

## **SCITUATE PLANNING BOARD    MINUTES    February 22, 2024**

Members Present: Patricia Lambert, Chair; Rebecca Lewis, Vice Chair; Ann Burbine, Clerk; Stephen Pritchard and Patrick Niebauer 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.

### **Documents**

- 2/22/24 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chair Lambert indicated there was a posted agenda. Mr. Pritchard seconded the motion for the posted agenda a vote was taken the vote was unanimously in favor.

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**Continued Public Hearing – Site Plan Administrative Review and Special Permit for 4 Multi-Family Buildings and Stormwater Permit in the Village Center and Neighborhood District – North Scituate Village District – Outer Village (VCN-NSV-OV) - 817 Country Way  
Assessor's Map/Block/Lot 12-2-38-F  
Applicant/Owner: Option C Properties, LLC**

### **Documents**

- PDF 2024-01-24 Response to TEC Peer Review Comments dated 2024-01-18- 817 Country Way
- PDF SH 1-10 from Site Plan – 817 Country Way – 2024-01-30
- PDF SH 11-20 from Site Plan – 817 Country Way – 2024-01-30
- PDF SH 21-32 from Site Plan – 817 Country Way – 2024-01-30
- Email dated 1.29.24 817 Country Way Accessible Routes
- Email dated 1.31.24 Accessible Routes & Revised Plans
- PDF 9620 K Grady Sight Distance Mitigation 013124 w Appendix
- Email dated 2.6.24 with Sewer Department Comments – REVISED Plans 1.31.24
- DOC Draft Motion
- DOC DRC-letter of recommendation 817 Country Way
- PDF 817 Country Way Catch Basin Review
- PDF 817 Country Way Catch Entrance Review
- PDF 817 Country Way-Peer Review #8 Traffic – 2-20-2024
- PDF 9620 K Grady Sight Distance Mitigation 013124 w Appendix
- PDF 9620 K Grady Updated Sight Distance Mitigation 021524
- DOC DRC – letter of recommendations 817 Country Way
- DOC DRAFT Motion Form 6<sup>th</sup> Continuance

- Email dated 2.7.24 817 Country Way – Accessible Routes & Revised Plans

Attendees: William Ohrenberger, Attorney; Kevin Grady, Grady Engineering; Jamie Kelliher, Architect; Chris Bruce, Owner; Kenny Sanchez, Owner; Sean Stockbridge, Owner; Scott Thornton, VAI Traffic Engineers; Kevin Dandrade, Town's Consultant- Traffic; Bryan Bertram, Town Counsel; Ethan Dively, Town Counsel

Mr. Ohrenberger gave an update on what has happened with the project since the last meeting.

- Conservation continued their meeting with the Applicant, but they are ready to close the meeting and are moving along
- Design Review recommendations are consistent with what was expected
- Requesting waiver for the Monitoring Agent information
  - Agent will be MetroWest consistent with other projects in the area
- Affordable units are spread out across the 3 buildings
  - Plans will be labeled with locations
  - Three 2-bedroom units
  - One 3-bedroom unit
  - One 1-bedroom unit
  - Building 1 – Unit #1 - 2 bed-room unit
  - Building 2 – Unit #4 - 2-bedroom unit
  - Building 3 – Unit #13 - 3-bedroom unit, Unit #2 -1-bed-room unit
- DPW recommendations for granite curbing the applicant agrees to
- Applicant reached out to DPW regarding tying into the catch basin
  - Stormwater complies with the Bylaw
  - Applicant is proposing overland and will not tie into the catch basin
  - Applicant understands the standard condition that if the stormwater system is not working as designed the Applicant will have to come back and correct it.
- Applicant is not requesting a Special Permit for Building Length
  - Applicant has made a request to the Building Commissioner to opine if a Special Permit is needed for the length of the building of Building 1, the existing building
  - Town Counsel is here to listen to the meeting and the facts and will provide a written opinion if a Special Permit is needed or not

Mr. Grady explained there have been several peer review letters and DPW comments he has prepared a response to the comments. TEC comments were received on 2.20.24 for the site and traffic and they have not yet had time to review and update the plans. Mr. Grady addressed some of the comments.

- Hand railings will be added on the accessible ramps, details will be added to sheet 32, railing lines will be added
- Roof drain pipes will have a foot of cover over them
- Pipe connections to the manhole in the layout at the Cohasset Town Line
  - Applicant will NOT connect to it, would be required to replace the whole man hole and they do not want to do that
  - Stormwater has been analyzed and the post development site flow is reduced to the catch basin
  - Will go overland with a crushed stone swale

- Snow storage too many spaces being covered with storage
  - Storage area will be reduced to leave open the required number of spaces
  - Snow plow maneuvers where discussed
    - Snow plow and front-end loaders would be used to move snow around
  - Snow storage to take up 8 parking spaces throughout the site, down from 14 spaces
- Applicant will agree to provide a detailed construction sequence prior to the start of work
- Tactile warning devices at the end of handicapped ramps will be added
  - Applicant will adhere to DPW requirements
  - Detail and specifications to be added to the plan
- Accessible routes
  - One main accessible route, follows the main travel way
    - Starts at the entrance on Country Way follows the driveway all the back to Building 3
  - Building 2 can be accessed from the accessible spaces from the front and the rear
  - Building 3 accessible spaces are near the front door, there is no accessible route to the backdoor, more of stepping stone layout

Ms. Burbine asked how people will enter Building 1, will there be ramps, currently there are stairs. Mr. Grady said Building 1 is an existing building and is not set up for accessibility, but the 2 new buildings are completely accessible. To make it ADA compliant is not feasible. Mr. Grady further explained how people can move throughout the site.

Ms. Burbine questioned why there are 2 accessible spots near the front building if it is not ADA accessible and suggested they be moved up, so the land can be used for the entrance and address the sight distances.

Mr. Grady said they are required to have 6 accessible parking spaces and they are spread throughout the site, there are walkways that are usable to get into the building. Mr. Grady said there could be visitors for Building 1 that could get into the building with assistance. He said is he happy to talk about moving them and they are going to discuss moving the driveway. He continued down his list of items.

- Walks must be 48" wide, ramps are all 5' wide with railings
- Curbing and handicapped spaces are compliant
  - There are curb stops so curbing is not needed
    - Pedestrians are protected
  - Ms. Burbine asked the applicant to consider bollards, because curb stops do not stop cars going into buildings
    - Applicant will review
    - Building 3 is the only building where sidewalk and the building are close together
- Building Commissioner questions double catch basin at the end of handicapped spaces; he opined it is not ideal.

- Applicant to review further, the basins are upgradient of the parking spaces and the accessible aisle
  - Mr. Grady does not think it can move
- Applicant to provide updated numbers for impervious coverage
- Affordable unit locations have been determined and will provide which units in writing
- Table updated to match for rear setback on Sheet 2
- EV charging station to be added, 2 spaces
- Dry sewer connection will be removed from the existing conditions sheet
- Condensers, fencing, planting and drainage swale
  - Condensers for Building 2 and 3 on the ground will be fenced in
  - Fence detail to be added to the landscape plan
- DPW comments date 2.15.24
  - Connection to the catch basin, no longer requesting connection
  - Will provided detail to an existing drywell
    - Surveyor mislabeled and it a distribution box
    - Will be re-labeled on the plan
    - It is functioning
    - Applicant to provide more information on the existing sump pump for Building 1
  - Intersection of the driveway and access
    - Crosswalk will be done in thermoplastic paint
    - Vertical granite curb to be installed within the layout
    - Concrete handicapped ramp to be installed to MASSDOT standard on both sides of the entrance including the landing pad.
    - Cast-ironed landing panels to be used
    - Applicant agrees to all the above requirements/DPW comments
- Peer review comment suggest to move the driveway 10' to the north to increase the sight distance to the south
  - Mr. Grady explained with moving the driveway, the handicapped parking closest to Building 1 would have to be relocated
  - Some green space would be added and they could reduce the number of parking spaces by 2 and not add additional impervious surface, etc. if the Board would like.

Mr. Pritchard asked if moving the driveway will provide adequate sight distances. Mr. Grady said their Consultant Mr. Thornton thinks there is adequate sight distance to begin with, but the discussion was how far off the travel lane. He opined no one really stops 14' back in reality on a driveway like what is being proposed. He said on these driveways you tend to creep up and in reality, it is 9'-10'. He said in moving the driveway over it will elongate the site distance, but the Traffic Engineers can explain what they have discussed.

Mr. Thornton, applicant's Traffic Engineer, said that they would have to check where the final driveway ends up in order to determine what the sight distance becomes. He said when the driveway gets shifted further away from the retaining wall, which is the limiting factor there is an

improvement that is probably greater than 1:1. He said once the final driveway layout is determined then they will be able to measure out what the actual sight distance is.

Mr. Dandrade, Town's Consulting Traffic Engineer, said that Mr. Thornton has acknowledge that the retaining wall impacts the sight lines, but the severity to which it impacts them and the application of the AASHTO standards is where there is some disagreement. He said there are a couple different factors, the speeds along Country Way, documented speeds from the data from the VAI report shows the traffic is around 37 mph even though the speed limit is 25 mph it is not well signed. He opined the applicant was trying to maximize what they could do in the current driveway location. He said in the most recent letter dated 2.20.24 he reiterated for the Board that there was an opportunity to shift the curb cut to the north; he believes that will help the sight line and open it looking to the south. He said they have also discussed making sure it does not compromise the sight line to the north towards Cohasset. Mr. Dandrade said the guidance he has provided is that there is only one reference point to the vantage point in the AASHTO guidelines, 14.5' back from the edge of the travel way. He said with the vantage point and the potential to add the speed control measures, better posting of the speed limit and driver feedback signs that may help to drop the effective operating speed of this section of Country Way. He opined it will require both to be successful. He said he looks forward to reviewing the update if the driveway is shifted. He said there is a combination of speed mitigation and/or driveway location and/or the property owner to continue to work with property owner to the south and see if there is opportunity to pull back the retaining wall to the south in the future.

There was discussion about where the radar signs would be located. He said they could be anywhere within several 100' of the driveway to influence the speed characteristic. He said the research shows the specific type of device may mitigate the speeds by 10%-20% so it still needs to be carefully observed; it is not well signed today so the combination of the posted speed limit with new retroreflective signs and the driver feedback signs will do some to mitigate the speed that is currently out there today. He opined it warrants a detailed plan to demonstrate the adjusted curb cut location to meet the stopping sight distance for an approaching vehicle based on a reasonably mitigated speed characteristic is part of the formula the applicant's team will have to put together to follow up with comments from peer review on this topic.

Mr. Thornton showed a graphic and explained that on the north bound side of Country Way there are not a lot of options because there are a number of curb cuts and driveways between the project driveway and locations to the south. He referenced the graphic and said it is in the proximity of a commercial building, he said they are trying to find locations to install the signs that are less obtrusive to the neighbors. Putting it in front of commercial building is less of an issue than putting it in front of a residence. He said putting it in any location within 500' of the driveway should have an effect on the vehicles on Country Way both north and south bound. Mr. Dandrade agreed with Mr. Thornton's commentary.

Ms. Joseph asked how long the signs last and what the maintenance is like. Mr. Thornton said they will provide that information, but typically they are solar setup and self-contained so they are a set and forget. Mr. Pritchard asked who will take care of them; Ms. Joseph said she assumes the rental management company of the property.

There was continued discussion about where the ADA spaces could be moved to on the site.

Mr. Niebauer commented about the affordable units and suggested the applicant look into making sure that there is no issue with affordable units if Building 1 is not ADA compliant and accessible. It could be an issue for whomever is subsidizing the affordable units.

Ms. Joseph provided a list of additional items the applicant needs to provide.

- Full list of waivers that are needed
  - Mr. Grady said he may need some assistance with that list
  - Waiver needed for not providing the information on the affordable units
  - Waiver for parking not 5' behind the building may be resolved with change in the driveway layout
  - Waiver for impervious surface in the front yard
    - Applicant to confirm one is not needed
- Board will be requiring Surety on the project
- Renderings are misleading
  - Sidewalks on the property are not concrete they are bituminous pavement; is the Board okay with that. The Board did not comment.
- Trash truck movements
  - Mr. Grady showed how the truck will go in and back up
    - Truck will have to back out all the way between Building 1 and 2, straight shot
  - Trash pickup should be scheduled so it is not in peak pedestrian times
- Pedestrian Circulation
  - Need to come to some resolution on how residents can get to the train station safely
  - The Town does not have plans to put in a sidewalk in this location in the near future
  - The Board has worked within Greenbush to come up with a fund to provide pedestrian improvements from financial contributions from permitted projects.
  - The Board would be open to a financial contribution for this project

There was continued discussion about safe pedestrian access and the possibility of a path from the property through Lincoln Park to the MBTA Station. Mr. Ohrenberger said they have no control over the properties adjacent to them; it is an existing situation. He said the problem is there isn't room for a sidewalk in front of this property. He said they looked at it and figured it would be over \$24,000 and they would be willing to provide that to some sort of fund to be aggregated for when some kind of solution is determined.

Ms. Lambert said the Board has to plan for 25-50 years, that is their job and it is what they have been doing in Greenbush. She said the Board can look at a fund to help convince the Town Administrator and DPW to work/think about sidewalks in the future for North Scituate.

Mr. Ohrenberger said the cost and expense is somewhere around \$24,000 and they can't nor do they want to build the sidewalk. Mr. Grady said there is the pinch point with the Cohasset town line, sewer may come there, the road needs to be straightened out and if they were to build a sidewalk it would probably get ripped out and realigned. Mr. Ohrenberger said there would have to be eminent domain takings. Ms. Joseph said it would never happen without sewer.

Ms. Burbine suggested there could a pathway similar to Greenbush with bollards, it could be gravel, etc. that could go from the corner of the property behind Lincoln Park to the driveway and then people could walk down the driveway to the MBTA station.

Mr. Ohrenberger said that is another authority and they have explored everything, He said he is reticent to do anything with a third part that they have no control over. He said they have tried with the adjacent property and they have not been able to come to an agreement.

Ms. Lambert said the Board cannot make them put in a sidewalk and it is not the Boards prevue to do that; it is the Town's responsibility, but it is going to be an issue. She said personally she would never put a sidewalk in front of the existing building, but as she was looking at the drawing she was wondering who owns the property behind 809 Country Way; the Housing Authority owns the property. She said there is no easy way to resolve this and the Board is open to suggestions.

Ms. Joseph said the Board may be looking for a monetary contribution based on real numbers; the Board would be short sighted if they let a project go through just because the applicant has no control of putting in a sidewalk right now.

Ms. Lambert said if there is a monetary contribution the Board will be asking everyone else that comes after for the same thing. Mr. Ohrenberger said this is not a Special Permit, it is a by-right project and there is a difference. The issues are whether this project can be built or not and if not he does not understand why they have been here for the last year. Ms. Lambert said the issue the Board needs to make sure of is that it is safe for people, that is their first priority and the Board plans for the long-term.

Discussion continued as to what would be appropriate for a monetary contribution; Mr. Ohrenberger said if it is \$50,000 or \$75,000 then that is a problem for the project. Mr. Ohrenberger said they would contribute \$25,000 that is their number. Ms. Lambert said she has a number in head that was a little higher, but she would accept the \$25,000, if the rest of the Board agreed.

Mr. Ohrenberger complained about the requirement for granite curbing. Ms. Joseph said that is a standard under the Subdivision Control Laws in the Town of Scituate. Mr. Grady complained that there is nowhere to look that information up, this is not a subdivision and it is a year later and they are just getting comments from DPW about granite curbing and concrete sidewalks with handicapped ramps. Ms. Joseph said this has to do with constructability standards, how are the ramps, etc. constructed.

The applicant offered a \$25,000 contribution; the Board agreed to accept the applicant's contribution of \$25,000.

Ms. Joseph asked the applicant to explain what is happening with Building 1.

Mr. Ohrenberger said they are not altering the building and referenced Section 750; this is an existing building, he said they are putting a façade on the building to try and make it look the same. He quoted the bylaw, "a change in the design material color" he said they want a waiver for that under Section 750.50. He said these things are guidelines and this is what the DRC (Design Review Committee) wants them to do. He said this is an existing building and they are not looking to modify it.

Ms. Lambert indicated that a letter was written to the Building Commissioner on behalf of the applicant which argued that a Special Permit is not needed. Ms. Lambert said the applicant was told at the last meeting that was something that was under review and that the Board would grant the Special Permit. The Board understands the applicant does not want a Special Permit. Mr. Ohrenberger said if there is a waiver that is fine.

Ms. Joseph said it is not a waiver, the bylaw specifically says it is a Special Permit and that is why the Board needs to understand exactly what is being done to the building and then Town Counsel will opine on what is required.

Mr. Ohrenberger said it can be waived by the Board. He opined to interpret this otherwise would mean that every existing building would be a tear down; this is an existing building where the façade is being changed as the DRC recommends to make it look “prettier”, they are not altering it, cutting it, moving it, he said otherwise buildings would be torn down. He said the bylaw says the Board can waive anything with the exception of building height.

Ms. Joseph said Town Counsel is here and will opine on the issue. She reiterated what the Applicant wants to do with the building; they want to re-side the building to make it look like the new buildings. That is all the applicant plans to do. Ms. Joseph said Town Counsel will take that under consideration and will provide a written decision.

Mr. Ohrenberger continued to say that 48 Section 7 is very clear on who the authority is, the Building Commissioner makes the decision and if someone does not like that decision they go to the ZBA (Zoning Board of Appeals).

Mr. Bertram, Town Counsel, said he has been asked to provide a written decision. Mr. Ohrenberger continued to argue if the Charter/State Law is being followed or if something else is going on here. He said he does not want to be seen as someone trying to undermine Zoning Enforcement.

Mr. Bruce indicated that many of the windows have already been replaced.

Ms. Burbine asked if Building 1 will have air conditioning or splits; the applicant indicated no.

Ms. Lambert commented that the market will dictate how that goes. Mr. Ohrenberger said if something changes then the applicant would have to come back for a modification and a finding with the ZBA.

Ms. Joseph said there are missing roof pitches, she cannot find them for Building 2 and asked for a final set of architectural drawings. Mr. Kelliher said the pitches are on the plans; he will email to Ms. Joseph.

*Public Comment:*

Mr. John DeWaal resident at 431 South Main Street, Cohasset, said he was surprised that the applicant is backing off with connecting to the drain. He said they have lived there for 30+years and a lot of water runs down from their property and adjacent property down Mordecai Lincoln and into the pond. He said he is concerned that they are backing away from that. Ms. Lambert said if it is not working the applicant will have to come back. Ms. Joseph added that the applicant is not increasing the rate or volume of runoff leaving the site, so that is a major criterion of the stormwater system.



Mr. DeWaal said it had previously been mentioned that the drainage is already inefficient, it was thought that in order to accommodate all the runoff there was an agreement to look into that plan.

Mr. Pritchard said that the applicant has said that the post construction flows are less than what it is today and it should not make it any worse.

Mr. DeWaal said if there is an agreement to look at it afterwards that is fine.

Ms. Kathy Desjourdy resident at 429 South Main Street, Cohasset, commented that in TEC's most recent peer review letter to the Board dated 2.16.24 comment #93 TEC commented about the drainage and said it is a critical issue that must be resolved. She asked if TEC feels this issue has been resolved or it is still an issue. Mr. Dandrade spoke on behalf of TEC saying that comment #93 said optimally there would be connection and that still remains the optimal condition, but TEC acknowledges the applicant is reducing or retaining and certainly not exacerbating any of the flows. He said based on the discussion about a sidewalk in the future across the frontage there might be some issue getting the overland to the drainage basin that the Town would have deal with, but he said as the Chair has said there could be a condition that the applicant may have to come back. He opined that would be prudent of the Board, but the optimal scenario would be to have underground connections so the overland is not part of the capacity of the catch basin to receive the water because it is already coming in underground. He said that is their opinion, there has been extensive dialogue on the topic and DPW maintains the system in the road and it is under their purview if they do not want to rebuild it.

Ms. Desjourdy commented on the driver feedback signs, saying obviously they want people to slow down, but they hope it does not intrude on pedestrian passage in front of the site. She also hopes they can be mindful of the proximity to residents since it will be flashing and they will be able to see the flashing from their house. She added there are 3 bushes on the landscape plan that are by the northeast corner of the site by the stonewall and said those bushes are generally overgrown and they are supposed remain based on the landscape plan; she believes they are an invasive species and they are out of control and impede on the pedestrian way and she requests that they be removed and replaced with something more appropriate. Mr. Ohrenberger said they will address that issue with the landscape plan.

Ms. Desjourdy also commented on the stonewall that is at the front of the property and asked how much room there is between the stonewall and the retaining wall because people walk there. Mr. Grady indicated the stonewall is about 2'-3' behind the right-of-way line and there is grass strip between the edge of pavement and the right-of-way that is at least 5', so there is about 8' between the wall in the front. He said he does not think it will impede people walking.

Ms. Desjourdy said whatever conditions there are for approval they need to ensure that landscaping, etc. is maintained.

Ms. Desjourdy asked if the ADA path along the north side of the property is necessary.

Mr. Pritchard asked for further explanation of the landscape issue Ms. Desjourdy spoke about. Ms. Joseph indicated a condition could be made that invasive shrubs on the property should be removed.

Ms. Desjourdy said there is a thick area of invasive species between the properties as well; she does not want trees removed, but perhaps the invasive plants could be removed. Ms. Lambert assured her that it will be addressed in the decision.

Ms. Elise Beaulieu resident of 38 Mordecai Lincoln Road commented that it does not seem that anything is being planned for children standing in front of the property waiting for the bus; if a sidewalk is not going to be put in in front of Building 1 where will the children stand safely. Ms. Beaulieu does not think the speed signs will do much, she used Mordecai Lincoln as an example of people driving too fast, there are 26 children in the area. Ms. Lambert said that is an enforcement issue. Ms. Beaulieu said she has 2 things to say, one is where will the children stand for the bus it is a family project and two how will they do it safely.

Ms. Mia Broderick resident at 42 Mordecai Lincoln Road asked where the school bus is going to turn around, no buses can go over the Mordecai Lincoln bridge, kids that live on Mordecai Lincoln have to down to the corner of Gannett Road. Ms. Burbine said they are not, the bus goes down Country Way takes a left on Henry Turner Bailey Road, takes a right on 3A goes down to Beachwood and then a right on to South Main and goes down through Cohasset and picks up on Country Way.

Ms. Joseph asked the applicant to think about how the kids will wait safely for the bus. Mr. Grady pointed out a potential spot on the plan.

Ms. Joseph gave a brief summary.

- Metro West Collaborative will be the monitoring agent for the affordable units
- A plan with the affordable units will be provided
- The applicant accepts as conditions the DRC recommendations
- The applicant will accept the DPW recommendations for the entrance
- The applicant is going overland for the drainage, it already meets rate and volume
- The applicant is not requesting any Special Permit
- The applicant will provide a list of waivers
- Hand rails will be added to the plans
- The applicant will look at the roof drains and pipe connections to manholes
- Applicant to look at snow storage
- Applicant will accept condition that a detailed construction sequence will be required prior to the start of construction
- There is one main accessible route
- There will be 2 EV charging spaces
- The applicant will look to move the driveway to the north approximately 10' and review sight lines, there will be additional speed signs
  - Condition will be the property manager is responsible for maintenance of the speed signs
- The applicant will provide \$25,000 for a fund for future North Scituate area
- Building 1 is only to be re-sided – opinion to come from Town Counsel on whether a Special Permit is needed

- Condition to remove invasive shrubs
- The applicant has identified a potential bus stop on the walkway
- Surety will be required
- Tactile warning strips will be required
- Applicant to provide verification of not more than 25% impervious surface in the front yard

There was discussion about when to continue the meeting. The applicant needs to submit all material by March 7, 2024.

*Motion:*

Ms. Burbine move to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for 3 Multi-Family Buildings and Stormwater Permit in the Village Center and Neighborhood District – North Scituate Village District – Outer Village (VCN-NSV-OV) until March 28, 2024 at 7:00 pm and to continue the time for action for filing with the Town Clerk until April 26, 2024.

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

#### **Discussion/Vote – Endorsement of Plans – 61 New Driftway**

##### **Documents**

- PDF 14-203 – 61 New Driftway – Endorsement Set Stamped
- PDF 14-203 – 61 New Driftway – Response to Endorsement Set Comments

Ms. Joseph indicated that the applicant has requested an extension for the endorsement deadline which is March 6, 2024.

*Motion:*

Ms. Burbine moved to accept the applicants request to continue the time for endorsement for the Site Plan Administrative Review and Special Permit for a Mixed-Use Building and Stormwater Permit in the Village Center and Neighborhood District – Greenbush Gateway District – New Driftway Transit Village Subdistrict (VCN-GDG-NDTV) at 61 New Driftway for an additional 60 days May 3, 2024 which is beyond the 90 days after the appeal period ended.

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

#### **Vote – Reports to Town Meeting**

##### **Documents**

- DOC PB Report Section 3A MBTA Communities Compliance
- DOC PB Report Section 730.4 Wireless Communication Antennas on Utility Poles

Ms. Burbine read the report to Town Meeting into the record.

*Wireless Communication antennas: Article 17*

The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on January 11, 2024 and closed on the same night. On February 22, 2024, the Board voted unanimously to support passage of the Article at the April 8, 2024 Annual Town Meeting.

The changes to this article allow for clarifications to the existing Wireless Communication Antennas on Utility Poles bylaw. A clarification is proposed to show that a Special Permit from the Planning Board that meets all the requirements of a Major Site Plan Review is needed. This clarifies the discrepancies in the language where a special permit is talked about in one sentence and a site plan review in the next. A Special Permit is needed for these antennas. The Planning Board supports this article. This article requires a 2/3 vote.

*MBTA Communities: Article 17*

The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on January 11, 2024 and closed on the same night. On February 22, 2024, the Board voted unanimously to support passage of the Article at the April 8, 2024 Annual Town Meeting.

The changes in this article allow for the Town of Scituate to become compliant with MGL Ch40A Section 3A of the Zoning Act for Multi-Family Zoning as of right in MBTA Communities. Changes include but are not limited to replacing DHCD with EOHLC throughout the bylaw, adding definitions related to Section 3A/MBTA Communities, adding two Mandatory Mixed-Use Districts, clarifying the Pedestrian Frontage Zone, revising by right densities from 12 to 15 in 3 Greenbush subdistricts, allowing 10% affordable housing in the Village Center and Neighborhood District (VCN) for by-right projects only and eliminating commercial parking in the VCN Mixed Use district for by-right developments only. The Town desires to be a compliant MBTA community to ensure it has the right to apply for funds under multiple grant programs. The zoning changes are minor in nature as the Town previously approved multi-family and mixed-use development zoning in the VCN in 2019 and 2021. The Planning Board supports this article.

The Board approved and signed both reports.

**Minutes**  
**Documents**

No Minutes

**Accounting**  
**Documents**

No Accounting

**Liaison Reports**

**Bylaw Review Committee– reported by Ms. Lambert:**

- Bylaw Committee will act like the Advisory Committee

- Not enough people on the committee

**CPC– reported by Ms. Burbine:**

- Representative from Norwell CPC attended the meeting
  - Provided the CPC with information on how to have people weigh-in on what they would like to see CPC funds used for
- Withdrew Bates/Crosby Parking
- Went through the rescind list of projects and added items
- Scituate Salt Marsh Stewardship Initiative
  - 1,600 marshes that need to be protected
  - Open space
  - Illegal dumping in the marshes

**Traffic Rules and Regulations Committee– reported by Ms. Burbine:**

- Historical Commission proposing a crosswalk at GAR Hall across Country Way
  - TRRC taking it under advisement

**Bicycle Committee– reported by Mr. Niebauer:**

- Looking at ways to make bike paths more accessible
  - Painted bike lanes
  - Better markings of where people are supposed to ride
- Looking at ways to use CPC money and funding

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

- Laurelwood common driveway and stormwater permit at next meeting
- Meeting at end of March will be long meeting, March 28th
  - 817 Country Way
  - Tennis Courts – Public Hearing for Stormwater
  - Accessory Dwelling
- State was looking for information on Shapefiles for MBTA Communities
  - Stuff for preliminary approval sent to the State on 12.20.24
  - Hope to have answers prior to Town Meeting
- Not sure when SAIL Group is coming in
  - SAIL Attorney delayed in providing information to Town Counsel
  - Town Counsel will provide a written opinion as to the path necessary for a building permit
  - Board may only have discretion on parking, setbacks, and few other things
  - Will be a public hearing

There are two open positions on the Planning Board.

**Documents**

- Email to the Board from Shari Young dated 2.16.24 with meeting agenda 2.22.24.
- Email to the Board from Karen Joseph dated 2.16.24 with meeting materials for 817 Country Way, 61 New Driftway and Reports to Town Meeting.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 8:37 p.m. Ms. Lewis seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young  
Planning Board Administrative Assistant

Ann Burbine, Clerk  
Date Approved: March 14, 2024