

## **SCITUATE PLANNING BOARD      MINUTES      March 25, 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 6:31 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**

- 3/25/21 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.

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

A roll call vote was taken to open the meeting.

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

Ms. Lewis was late to the meeting and joined at 7:33 pm.

**Public Hearing – Special Permit Accessory Dwelling – 129 Stockbridge Road  
Assessor's Map/Block/Lot 54-1-41  
Applicant/Owner: Kyle & Eunice Zarycki**

### **Documents**

- PDF 129 Stockbridge Road – Scituate – SP
- Email dated 2.23.21 from Board of Health with comments
- Email dated 2.17.21 from Fire Department with comments
- Email dated 2.11.21 from Tracy Sharkey with pictures of interior of primary dwelling
- Email dated 2.17.21 from Sewer Department with comments
- Doc Transmittal Letter
- PDF Zarycki-Special Permit
- Doc DRAFT Motion 129 Stockbridge Road C
- Doc DRAFT Motion 129 Stockbridge Road D

Attendees: Tracy Sharkey, Guaranteed Builders Inc.

Ms. Burbine read the posted legal ad for the record.

Ms. Sharkey indicated the proposal is for a 1,045 sq. ft. accessory dwelling. She indicated there is some question/concern about the gross square footage to meet the requirement of 40%. She said there has been feedback from the Water Department and the applicant will meet the requirements for connection.

Ms. Burbine indicated there was also comment from the Sewer Department; Ms. Sharkey said the applicant will meet those requirements as well.

Ms. Sharkey explained to the Board how the square footage for the accessory dwelling was determined. She said in addition to the Assessor's card there is square footage in the basement, a laundry room and gym and square footage above the existing bump out that has not been included by the Assessor. She said the applicant has reached out to the Assessor and were told they would come out and measure after construction.

Ms. Burbine asked if the basement is a walk out and finished basement; Ms. Sharkey said it is not a walkout basement and it is partially finished with a gym and laundry area. Ms. Burbine also asked if the attic space was finished. Ms. Sharkey indicated the space is not finished.

Ms. Burbine indicated the attic and the basement cannot be considered part of the square footage at this point; the square footage is 2,106 sq. ft. and 40% of that is about 800 sq. ft. Ms. Burbine said this is trying to add another house on a lot and she cannot endorse that.

Ms. Joseph indicated she had forwarded the Board photographs of the basement and attic space and said the Assessor has offered to go out and measure the home to confirm the square footage and the Assessor has not been contacted by the applicant; based on the photos the Assessor does not believe the spaces are floor area. Ms. Sharkey said she had an email from the Assessors that indicates they would go out after the construction. The Board indicated it needs to be done before construction.

Mr. MacLean did not have any comments.

Mr. Pritchard agreed with Ms. Burbine regarding the square footage; it is not good enough to have the Assessor do it after the fact; it needs to meet the zoning bylaws.

Ms. Lambert concurred.

Mr. Bornstein said there should not be much question, there is a definition of "gross floor area" in the zoning bylaw which states that "attics or cellars not used for human occupancy are not to be included in the area". He suggested there maybe something in the building code aside from the Scituate Zoning Bylaws as to what constitutes a habitable or usable space for human occupancy. He opined the Assessor or Building Inspector needs to make a determination; he is not comfortable until that has been evaluated.

Mr. Pritchard said this is a standard that everyone is held to and it should be done right; the Board is not opposed to a proposal for an Accessory Dwelling, but it must to meet the requirements.

Ms. Joseph added the site is also in the Water Resource Protection District, there needs to be some attempt to infiltrate the water from any proposed roof; water needs to be recharged into the ground.

Ms. Burbine said the applicant has 2 choices; the Board can deny the application because it does not meet the criteria or it can be continued to give the applicants time to meet with the Building Department/Assessors.

Ms. Sharkey indicated “human occupancy” is not defined in the Building Code; habitable space is. She said that is the tricky part because there is a laundry area in the basement and a gym. She indicated this property received a decision in 2012 that had a condition in which an addition was being added to the home to meet the 40%. She said the applicant will meet the 40% it is whether or not the basement qualifies for “human occupancy”, but the applicant will meet the 40% and they will propose some diffuser pits or drywells to catch the runoff from the roof. She said if the Board is not comfortable with making a decision conditional on the 40% then she would request to continue the hearing.

Ms. Joseph indicated the plans must show what the area is; it must be reflected in the plans and it is not, thus the Board cannot condition the 40%. The Board has never conditioned the 40%; all plans have to be presented ahead of time have to show the correct numbers. She said the difference between the 2012 approval and the current plan is the applicant showed an addition to meet the 40%.

No public comment.

*Motion:*

Ms. Burbine moved to accept the applicant’s request for a continuance of the accessory dwelling public hearing for 129 Stockbridge Road until April 22, 2021 at 7:00 pm.

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  
Mr. MacLean – yes

### **Minutes** **Documents**

- Meeting minutes 2.25.21

Ms. Lambert moved to approve the meeting minutes for February 25, 2021.

Mr. MacLean 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

Mr. MacLean – yes

**Accounting**  
**Documents**

PO #2107454 (\$2,081.60), PO #2107563 (\$525.00), PO #2100510 (\$1,142.50), PO #2107931 (\$20.38)

Ms. Lambert moved to approve the requisition of \$1,142.50 to Harriman Associates for consulting services on the Master Plan, for \$2,081.60 to Horsley Witten for peer review services for Seaside at Scituate Phase 2, for \$525.00 to Barret Consulting Group, LLC for work on the sign bylaw, to \$20.38 to WB Mason for office supplies.

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. MacLean – yes

**Liaison Reports:**

**Master Plan – Mr. Bornstein:**

- Commended Ms. Joseph for a very good email with an update on the Master Plan
- Latest DRAFT is available, working on getting final round of comments for end of April
- Some substantive changes have been made
- Everyone please review and get comments in

**ZBA – Ms. Lambert:**

- Residents at 124 Front Street have been to ZBA to discuss having stickered parking on Cole Parkway
  - ZBA going to send a letter to Town Administrator and Select Board
    - Expand overnight parking in Cole Parkway to residents of the Harbor District
  - Discussion if the Marina ever to be expanded there is no room for overnight parking
    - Ms. Burbine suggested parking could be at Jenkins school during the summer and have a shuttle to run people back and forth
- 4 other items on the agenda
  - One withdrawn without prejudice
  - 3 others approved

**Conservation Commission – Ms. Lambert:**

- Commission very busy
- Big project on Tilden Road
  - Across from Rainbow Court
  - 4 houses off long driveway
  - 2 houses proposed to be taken down

- Need to delineate the Wetlands
- Project was withdrawn, Conservation Agent to back out
- A lot of wetlands hearings
- Concerns about people building all over the barrier beach
- Hatherly Country Club putting in a new septic system
  - DEP has not given the project a number
    - Conservation not willing to let project proceed without DEP #
  - System will be a Presby System
    - Smaller system, does not take as much room

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

- Resident concerned about the crosswalks at the roundabout
  - Trying to come up with methodology to slow people down
  - Sean McCarthy to talk to MassHighway and DOT
  - Speed limit at round about is 20 mph
  - Discussion over signage, repainting the crosswalks, etc.
- Shrubbery at the Jacob Hatch House, Country Way and Driftway that needs to be cut back to improve sight distances
- Ms. Burbine pointed out that Scituate was awarded \$400k for Complete Streets
  - Sidewalk to be completed from Huey Road down to Greenbush

Ms. Burbine discussed a phone call she received from a business owner in the Harbor; how to engage businesses in the area to take down Christmas decorations and clean up the area. She referred them to Sue Dipesa, Chair of Economic Development and Kyle Boyd, new Director of Planning & Development; it is up to the property owners and the business, it has nothing to do with the Planning Board.

**Economic Development Commission – reported by Mr. MacLean:**

- Discussion focused on Visitor Center
  - Building next to playground in North Scituate
- Pier 44- use and look of the area

**Public Building Commission – reported by Mr. MacLean:**

- Discussion focused on Senior Center

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

- Curtis Estates on next agenda for Subdivision Extension
- 60 Country Way Mixed Use Special Permit not moving forward
- In discussion with Untold Brewery for outdoor seating
  - Adding stone and gravel surface
  - No indoor seating
- Merritt Property - Country Way Residential Compound development has been sold
- Project Eligibility Application for Bartlett Fields
  - 268 units
  - All units would be rental
  - Proposed four 4 story buildings
  - TA working on comments from all Departments and submitting them to the State by April 22<sup>nd</sup>
  - Applicant is Toll Brothers Apartment Division, different from the Residential
  - Forest to be clear cut from 3A to Clapp Road

**Public Hearing – Special Permit Accessory Dwelling – 63 Scituate Ave.  
Assessor’s Map/Block/Lot 40-4-9  
Applicant/Owner: David and Amy Mahery**

**Documents**

- Jpeg 63 Scituate Ave
- PDF Application without plans
- PDF As-Built Plan from Building Department
- PDF Assessors Card
- Email dated 2.23.21 from Board of Health with comments
- Doc transmittal letter 63 Scituate Ave
- Email dated 2.18.21 from Fire Department
- PDF GIS Map
- PDF Mahery application for accessory dwelling 1.13.21
- PDF Mahery\_Apartment-cd\_rev020521
- PDF Mahery\_Overall Existing – 020421
- PDF Mahery\_Overall Proposed – 020421
- Doc DRAFT Motion 63 Scituate Ave
- Email dated 2.18.21 from the Sewer Department with comments and PDF 63 Scituate AV
- Doc Water 63 Scituate Ave
- PDF Mahery Application for accessory dwelling 1.13.21
- Doc Revised DRAFT Motion 63 Scituate Ave

Attendees: Paulette O’Connell, OCO Architecture and Design; David and Amy Mahery, property owners

Ms. Burbine read the posted legal ad.

Ms. O’Connell reviewed the project.

- Convert unfinished space above the garage to an apartment
- Primary house 3,367 sq. ft. based on Assessor’s information
- Second floor of garage will be 762 sq. ft. when finished, 22% overall of floor area
  - Below 40% required
  - Above the 750 sq. ft.
- Meets all zoning
  - Average height is 26’3”
  - 32.1’ from the street
- Home is on Town Sewer so no septic issues

Ms. Burbine referenced the comments from the Fire Department, Water Department and Sewer Departments.

- Fire Department - building needs to be hard wired for fire alarms
- Fees for Water and Sewer will need to be paid
  - Ms. Mahery said the Water comment was a recommendation for a separate meter
  - Ms. Joseph agreed that it is a recommendation, but it is a “hard” recommendation

The applicant acknowledged all comments and will met all fee requirements.

Mr. Pritchard opined it looks fine, it fits in with the rest of the house and is subordinate. He confirmed it is a single bedroom unit; the outdoor lighting is all existing, there will be no new lighting.

Mr. Bornstein indicated most of the renovations will be interior except for some dormering, small deck and exterior stairwell. The applicants confirmed he was correct. There is no change to the exterior foot print.

Ms. Lambert and Mr. MacLean had no additional comments.

Ms. Joseph added that as part of the standard conditions the Board conditions there be no on street parking for either the accessory dwelling or the primary dwelling and the Planning Board reserves the right to have an inspection prior to occupancy.

No public comment.

*Motion:*

Ms. Burbine moved to make the following Findings of Fact:

1. On February 18, 2021 David and Amy Mahery applied for a special permit for an attached accessory dwelling on the property at 63 Scituate Ave.
2. According to the Town of Scituate Assessor's records and the deed, the property at 63 Scituate Ave. is owned by David and Amy Mahery.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 762 gross sq. ft. and 704 net sq. ft. The application indicates this is 23% of the total square footage of the primary dwelling which is 3,100 sq. ft. according to the Applicant. The Assessor's card indicates the net square footage of the home to be 3,367 sq. ft. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the bylaw allows 750 sq. ft. or 40% of the total square footage of the primary dwelling, whichever is greater. The accessory dwelling is subordinate to the existing single-family home.
4. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
5. The property is in the Residential R-3 Zoning District. The proposed attached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
6. The proposed accessory dwelling is proposed to be located on the second floor of an existing attached garage. Access will be via an internal staircase and elevator inside the three-car garage. There is a secondary access via a back door and stairway from the accessory dwelling unit. This is located at the east side of the building.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.

8. The Foundation Location Plan 63 Scituate Avenue, Scituate, MA dated 4/10/14 revised 10/28/14 by Morse Engineering Company, Inc. shows the location of the garage. A photograph taken in February 2021 shows a bituminous concrete driveway for the existing dwelling and a 3-car garage along with a paved back-up spot/basketball area. This appears adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling. Ample parking appears to be provided.
9. The owners have submitted a signed, notarized statement that they will be occupying one of the units at 63 Scituate Ave.
10. The accessory dwelling will be serviced by Town water and Sewer. DPW requirements for water connections and sewer connections will be met.
11. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Ms. Lambert 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  
Mr. MacLean – yes

Ms. Burbine moved to approve the Special Permit for an accessory dwelling at 63 Scituate Ave. with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to architectural plans by OCO Architecture for 63 Scituate Avenue Scituate, MA Residential Addition and Renovation dated 1/13/21 with revisions through 2/5/2021 consisting of a cover sheet A000, Notes and Legend A001, Overall Floor Plan A100, First Floor/Garage Plan A101, Second Floor Plan A102, Roof Plan A103, Front Elevation A201, Rear Elevation A202, Side Elevation A203, Section thru New Dormer A301, Enlarged Plans A401, Enlarged Kitchen Plan A402; Foundation Location Plan 63 Scituate Avenue Scituate, MA dated 4/10/14 revised 10-29-14 prepared by Morse Engineering Co., Inc.
2. The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application.
3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that he/she is living in one of the dwelling units. A yearly certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
5. All requirements of the Board of Health, Building Department, Zoning Board of Appeals, Department of Public Works, Fire Department and other Town agencies must be met prior to occupancy of the accessory dwelling.
6. The accessory dwelling shall conform to all applicable standards in the building, plumbing,

electrical, mechanical, fire and health codes and bylaws.

7. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling.
8. The sewer connection must meet all requirements of the DPW Sewer Division for the accessory dwelling including an \$8,000 sewer connection fee.
9. Any lighting installed shall be down lighting to not shed light on abutting properties.
10. Construction work shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal state and federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
11. Runoff from the proposed accessory dwelling shall not be increased from the property.
12. Erosion and sedimentation control devices shall be installed to prevent any erosion or sedimentation from leaving the site during construction. Silt sock shall be used as necessary.

Ms. Lambert 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

Mr. MacLean - yes

**Informal Discussion – 7 New Driftway**  
**Applicant's Representative: Walter B. Sullivan**

**Documents**

- PDF 218-153 Main4-C-1A height waiver requirement area
- PDF Colored rendering bldg.
- PDF Elevations
- PDF Existing Conditions
- PDF Floor Plans
- PDF Garage and Penthouse
- PDF Site Layout Plan
- Doc Waiver Chart-7 New Driftway 022621

Attendees: Walter Sullivan, Attorney; Frank Pollack, Applicant; Erik Schumacher, Project Engineer; Brad McKenzie, McKenzie Engineering; Phillippe Thibault, Architect

Mr. Sullivan gave a recap of the project.

- Project is under the Village Center and Neighborhood (VCN) Zoning
- 21 Residential Units

- Development of a very difficult site
- 54% of site is covered with impervious material currently – project will significantly reduce impervious area

Mr. Schumacher, Project Engineer from McKenzie Engineering provide recap of the site details.

- Existing conditions
  - Chief Justice Cushing Hwy to the West
  - New Driftway to the South
  - First Herring Brook and developed residential and commercial properties located directly to the north and to the west
  - Currently has a developed commercial building and associated parking lot – neither are in use
  - No stormwater controls on the property
    - Water runoff sheet flows into the First Herring Brook and directly into New Driftway roadway
  - Located in the VCN, Greenbush Driftway Gateway District – Gateway Business Subdistrict
  - Portion of the site located in the Flood Plain and Watershed Protection District, Water Resource Protection District, Salt Marsh and Tideland Conservation District, DEP Zone II and FEMA Flood Zone AE
- Proposed Project – Site Design
  - 4 Story Residential Building and associated bituminous concrete parking area
  - 20 parking spaces outside; including one handicapped space
  - Land usage tables on the plan – provide dimensional constraints of the bylaw
  - Table Section 750.5 D – Building Step back and street enclosure table
    - 0' from the ROW max building height is 25'
    - 25' from the ROW max building height is 35'
    - 50' from the ROW max building height is 45'
    - Building design shows 45.5' located at minimum 25' from the roadway
  - Proposal brings site into compliance with the Stormwater Management Controls
    - Currently all runoff untreated
    - Design brings site into compliance with water quality and peak rate reduction for the site
    - Proposing 39% impervious coverage, reducing by 15%

Mr. Thibault provided a recap of the architectural plans.

- 4 Story building with 2 Penthouse units
- Main building is 45.5' above average grade plain
- Floor to floor height between floors approximately 10'
- Penthouse roof is 10' above the main building
- Building angled to New Driftway to meet/accommodate setbacks in zoning and give some visual interest
- Mr. Thibault reviewed the rendering pointing out the different setbacks
- Floor areas
  - Parking below grade is 7,408 sq. ft.
    - 16 parking spaces in underground parking
  - First floor is 7,408 sq. ft.

- 4 two-bedroom units
  - Lobby
  - Public areas- mailboxes
- Second floor is 7,474 sq. ft.
  - 4 two-bedroom units
  - 1 one-bedroom unit
- Third and Fourth floors have diminishing areas, due to stepbacks
  - Both floors have 4 two-bedroom units and 1 one-bedroom unit
- Penthouse is 3,704 sq. ft.
  - 2 two-bedroom units
  - Set back minimum of 10' on front and sides- does not meet the requirement in the back – will seek relief
  - Height is 55'
- Total 21 units – 18 two-bedroom units, 3 one-bedroom units
- Exterior siding is Hardy Plank clapboard siding
- Bays in front would be shingle style

Mr. Sullivan indicated there are a lot of zoning challenges; the site is very difficult. He said it is required there be a density bonus improvement and outdoor amenity space; the applicant would propose to make a contribution to the Town to make improvements in the area. He noted there is also an affordability component and would propose to build 4 affordable units offsite in the Greenbush area. He noted the applicant will have to file with Conservation and will have to do a traffic study. The applicant has been working on this project for a year; Mr. Sullivan opined it would be an improvement for the Town; the impervious area is being reduced to 39% and stormwater would be addressed, there is no stormwater management currently. Applicant hopes to go from this informal submission to a formal submission and get before Conservation.

The Board discussed the list of waivers potentially to be sought by the applicant.

- 540.4 C – Density Bonus Improvement and Outdoor Amenity Space 752.1
  - Mr. Sullivan opined the Board has in the past accepted payment in lieu of to benefit the Greenbush area; not enough room on the site to make it all work
  - Mr. Pritchard asked if anything had been contemplated with improving the sidewalks, the lighting, anything to improve the look and feel of the area
    - Mr. Sullivan said they have looked at it and are open to suggestions and working with the Town
  - Mr. Pritchard asked if there is any concern being on the rotary and having 21 families there with regards to noise and traffic complaints from the rotary – converting the site to a residential use and it on one of the noisiest spots in Scituate
    - Mr. Sullivan said they had not considered noise and they will have to do a traffic study
    - Mr. Thibault said in terms of construction sound attenuation could be done within the walls and upgrading the windows; inside it would remain fairly quiet
- Units are proposed to be rental
- Ms. Joseph opined she is not sure the Board should be waiving the Outdoor Amenity space; it was not waived on the Multi-family or the Gas Station approved by the Board
  - Area in front of the building will be green space and could be used creatively

- Mr. Sullivan indicated they had looked at different options and can illustrate those for the Board, but it is a challenge

Ms. Lewis joined the meeting at 7:33pm.

The Board was not yet ready to opine on the waiver request for public amenity space.

There was discussion about the affordable units being off-site and if the one-bedroom units could be affordable units. Mr. Sullivan indicated an off-site location has not been determined yet and the applicant may have to relook at making the one-bedrooms affordable. He said like the open space the applicant can demonstrate what they have tried to do and give the Board options.

Ms. Lambert opined there is a huge issue with the height; it is 5 stories and it is the gateway to the town. Ms. Joseph opined the height does not meet the zoning bylaw. Mr. Sullivan indicated the applicant is asking for a waiver for height in the VCN.

Mr. Schumacher addressed the question about the height, referencing the site plan and the table for Section 750.5.D

- Distance from the ROW allowed at 25' the building can be 35', proposal is at 45.5'
  - Building height does not include the penthouse
    - Penthouse is set back 10' from the edge of the building and 10'tall, applicant believes it meets the requirements

Ms. Joseph indicated the maximum height of a multi-family building is 40' or 4 stories; if the applicant proceeds with the penthouse the height of the primary building will need to be lowered. She said she discussed the issue with the consultant who wrote the bylaw, "a penthouse can occupy 50% of the roof area and must be setback 1' for every foot of height for a maximum of 10', the standards are intended to hide the penthouse from being visible at the street level; the penthouse can exceed the building height of the building type, but it is subject to a maximum height of 45' in figure six, 750.5.D. a penthouse on top of a multi-family building can be no taller than 45', if the penthouse is 10' tall the multi-family building would have to be no taller than 35' and set back 25' and the penthouse would have to be set back 50' from the street line". She pointed out that Board is very clear that height is something that cannot be waived.

Mr. Sullivan opined the applicant would have to seek a variance from the ZBA for the height.

Mr. Thibault showed where the building is out of compliance with height on the plans. He opined the area out of compliance is very small.

Mr. Pritchard asked about the penthouse being at 55'. Mr. Sullivan said they will look at it and see what the options are.

Ms. Burbine recalled from an early discussion the proposal was for the units to be condominiums; that has changed and the units will now be rentals. She opined it may be too dense and the applicant may be better off with fewer units. Mr. Sullivan said they are here to get feedback, but the site is very challenging and every time something is tweaked some other issue is triggered, but it is very hard to make it work with the numbers they are showing. The length of the building is also restricted to 100'.

Mr. Pritchard reiterated this is just a consultation nothing has been officially filed; Ms. Joseph confirmed nothing has been officially filed.

The discussion continued with additional potential waiver requests.

- Section 750.6 - Design Standard Build to Zone
  - Front yard build to zone 10' and 30'
    - Proposal is 25' and 50'
    - Northeast corner is outside the maximum front yard set back and is shown as 50' offset
  - Board felt there maybe room for some discussion on this issue
    - Angled building makes it difficult to comply
    - Need to get other issues addressed first

Mr. McKenzie responded to the comments about the penthouse units and the height requirement issues. He referenced figure 4, page 129 of the bylaw. He indicated it is written that height limit issues do not apply to penthouse dwelling units as long as they are not visible from any sidewalk in the perimeter property line and meet the design standards of 750.6. He said that was the intent of the design. He opined they may need to reconsider a waiver because the penthouse does not meet the one-to-one requirement which might make it visible from a sidewalk. He questioned if he was misinterpreting the bylaw. Ms. Joseph said she will go back to the consultant and discuss. Mr. McKenzie opined if the applicant can meet the 750.6 design standard the 45' height limitation would not apply.

Ms. Joseph indicated the applicant is not meeting the design standard of 40' for building height. Mr. McKenzie said they are not meeting the one-to-one setback for the penthouse and opined it is 45' so long as the setback is met. Ms. Joseph reiterated the main height of a multi-family building is allowed to be 40' and the applicant is not meeting that requirement. Mr. McKenzie suggest there might be a disparity in the bylaw; at the 50' setback the building height is allowed to be 45'. He said that is a waiver they are requesting because there are parts of the building that are greater than the 35' between the 25' and 50' setback. Ms. Joseph said this is a table that has maximums, but the basic standards are in the table 1A, Section 750.6 where it says 40'. Ms. Joseph to confirm with the consultant.

There was discussion about the waiver request for no parking in the front build to zone, Section 750.8. Mr. Sullivan indicated there is a portion of the parking that is within the 50' maximum of the front build to zone; this was pointed out on the site plan; a total of 3 spaces.

There was discussion on the parking requirement it was not readily available.

Mr. MacLean asked where the applicant is measuring the grade for the building height.

Mr. Schumacher indicated he did a preliminary grading plan for some rough numbers; he did not have them at his disposal.

Ms. Burbine asked how much fill will be brought in; Mr. Schumacher did not have that information available.

There was continued discussion about the parking spaces. There are 16 spaces under the building and 20 spaces outside the building, there are 39 bedrooms; parking has not been calculated at this

point by Ms. Joseph. The applicant indicated 30 spaces would be required and they are offering more than 30. The Board opined maybe some could be removed that are not in compliance; Mr. Sullivan indicated the hope was to save some for guest parking.

There was discussion about stormwater management; preliminarily the applicant suggests there would be some catch basins, a Stormceptor unit to treat the water quality and get TSS removal and from there the applicant would do some soil testing on-site to establish ground water. With a compact site such as this there will likely be some chambers under the parking lot, but depends on the ground water levels.

Mr. Pritchard asked if the site tappers down from the north to the brook or down from the brook to the site. Mr. Schumacher indicated down to the brook, the brook is the low point. Mr. Pritchard opined there could be some value if the stormwater management is protecting Herring Brook, but it remains to be seen what improvements can be had from stormwater management and meet the requirements of the watershed protection district, etc.

Ms. Burbine asked if the applicant has had any discussions with the Water and Sewer regarding availability. Mr. Sullivan said there have been some preliminary inquiries and they will seek letters from both that there is capacity before a formal application is submitted.

Mr. Pritchard opined it is important that it is written that there is actually capacity available in the towns system, not just a pipe big enough.

No public comment.

The Board's last comment was this project would need to go to Design Review Committee.

**Form A – ANR Plan – 0 Mann Hill Road**

**Assessor's Map/Block/Lot 27-7-9A**

**Applicant/Owner: Estate of Patsy Jo Terrell, Robert Terrell, Administrator**

**Documents**

- PDF 3804-FMA-4
- PDF Form A Filing
- Doc DRAFT Motion Form ANR Mann Hill Rd.
- Email dated 3.4.21 with Fire Department Comments
- Doc Transmittal Mann Hill Rd

Attendees: Paul Mirabito, Ross Engineering

Mr. Mirabito recapped the plan.

- 3 Lots – 4, 5 and 6
- Lot 4 and 6 received ZBA approval for 2 fifty-foot frontage lots
  - Decision recorded January 20, 2021
- R-2 Zone, 20,000 sq. ft. required
- Lots 4 and 6 each have just over 40,000 sq. ft.
- Lot 5 – 23,986 sq. ft.

- Each lot eventually to have a single-family home

Ms. Joseph indicated the Board received a copy of the plan and the recorded decision; they have access and frontage and should receive endorsement.

*Motion:*

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land in the Town of Scituate, MA Mann Hill Road by Ross Engineering Co., Inc. for applicant/owner Robert Terrell, Administrator of the Estate of Patsy Jo Terrell, dated November 12, 2020 as the division of land is not a subdivision because Lots 4-6 as shown on the plan have access and frontage on Mann Hill Road, a public way. Lots 4 and 6 have received a special permit filed with the Town Clerk on 1/20/21 to create two lots with a minimum of fifty feet of frontage designated as Lots 4 and 6.

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

**Form A – ANR Plan – 533 Country Way**

**Assessor's Map/Block/Lot 26-2-5**

**Applicant/Owner: P& J South Street, LLC (John O'Keefe)**

**Documents**

- PDF 4169 ANR App filing pkg 03-08-21
- PDF 4169-FMA Scituate
- Email dated 3.9.21 from John O'Keefe (aka P&J South Street, LLC)
- PDF Assessors card
- PDF GIS Map
- Doc DRAFT Motion Form A 533 Country Way
- Doc Transmittal 533 Country Way – ANR
- Email dated 3.10.21 from Conservation Commission with comments
- Doc Comment letter from the Water Department dated 3.16.20
- PDF 533 County Way Memo - DPW

Attendees: Paul Mirabito, Ross Engineering

Ms. Burbine indicated the applicant is looking for two Form A lots; she noted the applicant has applied for a Scenic Road hearing which will be heard on April 8<sup>th</sup>. She referenced the wall on the plans, noting it is 2' high and a retaining wall. She opined the applicant would be better served to withdraw this application until after the Scenic Road Hearing and show the Board exactly what will be happening with the wall and how it will relate to the rest of the property and the common driveway.

Mr. Mirabito indicated before a house can be constructed on Lot 1 or Lot 2 there are 6 separate permits that need to be acquired; septic system, stormwater, scenic road, common drive permit. Mr. Pritchard asked why talk about all that, tonight is about an ANR. Mr. Mirabito said because it was suggested that the applicant wait to do this permit to have some others go first. He opined the plan meets all the requirements for endorsement by the Planning Board under Chapter 41 Section 81, Subdivision control statute; requirements are that each lot have access off a public way and frontage which is 100'. He said these lots conform, they are on a public way, they have frontage, they are not buildable lots which is noted on the plans, the access noted is planned to be over a common driveway. He said the access in Scituate is determined by the zoning bylaws; the bylaw says access to a lot is over the legal frontage or a common driveway. The applicant has chosen to have access to the lots over a common driveway which would go up the interior property line.

Mr. Pritchard said we are not talking about any of that stuff; the Board needs to determine does this meet the requirements of a Form A.

Ms. Joseph said that under the Subdivision Control Law there must be "vital access" and "vital access" has been litigated; "vital access" must exist before endorsing a Form A. She spoke about there being adequate access from the public way to the buildable portion of the lot area; she opined the access is not there now, but will be when there is a common driveway approved. She referenced case law Poulos vs. Braintree; access must be present on the ground and access right now is not present on the ground.

The plan was shown. Ms. Joseph pointed out that Lot 1 has a concrete wall in the ROW that is 2'-3' high and a car could not drive over that wall right now. The wall is prohibiting the lot from having access. Ms. Joseph agreed with Ms. Burbine that the Form A should not be endorsed tonight, but the Board should see where the proposed common driveway is going to be. She solicited comments because it is going to be a complicated project; there is a concrete wall in the layout that is barring access in the proposed common driveway at this time. She indicated that DPW agrees to permit the removal of the wall for access, but there are concerns over safe sight distance, which will be addressed when the common driveway is filed; DPW supports the removal of the wall from the layout to allow for access and pedestrian access in front.

Mr. Pritchard opined it feels like the chicken and the egg.

Ms. Burbine said this is a retaining wall, it is holding back a hill. She said the criterion for an ANR is frontage, square footage and access. Access does not get resolved until the retaining wall goes away or the approval of a common driveway.

Ms. Joseph said under the common driveway public meeting all this would be discussed. She opined the Form A is not legitimate without the common driveway and she is not sure the note on the plan is correct with reference to Lot 1 and Lot 2 and access being provided by a common driveway; the note does not say the access is not real unless there is a common driveway. There is no existing common driveway right now. She opined the plan is ultimately endorsable just not tonight.

The Board discussed if the physical issue of access is not adequate right now then there is nothing more to discuss, there is nothing to approve or do at this point. There was question if the applicant comes back for a common driveway and the land is not subdivided how does it work.

Mr. Mirabito said this plan does not ensure the construction of two homes, this is just one step in six steps and this plan meets all the criteria. He does not agree with the Board's assessment that the criteria are not being met. There was continued disagreement between the Board and Mr. Mirabito and the sequence of when things should be done, i.e. the common driveway or the scenic road. The Board opined that applicant should come back when there is adequate access; the wall is prohibiting adequate access. Mr. Mirabito said no matter where a driveway goes a street opening permit will be required from DPW.

The Board and Mr. Mirabito disagreed on "adequate access". The Board asked Mr. Mirabito to withdraw the application until access can be demonstrated.

ANR plans cannot be continued. Ms. Joseph recommended withdrawing the application, resubmitting and no additional fees will need to be paid.

There was discussion that if the Scenic Road hearing is approved, there still will not be adequate access on the ground. Does the ANR have to have physical adequate access or does a document saying access can be created suffice. Ms. Joseph to discuss with Town Counsel.

Ms. Joseph opined at some point this is an endorsable plan and they can get access, but it is just a timing of when.

On April 8<sup>th</sup>, there will be a plan for the Board to review with the Scenic Road hearing showing the proposed access. The Board needs clarity on if there needs to physical access or not.

Mr. Mirabito said for the record even if there was a single family going on the lot and the driveway was going up the wall a curb cut permit would be needed from DPW and a Scenic Road permit; comments from the DPW are that wall should be removed.

Mr. Pritchard did say that if a common driveway is filed there needs to be lot boundaries and right now the applicant does not have them.

Ms. Joseph to review with Town Counsel.

Ms. Burbine said there is a sufficient area and there is already a driveway why not do a duplex. Mr. Mirabito said that is not his decision it is the property owners.

*Motion:*

Ms. Burbine moved to accept the applicants request to withdraw the application without prejudice and re-submit with no additional fees for April 8, 2021.

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

## **Vote Planning Board Reports for Annual Town Meeting**

### **Documents**

- Doc PB Report Fair Housing and Afford Bylaw
- Doc PB Report North Scituate Zoning 2
- Doc PB Report Signs
- Doc Talking Points – Fair Housing and Affordability Standards
- Doc Talking Points – North Scituate
- Doc Talking Points – Sign Bylaw

### ***Zoning Amendment Section 754 – Fair Housing and Affordability Standards***

#### *Motion:*

The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on February 11, 2021 and continued until February 25, 2021 when the hearing was closed. On March 25, 2021, the Board voted unanimously to support passage of the Article at the April 12, 2021 Annual Town Meeting.

The changes to this article allow for the Fair Housing and Affordability Standards to be applied 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 Town is providing a requirement for affordable housing for all developments with 6 or more units to increase affordable housing production in more areas of town and meet the priority local needs for affordable and diverse types of housing while trying to meet the mandated 10% affordable housing goal as found in state Chapter 40B. The Planning Board supports this article. This article requires a 2/3 vote.

Mr. Pritchard moved to approve, Ms. Lambert 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  
Mr. MacLean - yes

Ms. Burbine to present at Town Meeting

### ***Zoning Amendment – North Scituate Village Center & Neighborhood District and Village Center & Neighborhood Housekeeping.***

#### *Motion:*

The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on February 11, 2021 and continued until February 25, 2021 when the hearing was closed. On March 25, 2021, the Board voted unanimously to support passage of the Article at the April 12, 2021 Annual Town Meeting.

The changes to the Zoning Map and Zoning Bylaw will allow for development in the North Scituate area to follow new zoning that will replace the existing Village Business Overlay District, Business and Commercial zones in the North Scituate area. The new zoning has two subdistricts that will promote traditional development patterns and allow for mixed use, multi-family housing, quality open spaces, complete streets and a vibrant pedestrian environment in the area. The zoning is based on the Greenbush-Driftway Village Center and Neighborhood District and the North Scituate Vision Plan and included a series of public meetings that the Economic Development Commission and Planning Board held to receive public input. Existing zoning districts and overlay districts for water supply and environmental protection will be maintained. The zoning also incorporates provisions from Chapter 358 of the Acts of 2020. Minor housekeeping changes are included so that the zoning map correlates with the zoning bylaw. The Planning Board supports this article. This article requires a 2/3 vote.

Mr. Pritchard moved to approve the motion, Ms. Lambert 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  
Mr. MacLean – yes

#### ***Zoning Amendment Section 710 – Sign Bylaw***

##### ***Motion:***

The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on February 11, 2021 and closed on the same date. On March 25, 2021, the Board voted unanimously to support passage of the Article at the April 12, 2021 Annual Town Meeting.

The changes to the Sign Bylaw are a necessary legal adjustment to the bylaw to comply with current case law. Definitions, Prohibited Signs, Temporary Signs and Maintenance of Signs has been added in addition to clarifications for regulation of signs in residential and commercial districts. The Planning Board supports this article. This article requires a 2/3 vote.

Mr. Pritchard moved to approve, Ms. Lewis seconded the motion; a roll call vote was taken and was unanimously in favor.

Advisory voted against this article; not clear why Advisory voted against; not sure it is understood that the current bylaw is unconstitutional and they did not like that signs needed to be 10' from the road.

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

Ms. Lewis – yes  
Mr. MacLean – yes

Ms. Burbine to present at Town Meeting.  
Board was ok with talking points provided by Ms. Joseph for each article.

**Vote Street Acceptance – Deer Common Drive**  
**Applicant: Deer Common II, LLC**

**Documents**

- Doc DRAFT Motion street acceptance

Ms. Joseph indicated the mylars reflect what was approved; the conditions were added and the proper registry boxes were added; she recommends endorsement.

*Motion:*

Ms. Burbine moved that the Planning Board recommend to Board of Selectmen and 2021 Annual Town Meeting that the street of Deer Common Drive be laid out in accordance with MGL Chapter 82, Section 21 – 24 and be accepted by Town Meeting to become a public way in accordance with layout plans dated September 24, 2019 and to sign the Street Acceptance Plan.

Ms. Lambert 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

**Vote Endorsement of Plans – 18 Ford Place – Multi-family Village Center & Neighborhood District**

**Documents**

- PDF Request for Endorsement
- Doc DRAFT Motion for endorsement

Attendees: Don McGill, Applicant

*Motion:*

Ms. Burbine moved that the Planning Board endorse the Site Plan Administrative Review/Special Permit in the Greenbush Village Center and Neighborhood District Plans for 18 Ford Place, Scituate, Massachusetts, prepared by Grady Consulting, L.L.C. dated April 29, 2020 with revisions through 3-17-21 and conditions needed for endorsement consisting of sheets 1-7, 7a and 7B for Don McGill, applicant and owner JB Scituate, LLC.

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

**Discussion Senior Center – 333 First Parish Road**

- **Parking Monitoring Plan – update on when full occupancy may occur**
- **Programming of events with Senior Center and Recreation per Condition 16**

**Documents**

- TC filed Decision 9.18.19 – includes Scenic Road (AMENDED) and Closing Public Hearing

Attendees: Steve Kirby, OPM; Linda Hayes, Director of Council on Aging

Ms. Burbine indicated she has spoken with Ms. Maura Glancy from the Recreation Department and she and Ms. Hayes have been working closely together and she is very pleased with the progress they are making. Ms. Glancy was unable to attend tonight's meeting.

*Parking Monitoring Plan Discussion:*

Mr. Kirby provided an update.

- Anticipating when the center will be fully operational is difficult to determine due to pandemic
  - TA did not anticipate it would be any earlier than late summer/early fall of this year
  - Ready to start monitoring whenever full operation occurs
- Senior Center occupied on March 4<sup>th</sup> by the staff only, no programs are occurring
- Contractors are doing punch list items
- Ms. Hayes said in a few weeks there could be a soft opening
  - May be able to do half capacity for some rooms
  - May be able to do some programs in a limited capacity in May/June
    - Will be able to use the outdoors
  - Building will start to be used, but in a limited and controlled fashion
- Full occupancy permit will be issued as soon as possible
  - Site work needs to be complete before full occupancy permit is issued
  - Contractors have been spreading loam and finishing up plantings around the building
- Ms. Joseph asked to be provided a report/update before full occupancy so the Board will know when the parking monitoring will start
  - Board said the monitoring should start a few weeks after the center is fully up and running.
  - The monitoring will be taking place for six months

- Ms. Joseph asked about a sign being placed across the street on First Parish Road prohibiting a left-hand turn.
  - Mr. Kirby to follow up with DPW and Kevin Kelly

Ms. Hayes discussed the programming of events in conjunction with the Recreation Department (Rec Dept.). She said as summer approaches and the Rec Dept. is in peak period they will continue to work together. They have regularly scheduled meetings, hoping to create synergy between the two departments, hope to use the outdoor space to create opportunities to use together and independently, will make parking areas available and work to support each other with available resources.

Additionally, working with IT department to create a shared calendar for Senior Center and Rec Dept. to put in activities and events; because there is permitting required for the use of the grounds/building can foresee when spaces are being used; create an email distribution so when calendars are updated will alter all parties of interest.

Recreation does a quarterly seasonal brochure and the Senior Center does a bi-monthly newsletter so information will be shared as it is completed between the departments.

Will coordinated with the combined calendar on any evening or extended day activities, i.e. basketball.

Food Pantry is not in the building yet, but will there April 1. Ms. Hayes and Ms. Glancy have been coordinating with that in mind; the parking monitoring will pick up that traffic as well.

Ms. Lambert spoke about lighting at the Senior Center. She expressed concern over the wattage of the lights. She noted that the lights in the middle of the parking lot are 142 Watts and can be seen down at Ronnie Shones; she opined they are excessively bright and the center is not yet open. She said the other place that is really bright is around the portico, which is understandable when the center is open, but right now there is no one there. It is an attractive place for skate boarders right now. She said the lights are very very bright.

Mr. Kirby indicated the parking light poles and the building lights are set to go on at 6pm and go off at 9:00pm. Foot candle measurements of the lighting were done in comparison to the photometrics issued as part of the design; the parking lot lights are all within the photometric design the area by the front door was higher and that area is being adjusted. There are wall sconces and lighting in the ceiling; they are looking to reduce the wattage of the wall sconces along the west side because of the issues with lights shining with abutters. Working with the Police Chief to make sure he is okay with security of the building because when the lights go off all the lights go off; there are cameras on the building but it maybe difficult to see anything.

There was discussion about motion sensors on the lights. Mr. Kirby indicated that after 9:00pm when the lights go off it is proposed to motion sensors with the lights to come on with a reduced illumination which is being reviewed by the engineer and the lighting designer; it is not operational at this time, it is not been installed yet. When the motion sensors are operational he said that if someone comes into the parking lot all the lights will go on, all the pole lights not the building. Mr. Kirby believed there are 2 zones for the motion sensors.

Mr. Kirby will report back on the lights.

*Public comment:*

Ms. Susannah Green resident at 337 First Parish Road mentioned the perimeter lights are not the issue, but it is the double lights in the middle of the parking lot that are exceedingly bright and shining into everyone's homes. She said it is obnoxious and no one from the Owners Project Manager (OPM) has come over to see what it is like, they are shining into bedrooms, living rooms, etc. she doesn't care they are shutting off at 9:00 pm, they are shining into everyone's homes and there is no need for them to be so bright. She said there are lights shining on the grass where there is no parking; they are not arguing that there does not need to be lights, just that they don't need to be so bright.

Ms. Burbine said Mr. Kirby will take this all under advisement; Ms. Joseph has forwarded every email she has received. Ms. Burbine asked Mr. Kirby to work on the center lights. Mr. Kirby to review and report back.

**Form A – ANR Plan – 0 Beaver Dam Road, Rear  
Assessor's Map/Block/Lot 45-16-23A  
Applicant/Owner: William P Scanlon & Lisa Morrissey**

**Documents**

- PDF ANR Application
- PDF ANR Stamped
- PDF GIS Map
- Email dated 3.19.21 with comments from Conservation Commission
- Doc Transmittal 0 Rear Beaver Dam Road
- Doc DRAFT Motion 0 rear Beaver Dam

Attendees: Greg Morse, Morse Engineering

Mr. Morse provided a recap of the plan.

- Form A application to divide Assessor's Parcel 45-16-23-A
- Land locked piece of land, zero frontage
- Located in the R-3 District
- Proposal to take the property – 65,000+ sq. ft. all upland and divide into 2 parcels
  - Parcel 1 – 31,860 sq. ft. conveyed to an abutter
  - Parcel 2 – 32,562 sq. ft. remain property of the applicant
  - Neither parcel would be a buildable lot
  - Noted on the plan they are not buildable
  - Properties are recorder with Registry of Deeds
- Entitled to endorsement under 81 endorsement, chapter 41 81P
- Proposing unbuildable lots

Ms. Joseph said she agrees with Mr. Morse, but all the requirements in the Board regulations have not been met, but it is an endorsable plan.

Ms. Joseph indicated the plan does not show set back lines, or show the entire lot, or show where there is frontage on Poplar Street.

*Motion:*

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land in Scituate, MA Showing a Division of Assessor's Parcel 45-16-23A stamped by Douglas L. Aaberg, P.L.S. of Morse Engineering Company Inc. for applicant/owner William P Scanlon and Lisa Morrissey dated January 12, 2021 as the division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or change in a lot line which does not alter the existing frontage as required under the Scituate Zoning Bylaw. Planning Board endorsement of this plan is not a determination of conformance with zoning regulations.

Ms. Lambert 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

**Form A – ANR Plan – 5 Clapp Road  
Assessor's Map/Block/Lot 25-4-1  
Applicant/Owner: James and Laurie Hall**

**Documents**

- PDF ANR Plan
- PDF Form A Application
- PDF GIS Map
- Email dated 3.19.21 with comments from Conservation Commission
- Doc Transmittal 5 Clapp Road
- Doc DRAFT Motion

Attendees: Greg Morse, Morse Engineering

Mr. Morse provided a recap of the plan.

- Property located in R-1 Zoning District
- Proposal to divide lot into two parcels
  - Lot 1 – 56,588 sq. ft., 344' of frontage has existing home on it
  - Lot 2 - 48,198 sq. ft., 175' of frontage
- Both lots conform with area and frontage requirements

Ms. Joseph said the plan is endorsable and may require a scenic road hearing because there is a stone wall on the property; it will depend on the where a future driveway goes. She also commented on the lot shape for Lot 1 and said it could be potentially confusing for future lot owners.

The applicant does not believe it will be confusing; it will have concrete boundary markers as required.

*Motion:*

Ms. Burbine moved to endorse as Approval Not Required a Plan of Land Showing a Division of 5 Clapp Road (Assessor's Parcel:25-4-1) Scituate, MA stamped by Douglas L. Aaberg, P.L.S. of Morse Engineering Co., Inc. for applicant/owner James and Laurie Hall as the division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the it Scituate Zoning Bylaw on the public way of Clapp Road/Grove Street. Planning Board of endorsement of this plan is not a determination of as to the conformance with zoning regulations.

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

### **Documents**

- Email to the Board from Shari Young dated 3.19.21 with meeting agenda 2.25.21 and DRAFT minutes 2.11.21.
- Email to the Board from Karen Joseph dated 3.18.21 with meeting materials for 63 Scituate Ave., 129 Stockbridge Road, 7 New Driftway, 0 Mann Hill Road, 533 Country Way and Planning Board reports for Annual Town Meeting.
- Email to the Board from Karen Joseph dated 3.22.21 with meeting materials for 5 Clapp Road, 0 Beaver Dam Road, Senior Center and 18 Ford Place.
- Email to the Board from Karen Joseph dated 3.23.21 with meeting materials for Zoning
- Email to the Board from Karen Joseph dated 3.25.21 with meeting materials for 63 Scituate Ave.

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 9:03 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: April 8, 2021