

SCITUATE PLANNING BOARD MINUTES August 24, 2023

Members Present: Patricia Lambert, Chair; Rebecca Lewis, Vice Chair; Ann Burbine, Clerk and Mr. Stephen Pritchard and Mr. MacLean, the alternate seat is vacant.

Others Present: Karen Joseph, Town Planner; Shari Young, Administrative Assistant

Members absent:

See Sign-in List for names of others present at this meeting.

Location of meeting: Select Board Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chair Lambert called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television and streaming live on Facebook with in-person and remote access available.

Documents

- 8/24/23 Planning Board Agenda

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

**Public Hearing – Special Permit – Accessory Dwelling – 9 Ocean Ave.
Assessor’s Map/Block/Lot 8-3-13
Applicant/Owner: Jennifer Foley**

Documents

- Jpeg 9 Ocean Ave.
- PDF Abutter Comment 20 Collier Ave.
- PDF Foley-ADU Application 2023
- PDF Letter from Building Department Violation
- PDF Modified prelim 2024 Assessor Card
- PDF Transmittal
- DOC DRAFT Motion 9 Ocean Ave.

Attendees: Jennifer Foley

Ms. Burbine read the legal ad into the record.

Ms. Lambert commented that Ms. Foley is asking for forgiveness instead of permission because the accessory dwelling is already up and running.

Ms. Foley provided a brief summary of the project.

- 2017 pre-renovation house was 4-bedroom house
- 2018 existing structure was renovated
 - 2 bedrooms were combined

- Existing house became a 3-bedroom
- 2020 renovated the existing non-conforming garage and rebuilt an attached conforming garage
 - 4th bedroom moved out to the garage
- She has added a kitchenette with small appliances
- Using it for friends and family and recently she has had people looking for a place to stay use the space
- There is a small refrigerator with bottom freezer bottom, small sink, microwave, toaster, Keurig and 20" stove
 - She has been told by the Building Commissioner the stove makes it an Accessory Dwelling which requires a special permit from the Planning Board.
 - Ms. Foley indicated she did not know that was the case

Ms. Lambert read a letter from an abutter at 20 Collier Ave. into the record that was in opposition to the Accessory Dwelling. Ms. Lambert addressed some of the concerns outlined in the letter regarding Accessory Dwellings; the Town absolutely permits Accessory Dwellings; the goal is that all of them are legal as opposed to illegal. She said the Town of Scituate does allow them and they do not have to belong to family members and they can be rented to anyone for however long desired.

Ms. Lambert said she is on Ocean Ave. every day and speaking as a resident not as a Planning Board member she opined the issue is more about Airbnb's and rental properties; she has issues with them and thinks that short-term rentals need to be addressed in a Bylaw.

Ms. Lambert said the Board has never asked anyone to take out an Accessory Dwelling, but the Board wants to make sure it has everything it is supposed to have, i.e. egresses, lighting, etc.

Ms. Joseph indicated it is an accessory dwelling and meets the requirements of the Zoning Bylaw, an accessory dwelling can be rented in Scituate, it is 36.7% of the primary dwelling which meets the bylaw. She recommended the Board approve the accessory dwelling.

Mr. Pritchard asked if the Building Department went through and approved this with the kitchenette, etc., when it was built 2 years ago. Ms. Foley said yes, they recently have been through in May/June - fire, plumbing, electrical and Mr. Vogel and Mr. Duggan. She said they encouraged her to file for the Special Permit instead of pulling out the stove. Mr. Pritchard asked what was filed when the building permit was issued. Ms. Foley said she was not aware that the kitchenette on the plans submitted had been crossed out; she respects the bylaws, she is on a Town Board and worked very quickly with the Building Department to resolve the issue.

Ms. Joseph indicated the Building Department issued a violation letter that the space is an accessory dwelling because it has a stove. She said there can be an independent living unit with a kitchenette with no stove and the Building Department does not consider that an accessory dwelling. She said there may have been no stove when it received an occupancy permit. Ms. Joseph said the violation letter was just issued this spring and the applicant filed shortly after receiving the letter.

There was discussion that the Inspectors do not have plans when they do inspections, i.e. the electrical does their inspections, plumbing does their inspections. Ms. Joseph said she is unclear where things went awry.

Ms. Burbine asked when the permit was pulled for the garage if the plan showed a loft bedroom and bathroom when submitted to the Building Department. Ms. Foley said she did not submit the plans herself, her builder did and was not sure what was submitted, she would presume yes. Ms. Burbine said there was a similar situation years ago at 3 Gardner Road. She opined if there is potential for an accessory dwelling, the Building Department should make people go to the Planning Board before rather than after the fact.

Ms. Joseph said she believes the plans submitted for this application are the same that were submitted to the Building Department, they show a living area on the second floor and the area on the first floor with the kitchenette and bathroom.

Ms. Burbine said the Building Department is remiss in what they are doing; there is a big disconnect between what is considered a stove and what isn't. Ms. Burbine said this really isn't about Ms. Foley it is about the Building Department.

Ms. Joseph said again soon as the violation was issued Ms. Foley applied for an Accessory Dwelling with the Planning Board. The Building Department should be alerting the builder or the homeowner about the potential for any accessory dwelling.

Ms. Lambert said the Board is always concerned about egresses and lighting; she knows there are two egresses one in the garage and a stairway outside; she said the lights outside are very bright. Ms. Foley said she can dim the lights they are on a dimmer if she is told which ones are too bright, she would have addressed it. Ms. Foley agreed to addressing the lights to make sure they are not too bright.

Public Comment:

Ms. Fargo, resident at 5 Ocean Ave., said she was concerned about this building from the start, she said it was not an existing building and the existing building was a garage the was torn down and this was a new building. The Board said that is considered existing. Ms. Fargo said she has concerns of the setback on the southwest corner which is where 3 property lines come together and the arch is supposed to be 20' she does not believe it is. She said prior to construction she discussed it with the Building Department and Mr. Vogel informed her everything was okay; she went back down to Town Hall to review the plans and numbers had been adjusted on the plans. She questions the setback; she has concerns over the size and said Ms. Foley was permitted for a garage not an accessory dwelling. Ms. Fargo asked for an As-built from the Building Department and there is no As-built on file.

Ms. Joseph indicated a foundation As-built would have to be submitted otherwise an occupancy permit could not be issued. Ms. Fargo said there is no occupancy permit and said the permits in the Building Department are not signed-off on in all the necessary places. Ms. Fargo indicated that Mr. Duggan also said there is no occupancy permit. Ms. Fargo said that even when Ms. Foley was on violation, the dwelling was still being rented by the weekend. She said the proximity is so close, she knows it is 8', but she is dealing with people she doesn't know on a regular basis coming in and out 10' from her back yard. She also doesn't understand why a garage has to be 40' long and how this was permitted in the first place. She said she guarantees that wherever the as-built is, is a different structure than what is there.

It is unknown if what is on the ground is what is shown on the plans, because there is no as-built. There was discussion if the plans showed a basement under the first floor living space and they do. It was also mentioned that the property is on septic.

Ms. Burbine asked if there were any comments from the Board of Health (BOH). Ms. Joseph indicated the only comments received were from the Sewer Division that it is not on sewer and the Water Department that the dwelling will have a meter.

Ms. Foley indicated the septic system was repaired at the same time; Ms. Joseph said the system went from 4 bedrooms to 4 bedrooms and one of the bedrooms in the main house was discontinued.

Mr. MacLean said this seems more like an issue that the Board will have to figure out with new bylaws as opposed to what is going on at this residence.

Mr. Lewis said the garage has to be conforming; Ms. Joseph said yes and suggested maybe the best thing is to continue the hearing so she can investigate to make sure it meets all the setbacks, that there is an as-built and that an occupancy permit has been issued.

Ms. Burbine said Ms. Foley needs to meet the criteria of the as-builts, setbacks, occupancy permit and make sure the lighting is all down lighting. Lighting will be conditioned. The Board needs to make sure the building conforms.

Ms. Maguire resident at 20 Collier Ave. indicated she wrote the letter Ms. Lambert read; she said this is the second time in two years she has seen this situation. She spoke about the property at 16 Gannet Road where a garage was built with 2 bedrooms and then sold and the sale said the property had a rental property and the new owner claimed ignorance that they didn't know and was granted a permit after the fact. She said this had a separate driveway, a separate everything and it was granted. She said she cannot testify today if the unit is being rented or not, but the garage is larger than some of the houses on Gannet. She said the concern is they are seeing this happen all the time; property is very valuable, it is wonderful when people have space for their family, but these accessory dwellings creep into rental properties and there is nothing about that this is okay.

Ms. Lambert said the Town Bylaw allows an accessory dwelling to be rented; there are towns where that is not allowed, but Scituate allows for rental of a legal accessory dwelling.

Ms. Maguire questioned why things are after the fact and if an accessory dwelling is legal then why wasn't it applied for legally in the beginning.

Ms. Lambert said that is part of the Board's issue; it is up to the Board to re-write the accessory dwelling bylaw and also address short-term rentals. She said all Zoning is passed at Town Meeting and people must show up at Town Meeting to approve or disapprove a bylaw.

Ms. Foley commented that the unit has not been continuously occupied; this year since January 1 there have been 17 days in which it has been occupied, she said last year there was a total of 35 days in which it was used. She said it is not something that she is using to overrun the neighborhood or make money, it is purely nice to have that she hopes to use for an au pair in the future.

Ms. Lambert said the Board is just doing their job and it is unfortunate that Ms. Foley is asking for forgiveness instead of permission, but she is not the first; the Board understands there are a lot of these out there in town and the Board is doing their best to keep up with them and enforce the

regulations. Ms. Lambert said this came before the Board because a complaint letter was written to the Building Department.

Ms. Fargo asked for clarification on the rental of a legal accessory dwelling, that it could not be rented as an Airbnb. Ms. Joseph said that is incorrect, the owner has to occupy the primary or the accessory dwelling, the Town does not have any requirements for Airbnb's in Town nor does the Town have any restrictions on how long an accessory dwelling could be rented. The Planning Board has nothing to do with Occupancy Permits, that is a Building Department issue.

Ms. Lambert opined the issue here is that people are not opposed to accessory dwellings, but they are opposed to short-term rentals. She said that the Board will need to address that separately with zoning.

Mr. MacLean reiterated that changing the bylaws for Airbnb's or short-term rentals is something that would have to be brought up before Town Meeting; it is something that would have to be voted at Town Meeting. He said currently the Bylaws do not have any stipulations on Airbnb's or short-term rentals.

Mr. Bjorklund, local Developer, commented that these are Special Permits the Board is granting; he opined the Board could put conditions in the permit about a rental term, he does not know if that would require going to Town Meeting. He said if Ms. Foley meets the regulations that are in the bylaws from a zoning perspective she should be entitled to the building whether it was done before or after as long as she meets the conditions in the Zoning Bylaw. If there is something wrong with the setback there's a problem, but if she meets all the other conditions the Board can put special conditions on a special permit.

Ms. Joseph said she will check with the Building Department on the issues and suggested continuing the meeting to 8:30pm on September 14, 2023.

Motion:

Ms. Burbine moved to continue the public hearing for Special Permit for an accessory dwelling at property located at 9 Ocean Ave. until September 14, 2023 at 8:30 pm and to continue the time for action for filing with the Town Clerk until October 1, 2023.

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

Interviews - Alternate Member

Documents

- DOC 10-9-14 Questions for Planning Board Candidates
- PDF Burke
- PDF Callahan
- PDF Forrer
- PDF McKinley
- PDF Niebauer
- Email date 8.19.23 from McKinley – application withdrawal

- Email dated 8.21.23 from Callahan – application withdrawal

Attendees: Maura Burke, Applicant; P. Olly Forrer, Applicant; Patrick Niebauer, Applicant

Ms. Lambert said she will be asking everyone the same questions.

Maura Burke – Interview:

Question: Why are you interested in the Planning Board?

Answer: Ms. Burke said she grew up in Scituate, moved away to South Carolina and Atlanta and recently moved back to Scituate now living on Marion Rd. She said as a long-time resident of Scituate and having lived in South Carolina and Atlanta, which are very different, she can see the changes in the town from when she grew up here and thinks it is important to have vision of where Scituate is going; things change and change is good, but there needs to be an idea of what that change should look like. She hears a lot of chatter about how things have changed over the last 15 years with the acceleration of building, whether apartments, larger complex subdivisions; she opined it is important to have someone that is really close to the community and a history with community as well as a perspective of what other communities look like.

Question: How do you contrast the zoning, etc. here versus Atlanta/South Carolina – Greenville?

Answer: She said in Greenville she does not think the Commercial Zoning is as clarified as it is here; one could be living in a house and the property next door could be purchased and turned into a strip mall. She said there were definitely not a lot of restrictions in terms of franchises, i.e. McDonald's, Wendy's, on the corners of cute little towns. She is not against franchises, but thinks you need to be mindful of where they go.

Question: Your experience and background do you have any relationships with people building houses?

Answer: No

Question: What do you see as some of the big issues facing the Board if you were to sit on the Board?

Answer: Ms. Burke said the accessory dwelling conversation prior to this was interesting; she said she would not have a problem with Airbnb's, but it is important to consider the impact it would have on the neighbors. She said her neighborhood is a young neighborhood, there are lots of kids and they have not had a problem with Airbnb's, but some of her neighbors have with some of the light and some of the events. She opined it would be interesting and beneficial to do a study on that. She said she understands the Board does not make decisions on the bylaws and if someone has an issue it takes Town meeting to address.

Question: What overall contribution would you like to help the Planning Board make, what do you think is the most daunting issue facing the Board now?

Answer: She said she has looked at the Bylaw and Zoning Board of Appeals (ZBA) and has watched some of the meetings, she said going back to change and change is going to happen and what is that vision; do we want Airbnb's, accessory dwellings that can be rented out, setbacks is another thing she is interested in. Ms. Lambert said that sounds like she is referring to raze and reconstruct projects which are not Planning Board issues, but ZBA.

Question: How do you rationalize approving or denying an application as what is best for the community and protecting the public which you believe meets the bylaw and all the requirements?

Answer: Ms. Burke said what she just witnessed and has seen on previous meeting, the Bylaws are Bylaws, the Board is not here to change the Bylaw, there is some wiggle room, i.e. the impact on the community. Impact on the community may not be something you can deny a permit on.

Ms. Lambert said you do have leave out your personal feelings and do what is best for the Town; that is the Board's job.

Question: How do you feel about the balance between economic development and the Town's character? The Board is constantly faced with keeping this as quaint little town or becoming Weymouth.

Answer: Ms. Burke opined it depends on what you define as character; is Scituate still the quaint little town of 50 years ago, no, nor should it be; the Mill Wharf 50 years ago was a lumber store. She said things are going to change; does she think Scituate should evolve into a town like Weymouth, no, nor does she think it would, should Scituate evolve to a town like Chatham, no there is a socioeconomic difference for both those towns and that should be taken into consideration; one of the things she loves about Scituate that is the diversity in terms of socioeconomics groups.

Question: What is it that you understand the Board does as Municipal Planning, have you seen the Master Plan?

Answer: Ms. Burke said yes and she thinks it is important for the town to have a Master Plan.

Ms. Lambert said one of the issues the Board faces is projects that don't fit into the Master Plan.

Question: What is your current background, who are you?

Answer: Maura Burke, grew up here in Scituate on Curtis Street, went to you UMass got married, lived in Greenville and Atlanta, lived in Westboro for 20 years, but always had roots here, her parents still live here, bought a house on Marion Rd. renovated it. Fulltime she is a teacher, working in the Cohasset Public Schools, she taught in Framingham and Westboro and now Cohasset, she has 4 children. Ms. Burke is an EL Teacher she works with students who are learning English as their second language, grades 1-12. This is her second-year teaching here.

Questions: What do you want from the Board?

Answer: Ms. Burke said she just wants the experience; she has always wanted to be involved in the Town of Scituate; she feels strongly about having a Master Plan and having a direction for where the Town is going. It is going to change and there is a negative connotation, but it is going to change, just what do we want it to change to.

Question: Do you have any experience in writing long range plans, or in depth writing and research?

Answer: Ms. Burke took a few graduate classes a couple of years ago, she is very familiar with academic writing.

The Board thanked Ms. Burke for coming in and she should be aware there are lots of Boards/Committees in Town that need people.

P. Olly Forrer – Interview:

Question: Why do you want to be here?

Answer: Mr. Forrer said he recently moved back to Scituate after recently selling some of his business interests in buying and building industrial technology businesses where he worked with a

company in Boston and now has the opportunity to get involved in the community. He grew up in Scituate, went to UMass Amherst, has been up and down the east coast, served on Boards across the country. He said we take for granted what we have here in Scituate. He wants to get involved in some capacity, strategic planning, five-year development, financial planning are all things he did on a very consistent basis, contract negotiations, etc. This is just an opportune moment, he bought his house back in May, he has been attending some meetings just to get involved in the community in some capacity. He said at the end of the day there is a new generation coming in, himself, contemporaries, friends, colleagues, associates and they don't have the time that he does to get involved; potentially being a voice for all of them would be a unique element. He is doing his best to get involved and thought this would be a great opportunity with his skill set.

Question: What do you see as the issues the Planning Board is facing in the Town right now?

Answer: One issue seems to be North Scituate and a lot of different issues going on there, there seems to be a lot of complex constraints from a timing perspective, decision making perspective, financial perspective all of which are going to come to fruition shortly and making those decisions are going to have to happen faster and from a development perspective trying to preserve the historical community of what "we" have, the open space, all the different parts of Scituate that make Scituate great, but with that there is going to be development and change is inevitable it is about how we make those correct changes especially within the confines; we can't appease everyone, but how do you listen and make decisions going forward. He said North Scituate seems to be lagging behind different areas, but also has a lot of preservation and a lot of unique pieces that we want to continue, but change does need to happen, there needs to be development there and decisions need to be made. He opines it is going to be a lot of conversation about that going forward.

Question: How do rationalize building or not building in North Scituate or the Harbor, what if someone wanted to an 18-story building in North Scituate?

Answer: Mr. Forrer said within the Bylaws and constraints and balancing what we have is a vision for 2040 and all these different plans that have been developed there are some areas of historical significance, opportunities for open space, but there is some gut instinct about "does it make sense walking down the street", change needs to happen slowly and within what has already been developed within the community. He said he has heard the phrase "it is too big", how can you say something is too big, but if you are going 18-stories on acre of land and people are going to be all over each other it is not perfectly written, but you have all the experience in the Board members and the tools of the town at your disposal to make those decisions.

Question: Have you watched any of the Planning Board meetings?

Answer: He has attended a few of them over the past couple of months and has also been to some of the Economic Development Committee Meetings.

Question: How do you feel about economic development and preserving the Town's character; since you live in North Scituate please speak to North Scituate?

Answer: Mr. Forrer said there is a magnitude of change that is happening from what the local community used to be; from what the community was, a fishing local coastal community to what it has become now with the MBTA and the train there are a lot of things that could be done, putting some little shops in has been good, creating jobs, etc., when you have people coming down from the city because of the transportation you will be able to have those shops and stores get developed and that is a great opportunity for multiple folks, you still need people to step up and develop those businesses, there is not going to be a massive factory in the middle of North Scituate, but you can still have local stores and shops to develop that footprint and more people start to move there and

that is going to be a balancing act. He knows people in North Scituate there are very passionate about no change in the area whatsoever, but change does have to happen it is a matter of control and the best usage.

Question: Do you understand how you do municipal planning, how do maintain the institutional history and maintain that and develop a town?

Answer: Mr. Forrer said he does not have any direct experience in municipal planning, but his business specialized in transitioning family businesses, they provided the tools to help transfer the knowledge/institutionalized knowledge from business owners to employees but also to help the businesses grow. Their goal was to help local manufacturing businesses stay in the local community to promote jobs, etc. He said a lot of that comes down to strategic planning you are coming up with a plan for 3 years, 5 years., 1 year and change is going to happen, but when a company is the epicenter of the community you get involved in it working within the confines of the community; you get involved locally with knowing what is going on. He said he is very involved in and adept at understanding the rules and regulations, but he has not been involved with a city budget or anything.

Question: In your capacity of dealing with these individual companies did you have to deal with any site planning issues, local planning issues?

Answer: Mr. Forrer gave an example of a business in South Boston, they had to survey where the best location was; they had to work with City Planning, all the Boards. He said they move facilities and expand facilities and these issues come up pretty regularly with regulations of different departments.

Follow up question: In that capacity where there are areas that you saw from the local communities' point of view that were frustrating, from the individual organizations for the Boards or where there were areas that you would say were good practices when expanded into communities that might coincide with some of what "we" do?

Answer: Mr. Forrer said change is frightening especially when something has been sitting the same way for a long time, but when you have a 5 years plan and people come back after big decisions have been made, it is unique and special. He spoke of another project in Vermont that he was a part of.

Mr. Forrer asked the Board what they are looking for in someone coming forth and participating into the future here?

Ms. Burbine said it is a time a commitment and whomever is chosen has to be here; as an associate member you will be able to vote if someone is absent, but you have an opinion you are allowed to discuss and participate. But, most important it is a time commitment.

Mr. Pritchard said a different perspective is what the Board is looking for, we don't want to have everyone with all alike thinking; it takes a diverse set of opinions to zero in on what is the best compromise solution, but not everyone will be happy with decisions the Board makes.

Mr. MacLean said long-term planning wise, not just the meeting-to-meeting approvals, i.e. water issues, development and density in certain areas, the harbor area, parking what is sustainable now and what should it look like, it is long-term planning for the community overall.

Mr. Pritchard agreed with Mr. MacLean and said the Board needs to do both.

Ms. Lambert said we definitely need young people that are engaged and see a future here in Scituate.

The Board thanked Mr. Forrer for throwing his hat into the ring and is very appreciative; they reminded him there are many other Boards/Committees that he can be part of as well.

Patrick Niebauer– Interview:

Question: Tell us about yourself?

Answer: Mr. Niebauer has been a Scituate resident since 2015, prior to that he lived in Virginia outside of DC, he did undergrad work in central New York and graduate work in Boston, his wife grew up in Cohasset, they rented there for a few years and ended up buying here in Scituate. He is an attorney specializing in Housing and Community Development issues. He is in between positions currently wanting to move into something that is more directly involved in Planning.; that is the piece of what he does that interests him the most.

Question: We have all read your resume and your overall contribution to the town would be, to help the Board do what?

Answer: He said he thinks he has some of the necessary skills for the position by having been in practice and understanding state, local and national issues on housing affordability; specifically State wide and the MBTA Zoning communities zoning changes have been significant and the town affordability requirements is a hole that still exists. He said for him with Scituate the fact that there is more rental housing in town is the source of change that has been mentioned a lot and comes up a lot when people mention development trends in town. He said his area of expertise has to be balanced against concerns that the Town has with town character and gets to what he thinks is one of the biggest issues facing the Board. He said there is finite land area, there is a lot of land on the water, the water level is rising and so we need to be careful about what is developed and where; some is already addressed in zoning, water usage is a big issue in town. He said he feels his skill set could be helpful dealing with some of these issues for the town.

Question: Are you familiar with the Master Plan?

Answer: He said he reviewed it; to him the big conflict is the desire for development against the limited/shrinking land area.

Ms. Burbine opined one of the issues in town is, is the Town for residents or are “we” trying to attract people from away; she said we don’t really want to talk about tourists, but we need them, the harbor needs to change in terms of resilience, North Scituate needs sewer and what happens there, but is it for the residents or attracting people from away to utilize what we have. One of the difficulties with Scituate is you can’t there from here, the train has been terrific, but she opined it has not done what people have hoped it would do because if you go to Greenbush Station there is no way to get to the harbor, no taxi, and in North Scituate there is no way to get to the beach. She said it is a double-edge sword, those are things the town is dealing with and there are a lot of people that would like the Town to stay exactly as it is.

Ms. Lambert said that goes to one of the issues with economic development and preserving the town’s character; they are not one in the same. She said how to attract business is not the prevue of the Planning Board.

Ms. Burbine said we are an interesting town, when she moved here years ago the population was at 17,500 and in summer it jumped to 35,000, but after many years the population has only jumped to 18,500 and it is changing. She discussed the issues with affordable housing and that a 40B rent is \$1,900/month for a 1-bedroom plus utilities; it is way too high.

Mr. Niebauer said that is the challenge because that is the Boston area, that is what the AMI rent is, it comes down to the income level that gets paid by a subsidized source either through HUD or DHCD, it is a lot out of pocket. He said frankly he bought in 2015 and his mortgage is barely above that, they are very fortunate real estate wise owning a house here. He said that is the best decision he has ever made for financial and community reasons. But, he said it is a huge issue and there are people not doing what he is doing for a living trying to stay in a town they may have grown up in, that is a huge challenge.

Mr. Pritchard said we are dealing with what has changed over time. He opined the big change is the addition of the train to drive development in train stations areas, there have been a lot in the Greenbush area and more proposed; North Scituate might be under development if we had the infrastructure. Part of the issue is we don't have the infrastructure to support his kind of mass growth.

Mr. Niebauer said that the infrastructure this is all being based on is not that reliable either.

Mr. Pritchard said he thinks managing the growth in Scituate with long-term ability to sustain it is one of the biggest challenges, uncontrolled growth would be pretty bad, but there are a lot of pressures from MBTA Community, etc. He said there needs to be commensurate focus to support the infrastructure development.

The Board thanked Mr. Niebauer from coming in.

The Board took a five-minute break at 7:57pm. Ms. Lambert called the meeting back to order at 8:01pm, Ms. Burbine seconded the motion, the vote was unanimously in favor.

MBTA Communities Discussion:

Documents

- PDF Revision to Section 3A Compliance Guidelines (August 17, 2023) Clean
- PDF Revision to Section 3A Compliance Guidelines (August 17, 2032) Redline
- PDF Summary of Changes 8-17-23

Ms. Joseph indicated some revisions have been made to Section 3A; meeting with our Consultant on Tuesday to discuss if it will change our strategy. We know we can get to the 1,239-unit capacity, but will need to see if the NDTV district should be counted, how much capacity it will provide and if some of the other densities should be revised in other districts. The revisions seem to allow for a mixed-use development district with approval from the State prior to Town Meeting. Ms. Joseph said the Town has to comply by December 31, 2024; there are two Town Meetings. We have a tight timeline with our consultant that was supposed to wrap up at the end of October; need to work with them to maybe rerun some scenarios on different densities. The revised guidance may allow us to spread the densities out over the other districts to be closer to the numbers that are in the existing Zoning Bylaw right now. Staying as close to the current bylaw is ideal, because the Town does not want to add any more land area to the VCN district; when the VCN was voted it basically took over the Village Business Overlay District.

Ms. Joseph indicated a request has been made to add additional land area to the VCN for a parcel on Stockbridge Road; the parcel is not contiguous to the VCN district. The Board has no interest in pursuing more land area.

Ms. Joseph indicated that currently the unit capacity can be reached by having the NRN-16 units/acre, GWB and GVC at 17 units/acre and NSOV at 18 units/acre by-right for a total of 1,250 units. The requirement is 1,239. We may not have to go to 17 units/acre, but could be a 15 units/acre by-right and would be closer to the original intention of the VCN Zoning changes.

There was discussion about upcoming meetings with the Select Board; switching the joint meeting for the Alternate Seat to September 12th from the 26th.

Ms. Joseph said the changes seem very favorable to the Town of Scituate, but it also adds more grants that would not be available if the Town does not comply. She opined when the Board did the VCN Zoning it was head of the game by having transit-oriented livable area with services and people.

Ms. Burbine said that is what they are beginning to realize, that there can be development, but unless there is something for people to go to when they get off the train there is no point.

Ms. Joseph said the goal is to keep as close to current zoning as possible and the NRN district because it is in the Flood Plain to keep that as low as possible, the GVC and GWB are in the Zone A. She said when the zoning was done in 2019 it was deliberate to not expand the area and the way the Town can reach compliance is by making changes to the densities and any other changes needed to comply, i.e. takeout special permit requirement for multi-family housing in the GWB district. The Consultant will help with some of those other changes. Ms. Joseph said it needs to be on the annual town meeting.

Minutes

Documents

No meeting minutes

Accounting

Documents

PO #2401453 (\$560.00), PO #2401452 (\$280.00), PO #2401412 (\$1,261.90), PO #2401411 (\$1,650.00), PO #2401410 (\$2,700.00), PO #2401409 (\$400.00), PO #2401408 (\$500.00), PO #2401406 (\$88.40)

Ms. Burbine moved to approve the requisition of \$88.40 to Gatehouse Media for legal ads for 18 Drew and Alternate Seat Vacancy, for \$500.00 to Horsley Witten for peer review services for 14-16 Old Country Way, for \$400.00 to Horsley Witten for peer review services for 18 Drew Place, for \$2,700.00 to Horsley Witten for peer review services for 133 Clapp Road, for \$1,650.00 to Horsley Witten for peer review services for 334 CJC Highway Lot 2, for \$1,261.90 to Horsley Witten for peer review services for Seaside at Scituate, for \$280.00 to Chessia Consulting for peer review services for 533 Country Way, for \$560.00 to Chessia Consulting for peer review services for 33 New Driftway/7 MacDonald Terrace.

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

Liaison Reports:

CPC – reported by Ms. Burbine:

- New administrative person starting
- Purple Dinosaur expansion
 - 2 acres of land, looked at for a field, but too small and steep hill, not going to happen
- Pickle Ball application has been withdrawn
- Affordable Housing
 - CPC has \$1,000,115.00 available for affordable housing
- One article from CPC on the Warrant
 - Money for tennis courts at the high school

Select Board Meeting– reported by Ms. Burbine:

- Cedar Point area asking for \$7M for seawall restoration
 - Wall was erected in 1900's

Conservation Commission – reported by Ms. Lambert:

- Glades Road was continued right before the meeting started
 - Issue with a covered porch
 - People concerned they are taking away the beach entrance
 - That is not true the entrance to the beach will remain as is

ZBA– reported by Ms. Lambert:

- 747 Country Way was before them, it was continued
 - Advised to come to the Planning Board before going back to Zoning
 - Issue with the driveway, set back, a lot of issues
 - Re-treat Lot for sale sign out in front of the property

Planning and Development – reported by Ms. Joseph:

- Hope to update the Subsidized Housing list in the next month
- Meeting first week of September on Small Cell attachments
- Town Meeting in the Spring could have MBTA and Small Cells
 - Do not have time to take on Accessory Dwellings
- Next meeting will be busy
 - Water Treatment Plant

The Board discussed who they would like to offer the alternate seat to.

- Ms. Lambert said she personally would like to have a lawyer that can help with zoning; the candidate understands the zoning bylaw, he knows affordable housing and he works with DHCD.
 - Someone who really understands zoning would be a great addition in the short-term and long-term
- Ms. Burbine liked Ms. Burke and Mr. Forrer
 - She really liked them all
- Ms. Lewis said she was stuck between Ms. Burke and Mr. Niebauer

- Mr. Niebauer had a lot to offer
- Ms. Burke is a friend of hers, she does not work fulltime and she does her homework

Ms. Burbine asked Ms. Joseph's opinion. Ms. Joseph said they all had qualifications that the Board could use; she thought Mr. Niebauer had some experience in affordable housing, etc., but she thought the other two applicants could get up to speed. She said people need to understand with the MBTA Communities, the Board is pretty far down the road, the Town has a Zoning Bylaw that we are trying not to deviate from too much, the Town is just trying to get its unit capacity, we are not rezoning new areas. She thought any one of them could be a good choice for the Board.

Ms. Burbine said she really liked Ms. Burke.

Mr. MacLean said the MBTA stuff will outlive everyone and they are probably ratcheting the direction, he said that is Mr. Niebauer's wheelhouse. He said he also liked Mr. Forrer and Ms. Burke; Mr. Forrer's strengths were different areas the Board needs.

Ms. Lewis questioned if Mr. Forrer would just be too busy; that was her biggest concern, that he is still really building his career.

Mr. Pritchard liked that Mr. Niebauer indicated he has more than a passing interest in "planning" itself and that he was considering that as something he might transition into, the experience in affordable housing and MBTA Communities is good as well as a background as a lawyer. He liked that he was cognizant of the challenge between finite land areas and rising water levels and the Town needs to be planning for all those things which is consistent with the Master Plan. He said he liked them all, but he would lean with Mr. Niebauer first; none of them would make a bad choice.

Ms. Burbine liked the idea that Ms. Burke grew up here. The Board discussed that Mr. Niebauer has lived here 10 years and the Mr. Forrer is new to town, but also grew up here.

Ms. Lambert agreed with Ms. Lewis about the time Mr. Forrer might have, he has a pretty impressive resume, but he is still building his career.

Mr. MacLean said for some of the longer-term projects he thought Mr. Forrer fit the bill and that Mr. Niebauer would be great for the ZBA.

Ms. Joseph said she does not think this qualifies for an executive meeting session so the Board has to decide. The joint meeting with the Select Board is just a roll call vote, they will not be doing any interviews.

Ms. Lambert said having another lawyer would be a good thing and that Mr. Forrer needs another couple of years when he is more settled.

The Board all agreed to offer Mr. Niebauer the position, but wanted to encourage Mr. Forrer to stay close and the same thing with Ms. Burke. The Board opined all were good candidates.

Documents

- Email to the Board from Shari Young dated 8.18.23 with 8.24.23 agenda and meeting materials for 9 Ocean Ave. and Alternate interviews.

- Email to the Board from Shari Young dated 8.21.23 with meeting materials for 9 Ocean Ave.
- Email to the Board from Shari Young dated 8.21.23 with AMENDED Agenda 8.24.23 and materials for Alternate Interviews.
- Email to the Board from Shari Young dated 8.22.23 with AMENDED II Agenda 8.24.23 and materials for Alternate Interviews.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 8:36p.m. Mr. MacLean seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Clerk
Date Approved: September 14, 2023