

SCITUATE PLANNING BOARD MINUTES June 9, 2022

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

Others Present: Karen Joseph, Town Planner; Shari Young, 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 Lambert called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television. Mr. MacLean joined the meeting at 6:43.

Documents

- 6/9/22 Planning Board Amended Agenda

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

Public Hearing – Special Permit Accessory Dwelling – 115 Grove Street

Assessor's Map/Block/Lot 36-2-2

Applicant/Owner: Steven Caprio and Melissa Phouthavong

Documents

- PDF ADU Plans – 2021079
- PDF Plot Plan – 115 Grove Street
- PDF Special Permit Request – Section 530 Accessory Dwellings- 115 Grove St. – 2022-05-04
- PDF TC filed Decision - Scenic Rd. Trees – 115 Grove St. 12.20.19
- PDF TC filed Decision 3.2.20 – 115 Grove Str
- PDF TC filed posting 115 Grove Street
- Doc Transmittal
- Doc DRAFT Motion 115 Grove Street

Attendees: Kevin Grady, Engineer; Steven Caprio, Homeowner; Jesse Caprio, Builder

Ms. Burbine read the public notice into the record.

Mr. Grady said the applicant submitted site plans, architectural plans, description of the purpose of the bylaw and how it conforms to the requirements of the bylaw, Assessor's data, Title 5 inspection form. He indicated the accessory dwelling will be on the first floor of the existing barn, there are no proposed additions to the structures on the site all construction will take place in the interior of building, the septic system passes for 4-bedrooms, there is room on the site for five vehicles to park, the site conforms to zoning and setbacks. Mr. Grady went through the conditions of Section 530 of the Zoning Bylaw.

- 530.2.A – the accessory dwelling shall be a complete separate housekeeping unit that will function separately from the primary structure or dwelling
 - The proposed accessory dwelling will be in the separate existing barn, Sheet A2 of the architectural show a mudroom, laundry, bedroom, powder room, living room, bathroom and is completely separate.
- Section B – accessory dwellings for businesses – does not apply
- Section C – only one accessory dwelling unit shall be created within a single-family house or on a lot
 - Only one unit is proposed
- Section D – an accessory dwelling unit associated with a single-family house must be located within the interior and under the same roof of the single-family house in a structure or attached thereto or in a detached structure.
 - The proposed accessory dwelling will be in the existing detached structure
- Section E – accessory dwellings shall be designed so the appearance of the building remains unchanged as much as feasibly possible
 - There are no proposed additions to the exterior and no change to the exterior
- Section F – no accessory dwelling shall exceed the maximum of either 750 sq. ft. or 40% of total square footage
 - Assessor's data has net area of the primary at 2,500 sq. ft, 40% is 1,019 sq. ft. the accessory dwelling is proposed at 694 sq. ft. which is 27%.
- Section G – at least 2 parking space shall be provided for the accessory dwelling
 - Site plan shows there is space for at least four cars and room for an additional
- Section H – the design of the accessory dwelling shall conform to all standards of the building, plumbing, electrical, mechanical, and fire codes
 - The accessory dwelling is designed to meet the standards, plans for the building permit will be submitted following the special permit.
- Section I – adequate provisions shall be made for disposal of sewage waste drainage generated for the accessory dwelling
 - Submitted passing Title V inspection, the primary house contains 3 bedrooms and the additional bedroom will be in the accessory dwelling
 - System is sized for 4-bedrooms
 - Ms. Joseph indicated no comments were received from the Board of Health

Ms. Joseph indicated a separate water service is required and a water connection fee of \$14,000 is required.

There was discussion about exterior lighting; there will be wall sconces by doors with down lighting. The applicant also indicated that nothing is happening to the exterior of the building it will remain as it is matching the main house.

Mr. Bornstein asked about the second floor and how it is accessed. Mr. Caprio indicated the ADU is built behind the stairwell that goes up to the second floor and the second floor is only accessible from the garage. Mr. Bornstein also asked if there would be a change to the crawl space and if the elevation of the ADU was changing. Mr. Caprio indicated there is excavation that needs to be done to create additional foundation under the ADU space that would become crawl space as well, but it is below grade.

Ms. Burbine discussed parking and if there were plans to park any of the vehicles in the barn. Mr. Caprio said in snow storms. Ms. Burbine asked about the parking for the existing dwelling. Mr. Caprio indicated that it is in the driveway going to the existing barn. Ms. Burbine said no one can park in the Common Driveway Easement; she said she is concerned about the parking and is not sure there is room or that it is applicable to have cars parked on the gravel or grass. Mr. Caprio said that besides the turnaround the portion of the drive leading up to the barn has enough room for four cars. Ms. Joseph commented that there is not enough room for four cars on the pavement. Mr. Caprio disagreed. Ms. Joseph opined there is not enough room for four cars on the pavement because cars cannot be parked in the Common Driveway Easement; the plan is showing cars parked off the paved driveway. She said the as-built came today and the driveway is still under construction. She reviewed the plan with the Board and said she questions if there is adequate parking; if there was definitely parking in the garage and there was a garage door there would be parking. There are barn doors currently that swing open.

Mr. Caprio said the plan is to install concrete and park two cars inside the space, but whether inside or outside there is enough room. He is currently parking four cars on the pavement with no issue. Mr. Pritchard said if a car gets parked inside the walls will need to be fire proofed and sealed; Mr. Caprio said that is not part of this existing plan.

Ms. Burbine noted that on the as-built plan there are subsurface drywells where parking is proposed; she did not think that was advisable to park on top of drywells. Ms. Joseph indicated it is unknown if there is the capacity to hold the load. Ms. Burbine said she has issue with the parking or the lack there of; she also commented the pavement does not extend all the way up to the barn and questioned why there would not be a turnout to go into the primary dwelling.

Mr. Grady and Mr. Caprio reviewed the as-built plan.

Ms. Lambert said she drives by the house all the time and sees four cars parked there all the time. Ms. Joseph said she knows there are cars parked there every day, but explained that sometimes they are parked inside the Common Driveway Easement and that is the issue. There is no parking allowed in the easement and the Board does not allow for anyone to park in the easement.

Ms. Burbine addressed how 119 Grove Street is accessed from the Common Driveway; the driveway is shared, most of the turnaround is on 115 and 119 access is in the back of the house where the garage is. Ms. Burbine continued to express concern over the adequacy of the parking.

Mr. Grady said they are showing four vehicles parked off the Common Driveway Easement; he asked if there is a requirement that parking cannot be done on the grass.

Mr. Caprio said the asphalt does go all the way up to the barn doors and it is not as it is depicted on the as-built. Mr. Caprio pointed out how the parking works on the as-built plan.

There was discussion about doing gravel; Ms. Joseph indicated that is a plan change to the project, but that is up to the Board. Mr. Grady said the lot is large and there is room, the issue is how it is prepared and how it effects other permitting hurdles. He opined there is adequate space.

Ms. Lambert asked the applicant to look at putting a car into the barn.

Mr. Jesse Caprio, Builder addressed the question of converting existing space to garage space. He said that was the plan, they have 5/8ths fire rated sheet rock and barrier for carbon monoxide protection going against the new ADU unit. The plan is to finish off the barn floor with a 4" concrete pad with poly vapor barrier underneath; he opined there is plenty of room in the barn for additional vehicles, definitely more than one. He said the applicant planned to put a new garage door on at some point, but if the Board wanted to stipulate it, it could be done sooner rather than later.

Ms. Lambert said that sounds like a good compromise and it could be conditioned to come back to the Board for the garage door.

Ms. Joseph said her concern was about the parking and she has conditioned that there be no occupancy permit for the accessory dwelling until the common driveway is complete. The rain garden is not complete, there is a missing cape cod berm and the as-built is being reviewed under the Common Driveway and Stormwater permit.

Motion:

Mr. MacLean moved to make the following Findings of Fact:

1. On May10, 2022 applicant/owner Steven Caprio applied for a special permit for a detached accessory dwelling on the property at 115 Grove Street.
2. According to the Town of Scituate Assessor's records and the deed, the property at 115 Grove Street is owned by Steven A. Caprio and Melissa D. Phouthavong. 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 694 sq. ft. The floor area of the primary dwelling is 2,548 sq. ft. The accessory dwelling is 27% 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/is not 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-1 Zoning District and the Water Resource Protection District Zone II. 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 existing barn to the north side. Access will be via a door at the side of the house off the Kitchen and a door off the mudroom 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 115 Grove Street, Scituate, MA done by Grady Consulting, LLC dated April 5, 2022 shows the location of the existing primary dwelling and the proposed accessory dwelling. The plan shows a driveway ~~which can fit three parking spaces on the driveway and two off the driveway~~. No parking is shown in the common driveway easement. This appears/does not appear adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling.

Comment: Ms. Burbine suggested the language should read “does not appear adequate” ... language was changed to read “the applicant has represented that two parking spaces will be in the garage and three in the driveway” ...

9. The applicant/owner has submitted a signed, notarized statement that he will continue to occupy one of the dwelling units on the premises in accordance with the Scituate Zoning Bylaw once the accessory dwelling is complete.
10. The accessory dwelling will be serviced by Town water and a private septic system shared with the primary dwelling. The Water Department has commented that a separate water service is required for the accessory dwelling along with a \$14,000 connection fee. A four-bedroom septic system passed inspection in 2020. The primary dwelling has 3 bedrooms and the accessory dwelling will have 1 bedroom.
11. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Ms. Burbine seconded the motion for discussion.

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

Mr. MacLean moved to approve/deny the Special Permit for an accessory dwelling at 115 Grove Street 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 plans submitted with the application by J.P. Caprio Builders, Inc. consisting of Plan for Accessory Dwelling Build-Out Inside Existing Barn – Foundation Plan Page AO dated 3/7/2022; First Floor Plan - Existing A1 dated 3/7/2022; First Floor Plan – New Page A2 dated 3/7/2022; Building Sections A4 dated 3/7/2022; Main House First Floor Plan – Existing A5 dated 3/7/2022; Main House Second Floor Plan – Existing A6 dated 3/7/2022 ; Plot Plan for 115 Grove Street, Scituate, MA by Grady Consulting, LLC dated April 5, 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, *Planning Board* 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 requiring a separate water service for the accessory dwelling. The

connection fee is \$14,000.00 to paid to the Town of Scituate Water Division prior to any building permit issuance.

8. Any lighting installed shall be down lighting to not shed light on abutting properties.
9. No parking is allowed in the common driveway easement per the Common Driveway Agreement.
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.
13. A Certificate of Occupancy shall not be issued unless and until all construction is completed for the common driveway and the conditions have been met for the Site Plan Administrative Review and Stormwater Permit for the common driveway.
14. The garage shall be completed for parking prior to occupancy of the accessory dwelling unit to provide adequate parking of two spaces for the primary dwelling and two spaces for the accessory dwelling at a minimum.

There was discussion about the rain garden and trees that are required. Ms. Joseph said the rain garden is part of the Common Driveway, but the plantings in the garden are part of a Notice of Intent with Conservation; the trees are arriving next week. Ms. Joseph said that all the stuff for the Common Driveway needs to be done prior to occupancy, signing off on the as-built is part of the Common Driveway.

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

Informal Discussion – 61 New Driftway – Owner John Tedeschi

Documents

- PDF 14-203-61 New Driftway – Preliminary Site Plan
- PDF 14-203- Prelim Site Plan Memo
- PDF 61 New Driftway Architectural_5.2-copy

Attendees: Greg Morse, Engineer; John Tedeschi, Property Owner; Jamie Kelleher, Architect

Mr. Morse gave an overview of the site plan and the project.

- Property is located at 61 New Driftway
 - Corner of Old Driftway and New Driftway
 - 34,727 sq. ft. entirely upland land area
 - Previously developed as Celtic Paws and a portion of the MBTA parking

- Located in the GDG-NDTV Zoning District
 - Allows for mixed-use buildings
 - 16 units/acre for residential up to a maximum of 36 units by special permit
- Proposal for new building
 - Total of 25 units
 - 17 one-bedroom units, 6 two-bedroom units, 2 three-bedroom units
 - 4,200 sq. ft. of first floor commercial space
 - Intention is for rental apartments, but could become condominium
 - Access to the site
 - In/Out egress off of New Driftway
 - Single exit from the site on to Old Driftway
 - Total of 40 parking spaces, only 38.4 are required
 - Landscaped around parking lot
 - Outdoor amenity space with benches
 - Proposed roof deck for outdoor amenity space
- Previously met with the Chair, Ms. Burbine and Town Planner and have incorporated some of the comments from that initial meeting
 - Incorporated electric vehicle parking spaces - intend to provide 2-4 stations
 - Change in architectural to incorporate 3-bedroom units
 - Package room on the first floor for mail, etc.
 - Incorporated turnarounds into the parking aisles adjacent to the Drew project

Mr. Kelleher gave an overview of the architecture of the building.

- View of building coming down New Driftway from the rotary
- Incorporated front porch areas and balconies activate the street front
- Created corner plaza - patio surface with plantings and benches, create walkable activated street front
- First floor
 - 4,200 sq. ft. of office and retail space
 - 4 residential units
 - One unit has access to the retail/commercial corridor
 - Access to remaining residential units in rear corner with elevator, mail center, would be private to the residents
- Second floor
 - Some units have balconies
 - Mix of 1, 2 and 3-bedroom units
- Third floor
 - Mix of 1,2 and 3-bedroom units
- Fourth floor
 - Mix of 1, 2 and 3-bedroom units
 - Roof top amenity space
- Created a 2 ½ story building
 - Third floor creates the ½ story look
 - Fourth floor pushed back on both sides to keep visibility down from ground level
 - Some mechanical areas, split systems for heating and cooling

- Top floor penthouse – 1,500 sq. ft. 2-bedroom unit
 - Elevator and stair access
- Elevations show a New England shingle style building
- Building heights
 - Main eve line of the building is 21' 4.5" versus the 25' allowed
 - Overall building height for the four floors is 43.7' versus allowed 45' maximum
 - Penthouse is 9.6' with slope hip roof
- Rear elevations - show some balconies and different roof lines to help break up the mass

Ms. Joseph indicated the height limit is 4-stories and 40'.

Ms. Lambert said the overall height in the penthouse could be challenging; it cannot be seen from the street. She said she loves the idea of the green space.

Mr. Kelleher said they understood that 45' is the maximum building height. Ms. Joseph directed the applicant to review the table for a multi-family building, 4-stories at 40' is what is allowed. She referred them to section 750.6, Table 1-B. She said the image for the setback/stepback is misleading; the definition of height and how it is measured is in the definitions portion of the bylaw. Mr. Kelleher opined the building is at about 41.5', so he believes they will be able to adjust the height to meet the requirements.

Ms. Lambert said she appreciates the incorporation of 3-bedroom units.

Mr. Kelleher said regarding the penthouse they have made every effort to make it disappear from all major street views; the parking side has the elevator and stairs and hopes those elements don't have to meet the same requirements, otherwise they can lower the fourth floor by lowering the ceiling heights. Ms. Joseph said the penthouse cannot be visible from the perimeter of the property line along the sidewalk. Mr. Kelleher feels they already achieve that. Ms. Joseph said the applicant will have to prove that to the Board.

Mr. Kelleher reviewed the plan of the penthouse and pointed out the circulation core which maybe viewable from a certain point on the sidewalk, but it would be very minimal.

Ms. Lewis said she liked the look of the building. She asked for further clarification on the penthouse. Ms. Joseph explained that the penthouse cannot be visible from any sidewalk along the property.

Mr. Pritchard asked that the applicant provide an integrated view going up the street with the Drew Company; he is looking for the streetscape. He also asked about the rooftop terrace; it is only accessible to the residents.

Mr. Pritchard also addressed the applicant's proposal for a public amenity as a new sidewalk. Mr. Morse explained there is a sidewalk along Old Driftway that starts at the Drew Company site and traverses over this property, it is not within the roadway layout and terminates at the intersection of Old Driftway and New Driftway. Mr. Morse said the applicant would be creating and granting the Town an easement over the sidewalk since it is on the site and installing a new sidewalk along New

Driftway. The sidewalk would connect to the property line of the Drew Company next door, at the intersection there is a crosswalk and directly across is the multi-use trail that goes all the way to the Harbor. Mr. Morse said there is no sidewalk that goes up further towards the golf course on that side.

Ms. Lambert opined that a doing a sidewalk is not a benefit, it is part doing business the sidewalk is needed to get into a house or into a business. She said she does appreciate the rehabilitation of the sidewalk, but she does not see it as a public benefit. It is a pedestrian frontage zone, so a sidewalk is required. Ms. Joseph indicated she has asked DPW to research the sidewalk on Old Driftway; it is believed there was supposed to be a taking from the MBTA and the “taking” did not occur. The taking would have put the sidewalk in the right-of-way when the MBTA was done. Ms. Joseph agreed that it is part of doing business.

There was discussion about parking and there is no impact on the MBTA.

Mr. Bornstein said he likes the concept and really likes the building up to the gable of the third floor, but from the fourth floor up it loses him. He said he feels the penthouse is problematic and detracts from the look and feel of the building. He thinks the concept is good and likes to see the maximum area of floor be used for places of commerce in areas other than the harbor. He also said the applicant needs to keep in mind the affordable component and the drainage, etc.

Mr. Morse responded the site is a pure sand and gravel and they would be infiltrating all under the parking lot.

Mr. Morse said they will meet the requirement for the affordable units, 3 or 4. Ms. Joseph said it would be 4 units because of the density bonus which requires 20% be affordable units.

Ms. Burbine said she agrees with Mr. Bornstein on his comments upward from the third floor. She said it looks to industrial and is massive. She also said the parking may not flow as well as they think and they should look at it.

Mr. MacLean said the building looks good. He asked with a mixed-use building how the applicant plans to handle the charging stations; the applicant has not yet figured that out.

Mr. Morse explained that as one would enter the site the parking to the right would be reserved for residents with designated parking spaces associated with an apartment and commercial parking would be along the back heading out to Old Driftway.

Ms. Burbine asked the applicant to consider doing angled parking instead of parallel parking along the back. Mr. Morse said they looked at that configuration first, a couple of parking spaces are lost and it adds some imperious surface to the site, but they can take another look.

Ms. Lambert said overall, she likes the building, because it is such a big building she recommends it got to Design Review Committee like all other big projects.

Ms. Joseph made some additional comments for the applicant to consider based on feedback from other projects.

- Perception will be that it is too close to the road
 - It does meet the setback requirements

- Comment has been heard about the Drew project and the Gas Station
- Traffic study will be needed
- Water/Sewer study will be needed
- Density bonus is required
 - The Board needs to think about what they want
- Affordable units required is 4
- Public amenity space needs to be thought about
- Landscaping with trees to make sure people want to linger

Mr. Pritchard commented about the setback and said he does not see why the building should be moved back any further; the setbacks were set to create a town center. Ms. Joseph said she is just telling the Board and applicant the perception that is out there, there is a big difference between 5' and 10'. Ms. Lambert said they should just be mindful. Mr. Bornstein said this meets the form-based zoning and may in fact help to slow traffic in the area.

Public Comment:

Mr. Steve Bjorklund opined the building looks awesome; he said there are porches on the first floor so the building is setback further and will appear more open and the landscaping on the corner, etc. is going to be the focal point. He discussed the Drew building and if the proposed building is higher or lower than the Drew building next door. He opined he is sure the applicant will meet the height requirement and if the building is higher or lower than the Drew building the applicant should get the same treatment.

Ms. Joseph advised the Drew building was approved under a different set of rules.

Mr. Bjorklund said they meet the rules and no one out there will know what set of rules they were approved under, people will just see the buildings next to each other. Mr. Pritchard that is why the Board is asking for a streetscape view.

The Board thanked the applicant for coming in.

Form A – ANR Plan – 111 First Parish Road

Assessor's Map/Block/Lot 49-3-5

Applicant: Kristen and Joseph McCarthy

Owner: Catherine M. Kennedy

Documents

- PDF filingpkg5622
- PDF fixedoenewlot
- PDF Scituate-First Parish -111- FormA _05-22-22 -MSJ-Rz-mc-CS1
- Doc Transmitall 111 First Parish Road ANR
- Doc DRAFT Motion Form A 111 First Parish Road

Attendees: Maureen Hurley, Attorney

Ms. Hurley indicated the owner has provided a letter of authorization and other application materials. She said the owner will stay in the main house and the applicant, her son will build a new house. There is a building there now that is going to be torn down, currently Mr. McCarthy lives in it with his wife and children. The applicant will be asking the Building Inspector if the house they are residing in now can stay up until the new house is completed.

Ms. Lambert asked if the building is over 100 yrs. old; she mentioned to the applicant to think about it because it would have to stay up for a year.

Ms. Joseph said access is shown on parts of both lots, it is going to be up to the applicant later to either do a common driveway or find a separate driveway for each lot. Technically there is access and frontage so it is entitled to endorsement.

Motion:

Ms. Lewis moved to endorse as Approval Not Required a Plan entitled Plan of Land in the Town of Scituate 111 First Parish Road (Assessor's Parcels 49-3-5) prepared by Michael P. Clancy, PLS of C & G Survey Company for applicants Kristen and Joseph McCarthy and owner Catherine M. Kennedy, dated May 20, 2022 as the division 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 under the Scituate Zoning Bylaw on the public way of First Parish Road and Common Street with the Planning Board stamp added that Planning Board endorsement of the plan is not a determination as to the conformance with zoning regulations.

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

Discussion – Zoning Proposal for Special Town Meeting, September 19, 2022

Documents

- PDF Penthouse Change
- Doc Scituate Zoning Bylaw 2.12.20_final 750.D Figure 6 Setback-Stepback Amendment
- Doc Section 720 CD Bylaw 1st pass - Redline

Section 750.d.2:

Ms. Joseph discussed the setback/setback figure as a housekeeping issue to revise the image so it is in line with the table and eliminate confusion of building height; buildings are only allowed to be 40' tall in Scituate and the current graphic shows a 45' building that is not allowed.

The Board agreed this should be placed on the warrant for a zoning change.

Penthouses:

Ms. Joseph indicated based off a conversation with the Building Commissioner and Assistant Commissioner the suggestion is to eliminate "C" and the entire graphic Table 1D – Penthouses.

The Board agreed.

Common Driveway:

Ms. Joseph indicated she provide a first pass of changes; she indicated several other Towns were looked at.

Mr. Pritchard commented that the “applicability didn’t seem to tie the provided accepted physical access for MGL Chapter 41. Section 81M”. Ms. Joseph will review.

There are two major changes to the bylaw; 1. Changing to 400’ from 1,000’, 2. Common Driveways will become “Special Permits” instead of “Site Plan Review”. The Common Driveway is common where both lots have access over it, the maximum length the driveway can be is 400’. The Board discussed how 400’ was determined; Ms. Joseph indicated it was based off research from other bylaws and it needs to be less than 600’ which is in the Subdivision Control Regulations. Ms. Joseph further added that a subdivision road is creating frontage and a common driveway cannot create frontage.

There was discussion about turnarounds and where they should be located. Currently, the Fire Department approves the location of the turnaround. Ms. Burbine used 46 Hollett Street as an example of a turnaround that is not in an ideal location even though it is approved by the Fire Department. With a change to a “special permit” the Board will have discretion regardless of Fire Department comments.

Mr. Pritchard asked what the reasoning between the gap of 400’ to 600’ that is in the Subdivision Control Regulations. Ms. Lambert opined that in the research many towns allowed for 400’. Mr. Pritchard felt that 400’ may be too short and maybe it should be 500’. The Board decided to change the distance to 500’. Ms. Lambert said the Board is seeing more and more common driveways and they are becoming more and more problematic and things are getting squished and the Board needs to find a way to legislate it.

Mr. Bornstein opined common driveways are being used to created lots, where it would otherwise be challenging to build and the purpose becomes secondary. He said there is a purpose to common driveways, to have less impervious surface, have more rural character, etc. He said the one caveat he has is this could discourage common drives and end up with two access points where there could have been one; it could be an unintended consequence.

Ms. Lewis asked what the average length of common driveways is in town and how many there are in town. Ms. Joseph she was not sure on the length, but thought there are about 25 common driveways in town with more coming.

Ms. Burbine suggested maybe the length should be 750’ to avert some of the unintended consequences spoken about by Mr. Bornstein; it is still 3 lots maximum and would be a special permit.

Public Comment:

Mr. Bjorklund said if the Board makes common driveways special permits, they do not need to do any other changes. The Board can decide whether they like something or not. He opined by making the changes the Board is restricting themselves. He said Developers will find away around it, but if the Board wants them to use common driveways they should let a project come in and the Board can

grant the permit or not. He said the toughest thing will be developers are at the mercy of whatever the Board wants to grant as a special permit, now the Board can say “no” no matter what. Mr. Bjorklund said with a residential compound 5 units can be done on a common driveway and the only difference is land area has to be set aside somewhere on the development, but there can be five houses on a common roadway/private access drive which is basically built to the standards for a common driveway. He said now is the time to figure out the unintended consequences. He said the Board can’t grant waivers if it becomes a bylaw; it should be up to the Board to decide what they want. He said he disagrees with everything being a special permit, but the Developers will be at the mercy of the Board. He opined the Board is making it tougher for themselves and making it harder for the Board to approve, it is no making it harder for the Developers.

Ms. Joseph said some of the changes being made are from comments the Board has been making on recent common driveways, i.e. proximity to the property line, driveway slope.

Ms. Burbine said if this becomes a special permit, the Board can ensure that it is not right on the property line, that the slope is acceptable, etc., the Board will have the control. Ms. Joseph said criteria needs to be given so people know what to design to. Ms. Lambert said we need to have some standards and this is stuff that the Board has complained about for years.

Mr. Bjorklund continued to say the Board changing common driveways to a “special permit” should be enough; common driveways should not be more restrictive than the Subdivision Control Laws. He agrees there should be some type of a set back from a property line, but if it is screened it should be able to be waived, it depends where the house is, etc. Mr. Bjorklund gave several examples of how the Board would have more control just by making common driveways a “special permit” and not necessarily making other changes.

Mr. Pritchard said it makes sense to have a certain set of standards. Mr. Bjorklund said there should be something that says the Planning Board has the right to waive certain standards otherwise a variance would be required from the ZBA. He asked that something be implemented to allow the Board to alter one or more of the requirements in special instances without having to go for a variance.

Ms. Joseph said she needs comments from the Board by Thursday in order to accommodate the schedule. She will be putting placeholders in for the warrant articles.

Mr. Bjorklund will also give comments to Ms. Joseph by Thursday.

Discussion – Liaison Assignments

Documents

- EXCEL – PB-Liaison _2021- Revised New Alternate

The Board did not make any changes to their liaison assignments, except Ms. Lewis will no longer be doing the Shellfish Commission.

Ms. Lambert stressed that people really need to go to their meetings. She said she is unhappy that the Select Board and Zoning Board liaisons do not attend the Planning Board meetings, especially with Zoom, etc. She feels there should be more interaction.

Minutes
Documents

No meeting minutes.

Accounting
Documents

PO #2210674 (\$139.78)

Ms. Burbine moved to approve the requisition of \$139.78 to WB Mason for office supplies.

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

Liaison Reports:

Conservation Commission – reported by Ms. Lambert:

- She encouraged everyone to listen to the last meeting in particular the portion pertaining to 39 Arrowood Drive.
 - Conversation about a pool
 - Maybe beneficial for the pool discussion at Ann Vinal
 - Insightful thoughts on how it should be built, etc.
- 121 Jericho Road was continued
- 7 New Driftway was opened and continued
 - Ms. Joseph indicated a memo from the Conservations Consultant indicated the applicant met the requirements for the building location, but the Commission needs to vote if it accepts the memo
- Teak Sherman Park – new fencing and new handicapped space

ZBA – reported by Ms. Lambert:

- Meeting on June 22nd in the Library at the High School - Old Oaken Bucket 40B
 - Post for Planning Board meeting
- Ms. Joseph made Town Planner Comments
 - Meeting the Water Resource requirement is not uneconomical
 - Applicant needs to submit the water information as requested in the project eligibility letter
 - Final Traffic study is the only new information that has been submitted
 - Study may have been done when the road was under construction
 - Ms. Joseph can draft something after the meeting if the Board wants to make comments
 - 40B requires a determination within 180 days of submission, was submitted March 30th

CPC – reported by Ms. Burbine:

- CPC meeting Monday night
- Continued discussion on beach nourishment for Minot Beach
 - Requesting \$4M
- Discussion on the ballfield
 - Will likely be going at Central field
 - Irrigation system that exists

- CPC will not pay for turf

Planning and Development – reported by Ms. Joseph:

- Parking plan for the Senior Center
 - Will be on agenda June 23rd
- Busy agenda for June 23rd.
 - 533 Country Way
 - Common Driveway 93 Elm
 - Common Driveway 803 First Parish
 - Senior Center
 - Zoning Workshop
 - Potential ANR
- Ms. Lambert discussed the idea if the Consulting Engineer is not available to attend a meeting then the discussion should be continued
 - Board decided it should be on a case by case basis
- Walk at Toll Brothers at 9:00am on June 23rd.
 - 2-3 hour walk
 - Need to see status of where the project is
 - Basins still not working 100%
 - Complaint about water going off site
 - Toll anticipates being done with the houses in December
 - Residents getting nervous
 - Landscaping needs to be addressed
- Roadway safety audit June 28th from Henry Turner Bailey Road to First Parish
 - MassDOT running the meeting
 - Similar to meeting at Rotary
- Resident at Seaside wants to expand their deck
 - Ms. Joseph will advise it is a Homeowner's Association matter
 - Could become an issue
- Information submitted for the pool at Ann Vinal/Curtis Estates
 - Board requested it be peer reviewed prior to coming back to the Board

Mr. Bjorklund commented about the conversation if the Consultant is not available that the applicant is the one that is going to be delayed. Ms. Lambert said it will be on a case by case basis. He asked if the Board would allow for 3 quotes; he said in other Towns if it is over a certain amount of money it is required to get 3 quotes. He opined in fairness to the applicant there should be 3 quotes to look at; he said for a single-family home project the numbers have ranged from \$2,700 -\$10,000 to do a review and he thinks it is unfair to be told who the consultant will be when it gets that high.

Ms. Lambert said the Board will take that under advisement.

Documents

- Email to the Board from Shari Young dated 6.3.22 with meeting agenda for 6.9.22 and meeting materials for 115 Grove Street, 111 First Parish Road, 61 New Driftway and Zoning.
- Email to the Board from Karen Joseph date 6.9.22 with meeting materials for 115 Grove Street.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 8:42 p.m. Mr. Pritchard seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Clerk

Date Approved: July 14, 2022