

## Shari Moak-Young

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**From:** Karen Joseph  
**Sent:** Thursday, February 10, 2022 11:43 AM  
**To:** (b) (6) [REDACTED]  
(b) (6) [REDACTED]  
(b) (6) [REDACTED]  
(b) (6) [REDACTED]  
(b) (6) [REDACTED]  
**Cc:** Shari Moak-Young  
**Subject:** FW: 533 Country Way - regarding tonight's - 2/10/22 Planning Board meeting  
**Attachments:** 526 Country Way wetlands - 9-14-21.mp4

FYI

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**From:** TINA DAVIN [REDACTED]  
**Sent:** Thursday, February 10, 2022 11:24 AM  
**To:** Karen Joseph <kjoseph@scituatema.gov>  
**Subject:** 533 Country Way - regarding tonight's - 2/10/22 Planning Board meeting

I see there is a meeting tonight and 533 Country Way is on the agenda. I would like this email read at the meeting and made part of the minutes.

I don't know if you or any of the planning board members have seen our woods across from where the driveway on 533 Country Way may go.

There are 3 storm drains. One in front of our woods, one in front of 533 Country Way and one north of 533 Country Way. Years ago the Town hired TrueX to check these drains and found the pipe between the drain north of 533 Country way and the drain in front of 533 Country Way was broken and had a tree root growing through it and that water was flowing underground to our property from that broken pipe and has been since. My husband has been asking DPW if this broken pipe was going to be fixed. In March, 2021, Kevin McCafferty told my husband that DPW has no plans to do anything.

I would like the Planning Board to see the attached 9/14/2021 video I took of the water on our property. If you look at old weather forecasts you'll see that it had been completely dry for weeks before this video, yet the woods are completely saturated with water. This is due to the broken pipe discussed above and 2 private pipes that were allowed to be hooked into the storm water basins (one pipe into each storm basin). The private pipes stream water 24/7 into the storm water basins. I would like assurance that 533 Country Way will not be allowed to put a private pipe into either of these storm water basins.

Several trees, within the first 100 feet of our property, were uprooted during past storms. The ground is saturated there. You can see the root balls roots from the trees that fell.

Steve Bjorklund, indicated that water from the driveway could go into the storm water basin. We feel that considering the water damage that is already being made to our property, additional water will make it worse and should not be allowed. This is why we are concerned about the water flowing down to the front of the property of 533 Country Way.

The 7/24/21 meeting minutes indicate that Mr. Pritchard said that the drainage as it exists today will be the baseline. It was not in the minutes but I was there and he said the baseline was zero for water when referring to the front of the existing wall.

I saw that you discussed snow removal in the 12/9/21 minutes and I'm concerned about it also. We have seen plows push snow onto our property from the other side of the street and come down the driveway with the blade down and push the snow onto Country Way and our property. Can you do something to assure that snow will not be pushed onto our property from 533 Country Way? Can you set a hefty fine if snow is moved from 533 Country Way to our property.

We continue to be very concerned about additional water damage to our property both above and below the ground. If there is discussion of bringing all the water to the front of the property at 533 Country Way, we don't understand how that water cannot end up flowing above or below the street to our property.

I haven't heard from Conservation yet. I asked to speak to a conservation agent a few times last year and have yet to hear from anyone.

I assume nothing on 533 Country Way can be finalized until Conservation makes a decision.

I appreciate everything you, the Planning Board and the Town engineer are doing to protect my property from further water damage.

Tina Davin

## TOWN OF SCITUATE

Planning Board



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Scituate, Massachusetts 02066  
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### LEGAL NOTICE NOTICE OF PUBLIC HEARING ON PROPOSED CHANGES TO THE ZONING BYLAW SCITUATE PLANNING BOARD

Notice is hereby given pursuant to M.G.L. Chapter 40A Section 5 that a Public Hearing will be held by the Scituate Planning Board on Thursday, February 10, 2022 at 7:30 P.M. in the Select Board Hearing Room, Town Hall, 600 Chief Justice Cushing Highway, Scituate, Massachusetts to consider amendments to the Scituate Zoning Bylaw as described below. These amendments will appear as articles on the Warrant for the Annual Town Meeting commencing April 11, 2022. All references below to Sections refer to sections of the Zoning Bylaw.

1. Section 440.5 – Business Districts - Amend the zoning bylaw by adding “and VCN Districts” in the first sentence after B District so that the wording reads “In a B District and VCN District”.
2. Section 620.3 - Setback and Yard Requirements – Amend the zoning bylaw by changing Required Side Yard Distance in the R-3 District from 8 feet to 15 feet.
3. Section 610.1 – Lot Area and Width Requirements – Add a new section B. to read “Any lot, created after April 11, 2022, shall have dimensions sufficient that a circle of 50 feet diameter can be drawn tangent to any property line at all points without the boundaries of said circle passing over the opposite property line.”
4. Marijuana
  - A. Section 200 – Definitions – Insert into Section 200 definitions currently located in Section 491.1B “Definitions” with the addition of the following definitions related to marijuana: Canopy, Marijuana Courier, Marijuana Delivery Operator, Marijuana Transporter, Medical Marijuana Treatment Center (MTC) (Formerly known as Registered Marijuana Dispensary or RMD).
  - B. Section 200 – Definitions – Delete the definition of Registered Marijuana Dispensary
  - C. Section 420 – Table of Use Regulations – add 2.F. Marijuana Cultivator with “SP” in DBP District and “N” in all other districts; add 2 G. Marijuana Product Manufacturer with “SP” in DBP District and “N” in all other districts; change 3 EE. From Registered marijuana

dispensary to Medical Marijuana Treatment Center (MTC); change GG. From Marijuana Establishment to Marijuana Retailer with "SP" allowed in B, GVC, GWB, NDTV, NRN, DBP, VC and OV Districts and all other districts "N"; add HH. Marijuana Delivery Operator or Marijuana Courier and II. Marijuana Transporter with uses by "SP" in GCV, GWB, NDTV, NRN, DBP, NCR, DCR, VC and OV and all other districts "N" and 4. Add M. Marijuana Testing Facility with "SP" uses in the GVC, GWB, NDTV, NRN, DBP, NCR, DCR, VC and OV districts and "N" in all other districts.

- D. Section 440.2 - Delete Registered Marijuana Dispensaries in its entirety and add the new section Medical Marijuana Treatment Centers (MTC).
- E. Section 440.3 - Add a new section Marijuana Establishments (Adult Use Marijuana Establishments).
- F. Renumber existing Section 440.3 to 440.4 Garage for Commercial Vehicles; renumber existing Section 440.4 to 440.5 Business Accessory Use; renumber existing Section 440.5 to 440.6 Business Districts
- G. Section 491 Temporary Moratoria - Delete in its entirety.
- H. Section 492 Prohibition of Marijuana Establishments - Delete in its entirety

## 5. Section 800 - Nonconforming Structures and Uses

- A. Amend Section 810 - Structures and Uses Already in Existence - Alteration, Repair and Reconstruction of Nonconforming Structures ("Alteration") so that any structure or use of land or structure, lawfully existing as of the effective date of this bylaw or any construction or operation for which a building or other permit has been issued prior to the effective date of this bylaw may be continued, unless or until abandoned or not used for a period of four years or more. The Zoning Board of Appeals may waive this time limit for good cause. No nonconforming use, once abandoned or not used for a period of four years or more, shall be allowed to be restored as a nonconforming use and no nonconforming use, if changed to a conforming use, shall revert to a nonconforming use.

The Building Commissioner may permit the Alteration of a lawful, dimensionally nonconforming structure, provided, if the structure is nonconforming solely because of insufficient lot frontage, lot area, or both, if the proposed Alteration meets all dimensional requirements for front, side and rear setbacks, and maximum height. No Alteration which would increase the gross floor area of the nonconforming structure by more than 20% may be permitted by the Building Commissioner.

The Building Commissioner may permit the Alteration of a lawful, dimensionally nonconforming structure with sufficient lot frontage and lot area, where said structure is nonconforming as to a dimensional requirement for front, side or rear setbacks or maximum height, if the Alteration meets all such dimensional requirements. ~~No Alteration which would increase the gross floor area of the nonconforming structure by more than 20% may be permitted by the Building Commissioner.~~

In all other instances of Alteration governed by this bylaw, the applicant may petition the Board of Appeals for a finding under M.G.L. c.40A s 6. The Alteration of such a structure so as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance.

- B. Section 810.3 Nonconforming Structures Other Than Single and Two Family - Delete in its entirety as the language has been added to Section 810.
- C. Section 830 – Repair and Restoration of Nonconforming Structures and Uses – Delete in its entirety.

The text of the current Zoning Bylaw and the complete text of the proposed amendments to the Zoning Bylaw are available for inspection during the normal hours of business of the Scituate Town Hall at the offices of the Town Clerk and the Planning Board at Town Hall, 600 Chief Justice Cushing Highway, Scituate, Massachusetts and on the Town of Scituate website on the Planning Board web page under proposed bylaw changes. Any person wishing to comment on these proposed zoning amendments should appear at the public hearing at the time and place designated above. Written comments on the zoning amendments will also be accepted by the Planning Board prior to the public hearing.

Ann Burbine, Chair, Scituate Planning Board