

SCITUATE PLANNING BOARD MINUTES May 12, 2022

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

Chair Burbine called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television. Ms. Lewis arrived at 6:35 P.M.

Documents

- 5/12/22 Planning Board Amended Agenda

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

Public Hearing – Special Permit Accessory Dwelling – 239 Tilden Road Assessor's Map/Block/Lot 39-27-31 Applicant/Owner: Patrick and Colleen Hackett

Documents

- PDF Application
- PDF Existing Floor Plan
- PDF Revised plans ACDU
- PDF Scituate-Tilden-239-04-20-22-MRS-MSJ-RZ-mc-Layout1
- PDF TC filed Posting 239 Tilden Road
- Email from BOH dated 3.28.22
- Email dated 3.28.22 Water Comment 2
- Email dated 3.28.22 from Building Department
- Email dated 3.28.22 from Water Department
- Email dated 4.21.22 from Water Department
- Doc DRAFT Motion

Attendees: Patrick Hackett, Homeowner; James McElwee Jr, Accessory Dwelling Resident

Ms. Burbine read the public notice into the record.

Mr. Hackett indicated to the Board they are proposing to have an accessory dwelling attached to their house for his father-in-law. The proposal is to add a full in-law suit to the property directly behind the existing garage; all the setbacks are met from the abutting properties, the septic system has been upgraded to a 4-bedroom system. He said the current home has only 2-bedrooms and the accessory will be a third with room to add one more bedroom.

Ms. Joseph said the proposal is for a 1-story addition in the back, the floor area of the accessory dwelling is 597 sq. ft. below the 750 sq. ft. so the project is approvable. The floor area is 44.42% of the floor area of the primary dwelling which is 1,344 sq. ft., but is below the 750 sq. ft. She said 4 cars can fit in the driveway and there is an affidavit that the owner will continue to live in the primary dwelling. Ms. Joseph recommends approval.

There was discussion about the access/egress to the accessory dwelling. Mr. Hackett explained there are 2 egresses to the accessory dwelling.

The Board asked about the exterior finishing of the accessory addition; Mr. Hackett indicated it will be in the same siding and color as the primary portion of the house.

Mr. Pritchard asked about the lighting on the outside of the accessory dwelling. Mr. Hackett explained there will be light facing the interior of the house where the slider is and there would potentially be lighting by the side door. The Board wanted to make sure there was no issue with light shining into the neighbors' homes; lighting must be down lighting.

No public comments.

Motion:

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

1. On March 24, 2022 applicant/owner Patrick and Colleen Hackett applied for a special permit for an accessory dwelling in a single-family home on the property at 239 Tilden Road.
2. According to the Town of Scituate Assessor's records and the deed, the property at 239 Tilden Road is owned by Patrick and Colleen Hackett. Both owners signed the accessory dwelling special permit application.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 597 sq. ft. The floor area of the primary dwelling is 1,344 sq. ft. The accessory dwelling is 44.42% of the floor area of the primary dwelling. 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 floor area 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-2 Zoning District. The proposed accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
6. The proposed accessory dwelling is to be located on the first floor of the single-family home. Access will be via a door at the side of the house and a slider door off the kitchen/family area to the rear of the house.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Plot Plan for 239 Tilden Road, Scituate, MA by C & G Survey Company dated April 19, 2022 shows the location of the existing primary dwelling and the proposed accessory

dwelling. The plan shows an existing bituminous driveway which can fit four parking spaces. 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 applicant/owner has submitted a signed, notarized statement that he will continue to occupy the primary dwelling as his primary residence once the accessory dwelling is complete and his father in law will occupy the accessory dwelling.
10. The accessory dwelling will be serviced by Town water and ~~sewer~~ private septic. The Water Department has commented that a separate water line is not needed. A four-bedroom septic system was installed in 2019.
11. The application **meets** the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

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

Ms. Burbine moved **to approve** the Special Permit for an accessory dwelling at 239 Tilden Road 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 revised plans submitted with the application by JE Fitzgerald Housesmith, Inc. consisting of Addition Plans – Front Elevation Page 1 dated 4/18/2022; Rear Elevation Page 2 dated 4/18/2022; Side Elevation Page 3 dated 4/18/2022; Overall Floor Plan Page 4 dated 4/18/2022; Accessory Dwelling Floor Plan Page 4-A dated 4/18/2022; Foundation Plan Page 5 dated 4/18/2022; Thru Section Detail Page 6 dated 4/18/2022; Connector Deck Detail Page 7 dated 4/18/2022; Existing Floor Plan; Plot Plan for 239 Tilden Road, Scituate, MA by C & G Survey Company dated April 19, 2022.
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 an owner 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. The DPW is not requiring a separate water service for the accessory dwelling.
8. Any lighting installed shall be down lighting to not shed light on abutting properties.

9. 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.

Language added: no trucks, etc. will be allowed to park in the street.

10. Runoff from the proposed accessory dwelling shall not be increased from the property.
11. 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.

Mr. Pritchard seconded the motion as amended; the vote was unanimously in favor.

Public Hearing – Scenic Road – 55 & 71 Clapp Road
Assessor's Map/Block/Lot 24-2-17
Applicant/Owner: Town of Scituate

Documents

- PDF Application
- PDF Site Plan Damon
- PDF TC filed Posting Scenic Road – Damon Property
- Email from Frank Snow dated 3.29.22 with picture
- Doc Transmittal
- Doc DRAFT Motion
- Comment from Tree Warden, Mike Breen

Attendees: Frank Snow, Chair Conservation Commission

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

Ms. Joseph indicated this is a Scenic Road hearing requested by Conservation so a driveway and parking area can be installed for access to trails on the Damon property. She said the trees have been flagged with pink ribbons for some time. Ms. Joseph indicated she spoke with Mr. Breen and he had posted the trees, but at some point, the signs had been ripped down, however the trees were re-posted today.

Ms. Joseph read Mr. Breen's comment into the record; he approved the removal of the trees as requested.

Mr. Bornstein said that Norway Maple is an invasive species in Massachusetts, their removal is encouraged.

Public Comment:

Mr. DuVoisin resident at 55&57 Clapp Road asked if the discussion tonight was only about the removal of the trees. Ms. Burbine said, yes.

Ms. DuVoisin resident at 55&57 Clapp Road said they were notified of the trees coming down, but they were never notified of the final plan submitted on the driveway going in and questioned why that wasn't done.

Ms. Joseph indicated this is a Scenic Road hearing and the Planning Board is only required to notify work being done in the public right-of-way; she does not know what other work is being permitted, but there is nothing else from the Planning Board.

Ms. DuVoisin said that on the public right-of-way there is a gate and that is their point of contention, the placement of it. Ms. Burbine indicated that is an issue the residents will have to discuss with Conservation.

Motion:

Ms. Burbine moved that the Planning Board vote to remove the following trees in the public right-of way of Thomas Clapp Road: Two (2) Norway Maple clumps 18" diameter, two (2) 8" Norway Maples; one (1) 6" Norway Maple and saplings under 3" in diameter for an access driveway and parking for the Conservation Commission property between 55 and 71 Thomas Clapp Road, Assessor's Map 24-2-17, for applicant Town of Scituate. No stone walls will be removed.

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

Mr. Snow joined the meeting after the vote had already been taken. Ms. Burbine informed him the application was approved and there was an abutter who had an issue with the gate. Mr. Snow said Conservation will take that up with the abutter, but the gate was placed so that it could be unlocked without someone being on the street.

Informal Discussion – 21-23 Ford Place – Owner Chris Ford

Documents

- PDF 2 units SF ATTACHED
- Jpeg 2 unit SF ATTACHED 0307
- Jpeg 2 unit SF ATTACHED

Attendees: Chris Ford, Property Owner; Greg Morse, Engineer; Paul Ford, Architect

Mr. Chris Ford introduced the team.

Mr. Morse gave an overview of the concept.

- Property is 6,400 sq. ft.
- Currently developed with two buildings on the site
 - Single-family 2-bedroom home
 - Greenbush Post Office
- Property is all upland
- Located in the GVC-GBD District
- Proposal to take down the Post Office Building and build a single-family home and attach it to the existing single-family home

- 2 Unit, Single-family attached building
- Front unit would be 3-bedroom unit and back unit would be 2-bedroom unit.
- 2 car garage attached to new building
- 2 car garage would be added to the existing single-family home
- Each unit has porches and lawn area

Mr. Morse reviewed the site plan and opined it meets the bylaw for a single-family attached building and provides 20% minimum amenity space around the building. He also reviewed a rendering of the buildings. He described what would be seen from Country Way looking down Ford Place; he said that one side of the building abuts the MBTA sound barrier wall and walking path that connects to 50 Country Way and connects to the Driftway down by Dunkin' Donuts that eventually connects all the way up to the harbor. Mr. Morse said the applicant has not submitted anything yet and they are looking for comments from the Board before making a formal submission.

Ms. Joseph explained under the zoning bylaw a single-family attached unit is allowed 8 units by right and 16 units by special permit, this site works out to 1.18 units by right and 2.35 units by special permit, a density bonus will be required. She indicated the existing single-family home is encroaching into the rear setback and the Board will need to decide if that is acceptable. She said all other setbacks comply, height complies and private open space has been provided. She asked if the appearance of the existing single-family home will be changed to be more in line with what is proposed for the new structure; she opined architecturally the buildings need to be integrated.

Mr. Morse said the intent is to make the buildings match each other. Mr. Ford said they will make the sidings match and may add a dormer to the existing single-family; he said visually the back building will be made to look like the front building and the windows would be changed as well.

Mr. Bornstein suggested that the difference in the buildings breaks up the mass; if it was all one white building it would look more massive. He does not have an opinion right now.

Mr. Pritchard asked if moving the building out of the setback was considered. Mr. Morse said that was not looked at as an option; the building in the back complied when it was built back in the 60's, he said they are not increasing the floor area or foot print that is in the setback and would not be working any closer to the lot line.

Mr. Pritchard also asked what it looks like with respect to the rest of the neighborhood because there is no comparative view provided. Ms. Joseph said 18 Ford Place is directly across the street, to the left is a landscape yard at the moment that is also up for development; potentially a cottage court. The property abuts up to Drew Place which is single-family homes and then further down the road is Birch Barn, Service Master, and some single-family homes.

There was discussion about the setback and if procedurally the applicant would need to go to the ZBA for relief. Ms. Joseph said it is unclear, the Planning Board is the special permit granting authority for the VCN and the Board can waive things with the exception of height. She said she has had some discussions with the Building Commissioner and she can continue those after the project is submitted. The encroachment is 82 sq. ft. and the required setback is 15 feet, but there is only 8'-10' available. Mr. Morse pointed out the setback lines on the site plan.

There was discussion about trees and said there is nothing substantial for trees currently on the site, but the site would be landscaped with the project.

There was continued discussion about the setback and whether it would be “grandfathered”, the applicant is not proposing to change it and it was once conforming. Ms. Joseph said the Board may have to grant a waiver, but she will discuss with the Building Commissioner. Mr. Pritchard said that landscaping would need to be in the back and lighting would need to be down lighting. Ms. Joseph said everything will have to meet the building code because the garage is proposed to be attached to the existing single-family dwelling.

Mr. Pritchard asked how stormwater will be managed. Mr. Morse said the site has excellent sand and gravel and depth to groundwater, so it would be managed by subsurface systems. The site is not in the Water Resource Protection District and it will be on town sewer.

Ms. Lambert referenced sheet 102 and commented that there is a lot of driveway. She asked them to think about that. It was discussed that the other side of the property is not owned by the applicant, it is owned by the MBTA so access is not available from that side. Mr. Ford explained they do not want to involve the MBTA and this design would not require the access to go across MBTA land.

There was some discussion about the Post Office building being taken down. Mr. Ford discussed potentially moving the Post Office Building onto the MBTA land, but that requires work with both the USPS and the MBTA.

Mr. Bornstein asked about the setbacks/stepbacks he said there is a very tight corner and asked the applicant to consider widening or modifying the area to be able to maintain it without it encroaching on the MBTA property, i.e. trees hanging over the property that don't get pruned the way the applicant would like them to be.

Mr. MacLean opined the proposed driveway may be a smaller amount of surface than what exists today based on where the buildings are sitting on the site. Mr. Morse explained the driveway is 16' wide and because of the side entry garage there needs to be a certain amount of width needed to exit the garage the proposal is for the minimum amount of area, 24' from the face of the garage to the lot line. He said with a side entry garage it is not that feasible to cut down the width that much, but they can look at materials. He also said there is an existing driveway down the left side that already exists and will be shown when they submit a plan.

Ms. Joseph said the public amenity space needs to be something that is accepted within the bylaw.

Ms. Joseph asked if the Board is okay with the front yard setback; it does meet the setback, but the Board has questioned some of the closeness on other buildings before. She said the Board has questioned the height and size of the building and the closeness to the setback before on other projects. Mr. Morse said the front yard setback is allowed to be between 5'-15' from the street; the proposed setback is approximately 6'-7' back from the street. He said there is a very well-defined sidewalk with granite curbing and there is not really through traffic. The Board said it is getting busier in the area with 18 Ford Place and 7 MacDonald Terrace coming online.

Mr. MacLean said it depends on what the other buildings look like in the neighborhood, will this be the only building that is built up against the sidewalk.

Ms. Joseph reiterated there will be density bonus required.

Mr. Ford showed a picture to the Board of the current buildings and they discussed the setback from the street.

Mr. Paul Ford, architect, said they were planning to match the materials with the new building on the old. The drawings do not depict that. He also said maybe there is something that can be done about the corner Mr. Bornstein spoke of earlier.

Ms. Joseph said the public amenity space does not have to be open to the public, but it does have to fit into the description provided in the bylaw.

Ms. Lambert asked how the applicant feels about an affordable unit. Mr. C. Ford said what he would prefer is to have the building out front be 2 units, two 1-bedroom units and by their nature they would be affordable. He said because there can only be 2 units overall the project effectively has to be a big house. He said there could be the exact same building but it could be divided into two separate units on two different floors and then it offers what is really needed affordable housing. He said now it is going to be an expensive house, about \$6,000/month to rent; with land and constructions costs a million-dollar property needs to rent for around \$600,000. He said he could have two nice 1-bedroom apartments with exactly the same square footage, instead of 5 bedrooms on the site there could be 4 on the property. Mr. Ford said they would be market rate affordable.

The Board explained that would not classify the units as affordable. To be affordable they need to be on the Subsidized Housing Inventory and conform to state requirements.

Mr. Ford asked if the Board would consider allowing the applicant to build the two units instead of the one unit. The Board opined if it was designated “affordable” through the local action (LIP) program. Mr. Ford said that is a very long complicated process, but the two 1-bedroom units would help the town get the 10%. The Board explained it would not be help with the 10% it has to go through the process in order to be counted towards the 10% required by the state.

Discussion/Vote – Surety Reduction - Residential Compound - Country Way

Documents

- Email dated 4.26.22 from Tony Nader requesting Surety Reduction
- PDF Nader-Construction Estimate 2022-04-28(2)
- Email from Andrew Nader dated 5.3.22
- Doc DRAFT Motion
- PDF Cost to complete 5-11-22
- Doc DRAFT Motion Revised

Attendees: Andrew Nader, Developer; John Chessia, Town Consulting Engineer

Mr. Nader indicated the \$1 million-dollar bond they provided for the project at 0 Country Way, condition 30F to ensure the private access road, utilities, stormwater management system and grading will be complete in accordance with the special permit plan, is expiring on June 8th and requires renewal. Mr. Nader said they are petitioning the Town to have the bond released. He

indicated per Ms. Joseph's direction an estimate was provided for the remaining work to be completed and to be reviewed by the Town's Consulting Engineer. Mr. Nader said he did receive comments from Mr. Chessia's review, however, Mr. Nader felt the comments were for the entire project not for the limited scope of what the surety is for. He said the remaining balance of the work to be done for the scope of the surety is \$30,000 the top coat of the roadway, resetting all the structures and any other small items required for the drainage system. He said they have approximately 9 weeks remaining until the project is 100% complete; the houses will be complete, as-builts done and they hope to get the top coat on the roadway in the next 5 weeks. He said he does not believe the top coat will be on and reviewed by June 8th when their bond expires which is why they are asking to be released now. Mr. Nader said it does not relieve them of their responsibility, but will save them \$25,000 to buy themselves 2 weeks to retain the \$1 million-dollar bond.

Ms. Joseph said she was approached by the Naders in mid-April about being relieved of the obligation of the bond which was supposed to renew May 8th at that time she told the applicant that was not the practice of the Board. The applicant was told to provide an estimate and the Board may entertain a reduction in the surety, but the Board does not normally release surety unless the project is complete. She indicated she visited the site with Mr. Chessia to see what was left to be done and Mr. Chessia came up with a different number than what the applicant presented.

Mr. Chessia said he had no issue with any of the numbers in the Grady estimate with the exception of some of the landscape numbers; the original landscape estimate was for \$61,000 and the Grady estimate was far less. He said the basin has been loamed and seeded, but there are trees that need to be replaced and the grass needs to be amended, unfortunately it has been a dry spring. He indicated there is still a pole in the road and that needs to be removed, a new pole has been installed but the utilities still need to be moved, the cost for that has been added. He said there was damage to Country Way that was added in for milling and doing a top course to correct the damage, a small cost to TV the pipe that was installed was added, final as-built cost and additional screening for the abutting lots needs to be done per the decision, conservation plaques were added and the cost for the loam and seed for the site was low so that was increased, plus clean up costs and a contingency. He said he normally does a 25% contingency, but only added a 15% because the project is close to completion. The total amount is for \$124,000.

Mr. Nader again referenced 30F of the decision that the scope of the surety was only for the completion of the private access road, utilities, stormwater system and grading. He said a number of the items are inapplicable, i.e. the landscaping on the individual lots. He said they are not trying to get out the obligation to complete the project, all five homes have been sold, they only have 9 weeks left to finish and he discussed the issues with the removal of the pole and issues with National Grid. He indicated that National Grid has been paid in full for months and today dropped the transformers on the property which means they will have energized houses tomorrow. He said it is a concern of theirs as well, but National Grid has been paid in full. He said the additional milling and top course, as-builts, screening, signage, conservation plaques and additional landscaping is not under the purview of the surety that was provided.

Ms. Joseph said the Board set the surety at \$1 million dollars for a reason; for the whole project. The Board said that is generally how it is done.

Ms. Burbine said the last time the applicant appeared before the Board the Board was very amenable to the change in the driveways; the applicant has sold all five of the homes the applicant needs to cooperate and put up the surety through the end of the project when the as-builts have been signed

off. She recommends the surety be set at \$150,000 because everything is rising in price. She said this is the cost of doing business.

There was some disagreement between the Board members; Mr. MacLean thought there would be some way to release the surety. The remaining members of the Board opined they never release surety prior to a project being completed.

Ms. Lambert said the Board is here for the protection of the Town; she understands the applicant has every intention of completing the project, but the Board has been burned before. She would support a reduction in surety, but would not release the surety.

Mr. Pritchard asked if the numbers Mr. Chessia looked at are representative of what people are paying today. Mr. Chessia said it is hard to keep track of because the numbers are changing daily, but he looks at MassDOT numbers which are probably behind, but this is a private job so he looks at the estimate and compares. He said private costs are lower than state costs so he usually takes a 15%-20% reduction and compares the prices, or he said he goes online to look at costs, i.e. fencing. He said he does not disagree that prices are going up, but it is an educated guess based on analysis.

There was discussion about removing some of the cost regarding the utility pole, but the Board decided to keep the amount for surety at \$125,000. Ms. Joseph indicated that the Town Treasurer only accepts bonds and/or cash as a form of surety.

Motion:

Ms. Burbine moved to deny Andrew Nader's request to eliminate the bond requirement for the Residential Compound Development at 477 – 485 Country Way. The Board moves to accept a reduction in surety to \$ 125,000 for the Residential Compound Development based upon an estimate provided by Chessia Consulting Inc. from conditions on 5-9-2022 for the work to be completed on the Residential Compound Special Permit in conjunction with the construction completion estimate provided by Grady Consulting, L.L.C. Existing surety to remain in place until new surety is provided.

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

Mr. Nader asked to discuss an extension of the Special Permit as it is about to expire; he said they are looking to complete the project by August 1st but would like to get a 90-day extension. Ms. Joseph requested Mr. Nader write a letter and the Board can take a vote at the next meeting. The Board recommended he ask for year extension just in case.

The Board and Mr. Nader continued to discuss the real estate market in Scituate. He said the market is insatiable in Scituate right now. Ms. Lambert asked about starter homes and if everyone is looking for a 5-bedroom house. Mr. Nader said that anything under a million dollars goes within 2 days generally before the open house. He said the entry-point right now is really a million dollars and anything under that is going immediately. He said the answer from a developer's point of view on how to build more starter houses is density. He said his largest cost is land and construction and with the cost of land building a house for a couple hundred thousand dollars does not pencil out; greater density will drive the prices down. Ms. Lambert said or we lower "our greed expectation". Mr. Nader said it is a factor of supply and demand; there is not much available, when homes are selling at a million dollars a vacant lot is selling for portion of that.

Discussion – Future Initiatives

- Penthouses
 - Penthouses excluded from the height in the VCN
 - Mr. Bornstein suggested there be no more penthouses
 - Currently the bylaw says they are allowed so long as they cannot be seen
 - Bylaw is more suited to urban development
 - Not suitable for the development in Greenbush area
- Setback/Stepback
 - Correction being made to graphic
 - Scituate does not allow for a 45-foot-tall building
- Common Driveway
 - Make a special permit
 - Decrease length from 1,000 feet to 400 feet
 - Some additional changes being made
 - DRAFT sent to the Board
- Marijuana – Medical Marijuana and deletion of temporary moratorium section
 - Mr. Pritchard did not want to address, he does not support
 - Mr. MacLean opined names should be updated
 - Ms. Lambert opined the definitions should be moved
 - Mr. Bornstein would be in support of it, but thinks it needs to air out
 - Ms. Lewis agreed with Mr. Bornstein
 - The Board will evaluate later
- Accessory Dwellings – will work on for Annual Town meeting Spring ‘23
 - Bylaw does not require the owner to live on the property
 - Discrepancy with the application
 - Application says the owner has to live on site and provide an affidavit
 - Ms. Joseph used 31 Peggotty Beach Road as an example
 - Change the bylaw require the owner live onsite as primary residence
 - Mr. Pritchard said it may not be a change to the bylaw, but could be addressed in the special permit.
 - Publish as a standard condition-primary residence
 - Discussion about a threshold of size
 - With the mass of some homes, 40% can be large square footage and is like a second home on a lot which is not allowed
 - Several years ago, the Board tried to change requirement to 900 sq. ft. or 40%, but it did not pass
 - Research needed to find some size information
 - Scituate has one of the most successful Accessory Dwelling Bylaws
 - Mr. MacLean does not want make it more restrictive for people who do not use the residence as their primary home
 - A public hearing should take place if the Board goes the route of adding primary residence as a standard condition.
- Land alteration bylaw
 - Require landscape design more early on in the process of applications
 - Landscape design needs to be initial part of plan set
 - Show the best preservation use, how did an applicant get to where they are

- Minimal impact alternatives – conceptual alternative

Minutes
Documents

- Meeting Minutes 4.12.22

Ms. Lewis moved to approve the meeting minutes for April 12, 2022.

Ms. Lambert seconded the motion; a vote was taken and was unanimously in favor. Mr. Pritchard abstained from the vote.

Accounting
Documents

PO #2209585 (\$450.00), PO #2209624 (\$1,080.00), PO # 2209625 (\$408.60), PO #2209586 (\$450.00), PO #2209213 (\$450.00), PO #2209214 (\$450.00)

Ms. Lewis moved to approve the requisition of \$450.00 to Merrill Corp for stormwater peer review of 115/119 Grove Street, for \$450.00 to Merrill Corp for peer review of 6 MacDonald Terrace, for \$450.00 to Merrill Corp for peer review of 17 Michael Ave., for \$408.60 to Chessia Consulting for peer review of 7 New Driftway, for \$1,080.00 to Chessia Consulting for peer review of 533 Country Way, for \$450.00 to Merrill Corp for peer review of 16 Mann Hill Road.

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

Liaison Reports:

ZBA – reported by Ms. Lambert:

- Meeting on Cottages at Old Oaken Bucket – 40B
 - ZBA Chair said something is going to be built there, but it in the Town's best interest to work with the Developer to get it right
 - Ms. Lambert asked if the project could be sent to Design Review
 - ZBA Chair said it is not in ZBAs prevue to send it, but ZBA would like comments from DRC
 - Ms. Joseph indicated she provided DRC members with the information and asked them to comment to ZBA directly
 - Ms. Joseph made comments that water information was not provided
 - Development is proposing septic
 - Ms. Joseph commented that waivers for the Water Resource Protection District should not be waived.
 - It is in the public interest to protect the public water supply
 - ZBA Chair read Ms. Joseph's and Ms. Walkey's comments into the record at the meeting.
 - ZBA asked the applicant to change the affordable units
 - Applicant presented all affordable units as 1-bedroom
 - ZBA wants some of the 2 and 3-bedroom units to be affordable
 - Peer Review Engineer has not been selected
 - ZBA hoping to select Peer Review Engineer this week

- Traffic is a concern and will be discussed

Ms. Lambert spoke about some calls she is getting regarding Mullaney's Fish Market and serving dinner. The Select Board approves the permit for a private party. She said the issue is parking.

There was discussion about parking and parking restrictions; parking is outlined in the bylaw. Is parking for the residents or visitors. Ms. Burbine said there has been an issue since Front Street was redone.

CPC – reported by Ms. Burbine:

- Plan for the JV regulation ballfield will move forward at Central Field
- Coastal Resource Officer made presentation for money for beach nourishment for Minot Beach
 - Requesting \$4M
 - Permit from Army Corp of Engineers expires in December 2023
- Utility Road Trail
 - Town should be taking care of it and has not been

Select Board – reported by Ms. Burbine:

- Economic Development Commission (EDC) presentation
 - Ad that will run nationwide on Scituate
 - Email about Scituate going out to 1 million people
- New sister city with Cape Verde

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

- Meeting Tuesday night will discuss
 - 40B Old Oaken Bucket
 - Reduction of speed limit on Country Way

Planning and Development – reported by Ms. Joseph:

- Next meeting
 - 7 New Driftway
 - Decision needed on affordable units
 - Traffic will be discussed
 - New building design
 - Peer review will not be complete, submittal was two weeks late
 - 533 Country Way
 - Surety reduction 18 Ford Place
 - Reorganization – post elections
- Accessory dwelling on June 9th
- Many new projects coming in
- Working with 81 Norwell Ave. on landscaping and fencing
 - Board opined fencing is landscaping
- MBTA regulations will be coming out this summer
 - Town is compliant for 2022
 - Anticipate changes because of pushback from communities
 - Need to start calculating capacity
- Parking study for Senior Center
 - Hope it will be submitted next week
- Water Treatment Plant
 - Status unknown

- Ballot question
- Clear cutting - Board does not want that to happen
- Creating lagoons
- Requires Site Plan Review
- Site is in the Water Resource Protection District
 - Not supposed to store hazardous material
- Hope there is a meeting early on with the Planning Board as project is being designed
- Town meeting required a review of the site and an alternatives analysis
- Administration buildings will hopefully stay down at Greenbush

Documents

- Email to the Board from Shari Young dated 5.6.22 with meeting agenda for 5.12.22
- Email to the Board from Karen Joseph dated 5.6.22 with meeting materials for 239 Tilden Road, 55 & 71 Clapp Road, Residential Compound and 21-23 Ford Place.
- Email to the Board from Karen Joseph dated 5.11.22 with meeting materials for 477-485 Country Way Residential Compound.
- Email to the Board from Shari Young dated 5.12.22 with meeting materials for 477-485 Country Way and DRAFT Minutes 4.14.22.

These items were distributed to the Board electronically.

Mr. Bornstein moved to adjourn the meeting at 8:33 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Rebecca Lewis, Clerk

Date Approved: May 26, 2022