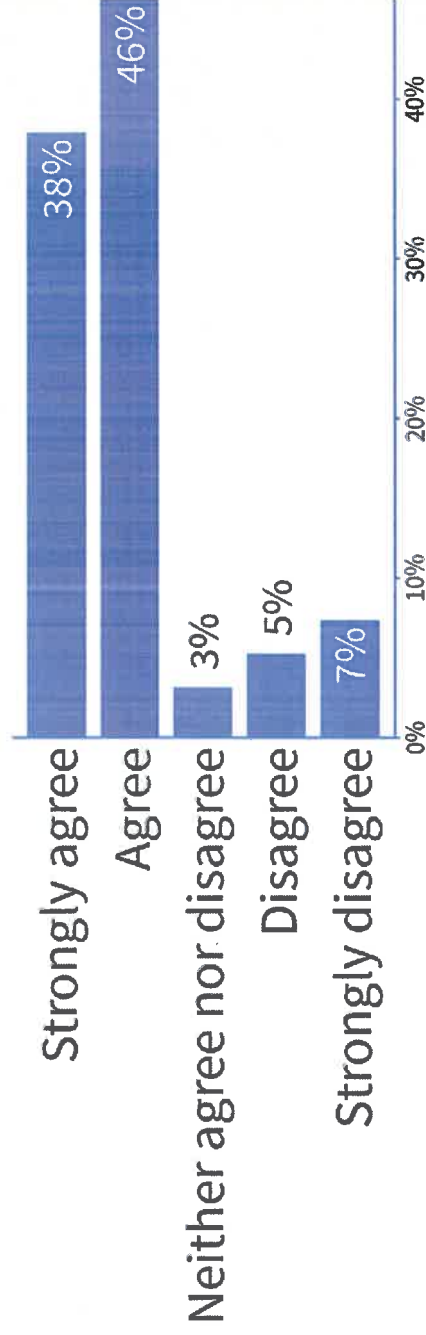
When poll is active, respond at [Pollev.com/mapcmgtg](https://pollev.com/mapcmgtg) ☐ Text **MAPCMTG** to **22333** once to join





Priorities: North Scituate Village should diversify its housing stock (mixed-use, multi-family, townhouses, cottage clusters)

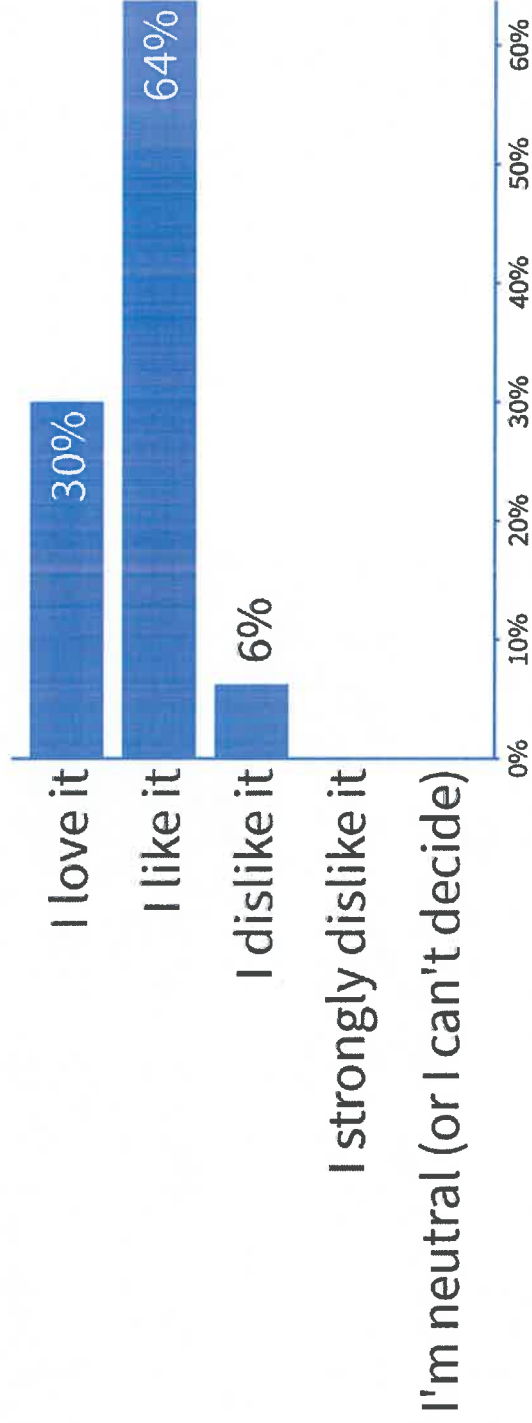
When poll is active, respond at [PollEv.com/mapcmtg](https://poll.evo.com/mapcmtg) ☐ Text **MAPCMTG** to **22333** once to join





Built environment: 1) Would this type of development fit in North Scituate?

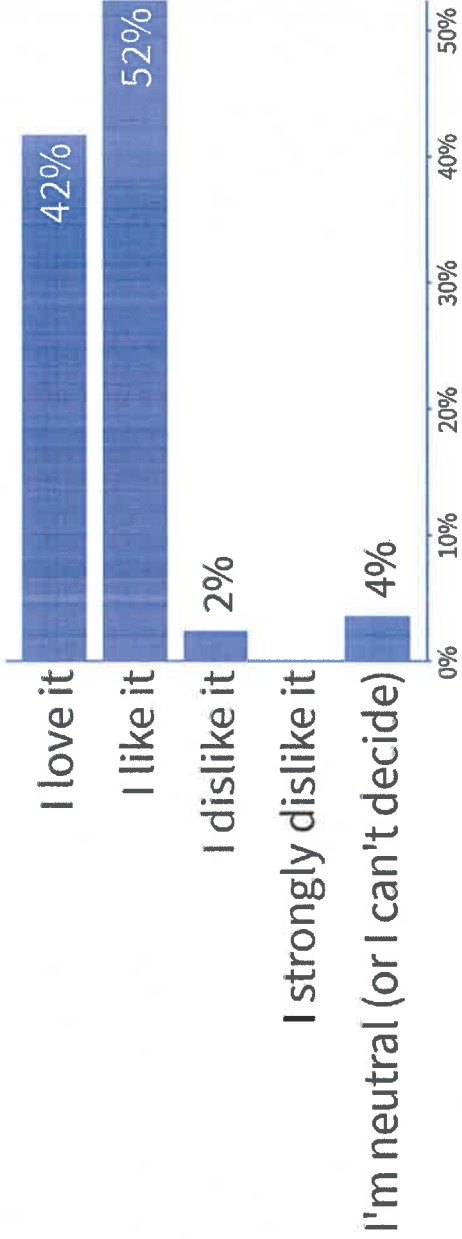
When poll is active, respond at Pollev.com/mapcmgtg  Text **MAPCMTG** to **22333** once to join



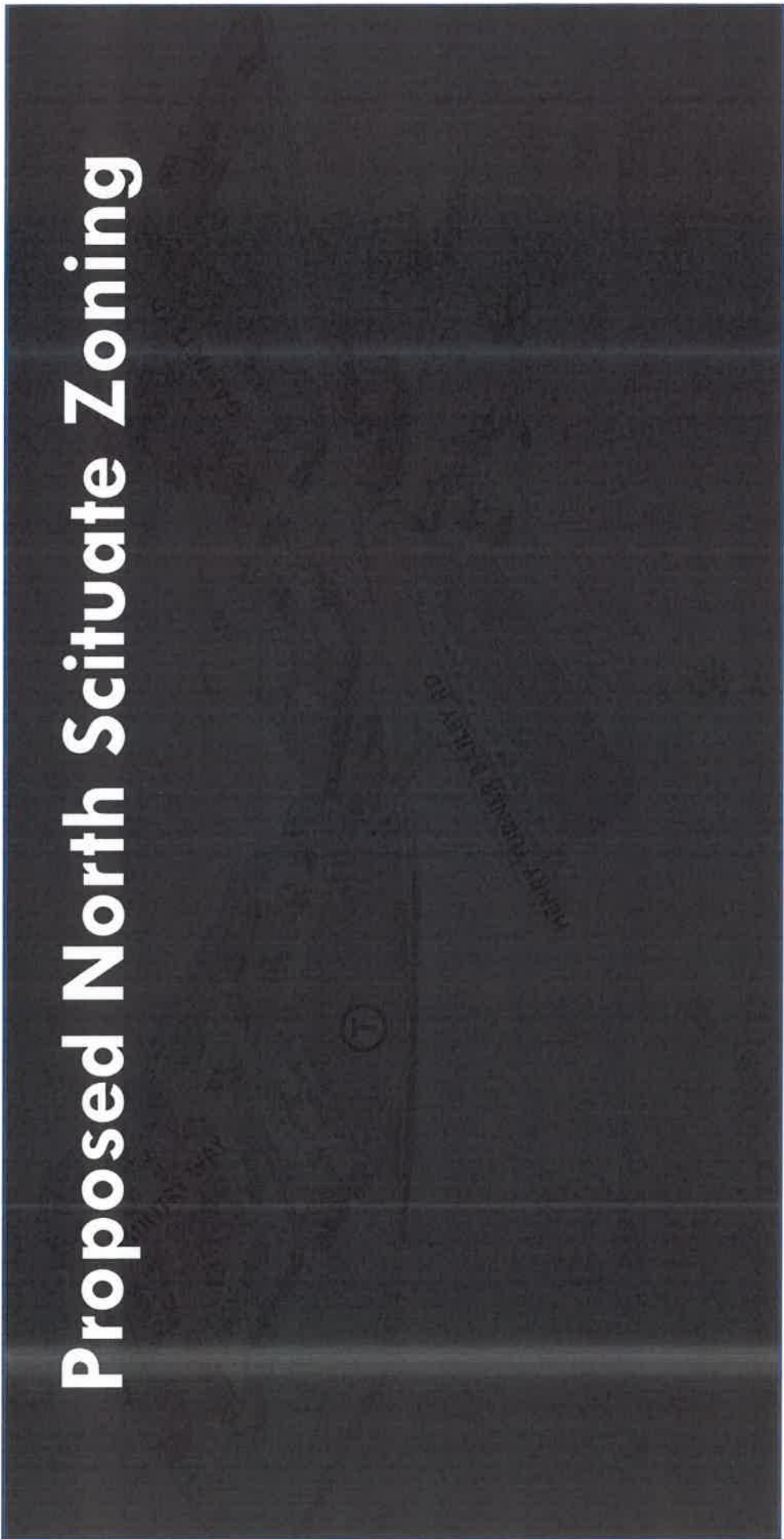


Built environment: 4) Would this type of development fit in North Scituate?

When poll is active, respond at PollEv.com/mapcmtg Text **MAPCMTG** to **22333** once to join



Proposed North Scituate Zoning



Village Center & Neighborhood Districts

North Scituate Village will be part of the Town's VCN

- Adopted in spring 2019 Town Meeting (incl. Greenbush)
- VCN provides a framework for the Town's villages
- Promotes context-sensitive development that reflects scale, design, and uses appropriate for each village
- Includes sub-districts within each village
- Standards provide for:
 - Allowable building types
 - Design standards
 - Open space requirements
 - Roadway standards (if applicable for new streets)
 - Parking requirements

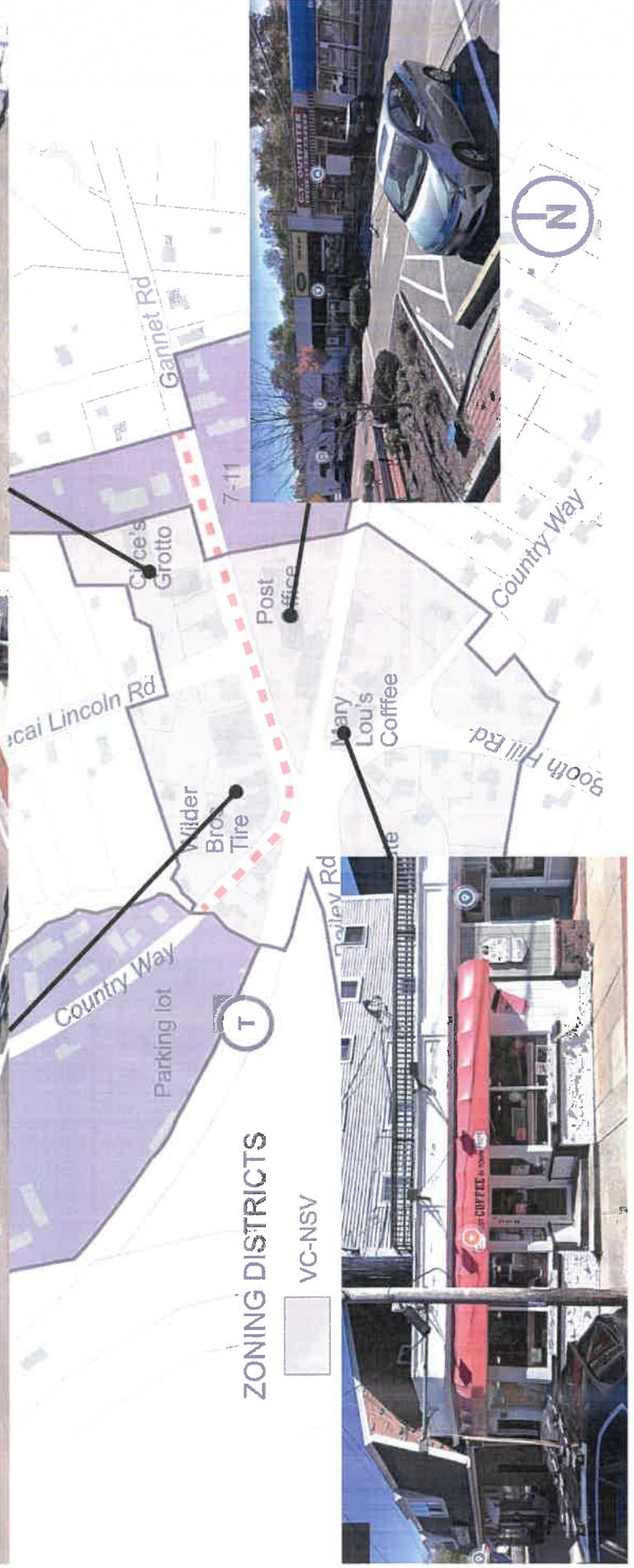
North Scituate Village Subdistricts

VILLAGE CENTER & NEIGHBORHOOD (VCN) ZONING DISTRICT
CONTAINING THE NORTH SCITUATE VILLAGE DISTRICT (NSV) AND
SUBDISTRICTS VC AND OV
Prepared by Metropolitan Area Planning Council

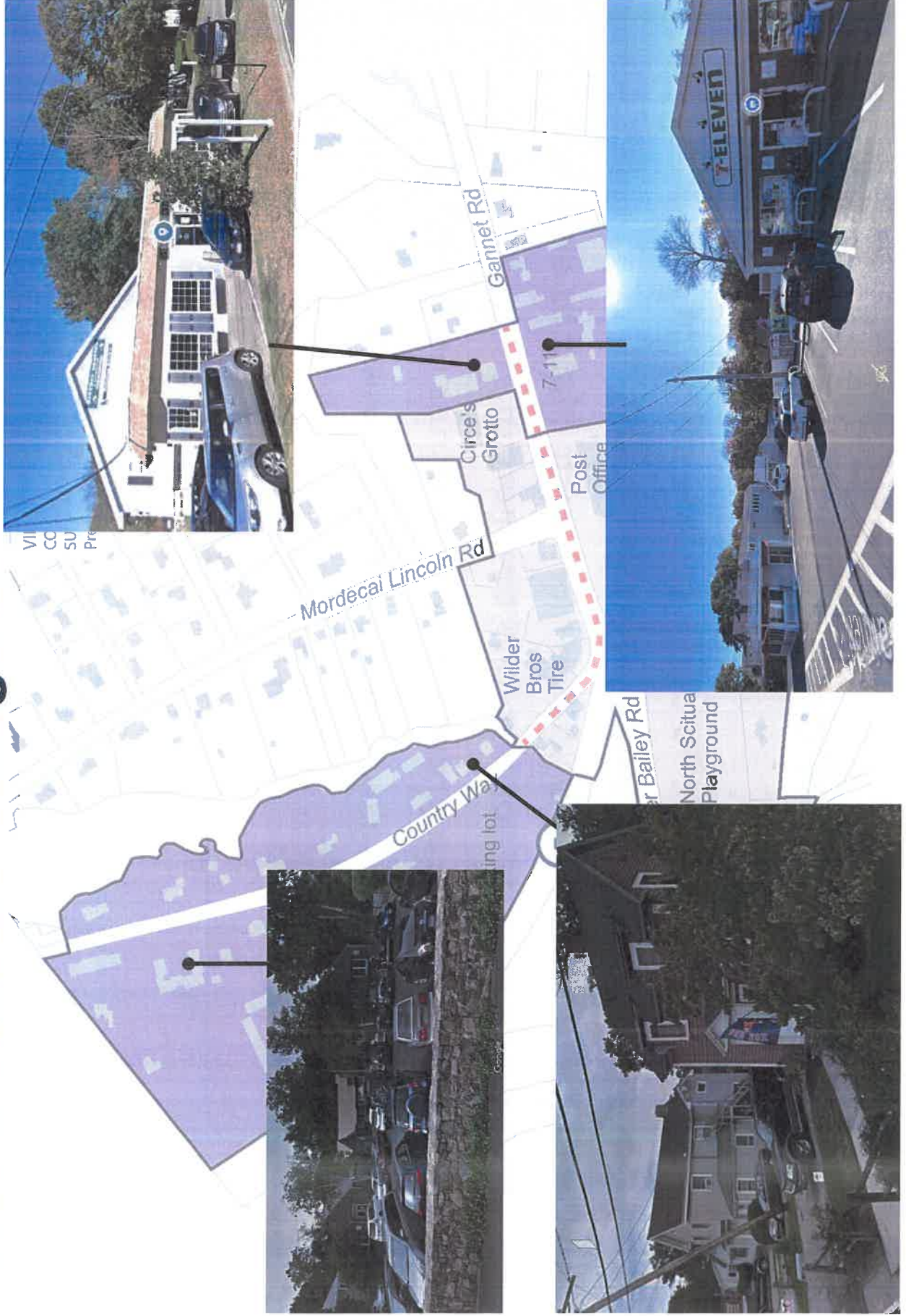


North Scituate Village Subdistricts

VILLAGE CENTER & NEIGHBORHOOD (VCN) ZONING DISTRICT
CONTAINING THE NORTH SCITUATE VILLAGE DISTRICT (NSV) AND
SUBDISTRICTS
Prepared by M...



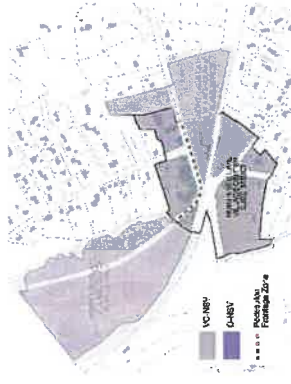
North Scituate Village Subdistricts



North Scituate Village Uses

- Intended to be flexible to allow a wide array of uses compatible with a walkable, mixed-use district
- Village Center sub-district has more restrictions to ensure residential uses do not displace commercial
- All existing uses are grandfathered in under new zoning
- In VCN, properties must comply with both uses and *form* of building

North Scituate Village Center Subdistrict



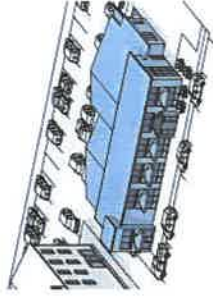
The “commercial core” of North Scituate Village. Intended to promote commercial activities, especially small businesses, allow mixed-use development, and encourage active forms of getting around.

Allowable building types



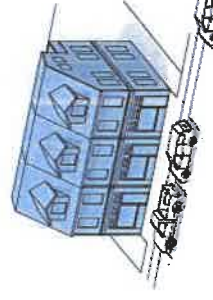
Mixed-Use

Ground-floor commercial with residential or office above



Commercial

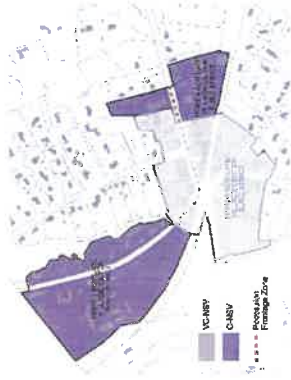
Businesses on all floors; may be multiple businesses



Live-Work

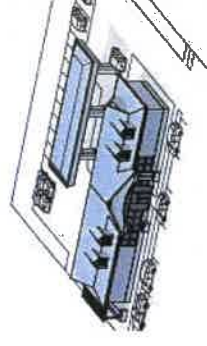
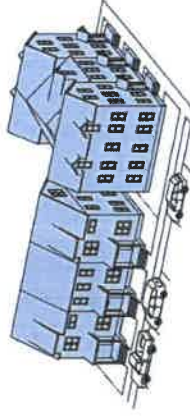
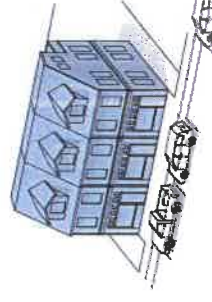
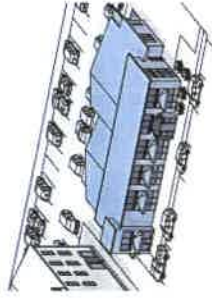
A ground-floor business with the owner living above

North Scituate Village Outer Subdistrict



Similar to the Village Center district but provides additional building types to promote housing, which can add vitality to the district and directly support Village businesses.

Allowable building types



Cottage Cluster

Small homes sited close together, typically around shared open space

Single Family Attached

Townhomes and rowhouses

Multi-Family

Multiple residences in a building. Requires a special permit

Gas Backwards

A gas station with a site design more appropriate for a village, with pumps behind the building

Density

TABLE 2 - VCN RESIDENTIAL DENSITY BY BUILDING TYPE & DISTRICT

RESIDENTIAL/MIXED USE BUILDINGS		D.U.s PER ACRE (BY RIGHT/BY SPECIAL PERMIT)							North Scituate Village	
		Greenbush-Driftway Gateway								
		GWB	NRN	GVC	DBP/NRCR/DCR	NDTV				
		Y/SP	Y/SP	Y/SP	Y/SP	Y/SP			VC	OV
1.	Single-Family Detached Dwelling Units	NA	NA	4/8 ⁴	NA	NA			NA	NA
2.	Single-Family Attached Dwelling Units ¹	8/16	8/16	8/16	NA	12/20			NA	12/20
3.	Two-Family Dwelling and Cottage Courts ²	NA	8/16	8/16 ⁴	NA	NA			NA	12/20
4.	Multi-Family and <u>Mixed Use</u> Buildings	12/24	12/24 ³	12/24	NA	16/36			12/24	12/24

Design standards modifications for North Scituate

Where there is a conflict between this Section 580.9 and Sections 580.3 or 750.6, the star **Or 15??** apply.

1. Minimum outdoor amenity space coverage is 15% for all building types. The Planning Board may allow a further reduction in required outdoor amenity space in exchange for payments toward public benefits improvements.
2. Front yard minimum build-to-zone is 0 feet for all building types.
3. Minimum side setbacks for all building types except Gas Backwards is 0 feet if a common wall with adjacent building.
4. Minimum street frontage for Multi-Family Building is 40 feet.
5. Minimum street facing wall width for Multi-Family, Live-Work, Mixed-Use, and Commercial Buildings is 40 feet.
6. Maximum building footprint for all building types except Gas Backwards is not applicable.

Additional Zoning Modifications

Changes to VCN

- Clarified design standards vs guidelines
- Fixed issues with parking requirements
- Changed references from “ordinances” to “bylaws”

Changes to Other Parts of Bylaw

- Removed references to districts no longer in town
- Changed references to “Select Board”
- Fixed references to VCN

Questions + Comments

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