

## **SCITUATE PLANNING BOARD    MINUTES    September 25, 2014**

Members Present: William Limbacher, Chairman; Richard Taylor, Clerk; Robert Vogel and Robert Greene.

Members Absent: Stephen Pritchard, Vice Chairman.

Others Present: Ms. Laura Harbottle, Town Planner.

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

Location of meeting: Selectmen's Hearing Room, Town Hall, Scituate, MA.

Chairman Limbacher called the meeting to order at 7:30.M. The meeting was being recorded for airing on the local cable television station.

### **Documents**

- 9/25/14 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Taylor moved to accept the agenda. Mr. Vogel seconded the motion and the vote was unanimous in favor.

---

### **Discussion: The Riverway – Conformance to Special Permit Conditions**

### **Documents**

- Letter from Tony DiNanno dated 9-15-15
- Plan of mixed use building dated 5-21-05
- Memorandum from Town Planner dated 9/22/14 on outstanding items for The Riverway

Ms. Harbottle indicated that she completed a site visit. She said everything is the same as it was in 2012, except that the inflatable has been moved. She indicated that other items were supposed to be completed and that the Board received a letter from Mr. DiNanno indicating that he is trying to sell the development rights to the mixed-use building. Ms. Harbottle indicated that there is some nebulous surety and it could be pursued with a vote of the Board. She said there is no time limit in the special permit for completing the work. She said the Board has a \$50,000 bond, but it does not have all the signatures.

Mr. Vogel moved to have the Town Planner pursue the liquidation of the bond to pay for the remaining work. Mr. Taylor seconded the motion. Motion was unanimously approved.

Ms. Harbottle added that there is no condition that prohibits the development rights from being sold. The Board was disappointed that Mr. DiNanno did not come to the meeting as requested.

### **Form A – 71 Clapp Road**

**Assessor's Map/Block/Lot: 24-02-15 (16)**

**Applicants/Owner: Lawrence K. & Leslie Stenbeck**

### **Documents**

- Form A application and Plan of Land located in Scituate, MA showing a division of Parcel 24-2-15 71 Clapp Road stamped by William Joseph McGovern of Morse Engineering, Co., Inc. for applicants Lawrence and Leslie Stenbeck dated 9/3/2014.

- Transmittal to departments dated 9/15/14

Greg Morse was present for the applicant. He said the proposal is to divide a 3 acre parcel into 2 lots both with access and 100 feet of frontage on Clapp Road. He said the lots are in the R-1 zoning district and the proposed lot has a unique configuration in order to achieve the lot area. Ms. Harbottle said that the 2 lots have access and frontage so the plan can be endorsed.

Mr. Taylor moved to endorse as approval under the Subdivision Control Law Not Required a Plan of Land in Scituate, MA showing a Division of Parcel 24-2-15 71 Clapp Road by William Joseph McGovern, Professional Land Surveyor of Morse Engineering Co., Inc. for applicant Lawrence K. & Leslie Stenbeck dated September 3, 2014 as the division of land is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on the public way of Clapp Road (A Scenic Road). Mr. Vogel seconded the motion. Motion was unanimously approved.

## **Accounting**

### **Documents**

- PO # 1501950 (\$13.90)

Mr. Taylor moved to approve the requisition of \$13.90 to WB Mason for office supplies. Mr. Greene seconded the motion. Motion was unanimously approved.

## **Minutes**

Mr. Taylor moved to approve the meeting minutes of 8/28/14 and 9/11/14. Mr. Greene seconded the motion. Motion was unanimously approved.

## **Town Planner Report**

Ms. Harbottle said that she has been working on the Housing Plan, the Open Space and Recreation Plan and will be working with Marshfield and Duxbury on a sea level rise mitigation study. She said they will be looking at the different types of protections and their effectiveness.

## **Liaison Reports**

Mr. Vogel said the ZBA is talking about some procedural changes, but nothing is definitive yet. Chairman Limbacher said there was nothing new to report on for the CPC. Mr. Taylor asked if it would be worth pursuing the DPW for the scope of work on some of the streets leading to the Harbor. Mr. Vogel said that the DPW is talking to the Building Commissioner on ADA access. Mr. Vogel said he would find out what he can and report back to the Board. Mr. Taylor was also concerned that the Harborwalk looks like just a walk. Ms. Harbottle said it came up this week that Cole Parkway and the Harborwalk should relate. She said some planting was going to occur on Jericho Road, but the Beautification Committee was concerned that ongoing maintenance would be an issue. Ms. Harbottle said that the Beautification Committee and herself agree that there should be landscaping, but the maintenance needs to be figured out first. Chairman Limbacher said he thought there was supposed to be vistas.

**Continued Public Hearing – Definitive Subdivision Plan – 50 Country Way  
Assessor's Map/Block/Lot 53-5-3 and 3B  
Applicant/Owner: 50 Country Way Trust, C. Christopher Ford Trustee**

**Documents**

- Email dated 9/4/14 from Attorney Steven Guard requesting a continuance to October 9, 2014

**Continued Public Hearing – Mixed Use Special Permit in the Village Business Overlay District  
- 50 Country Way  
Assessor's Map/Block/Lot 53-5-3 and 3B  
Applicant/Owner: 50 Country Way Trust, C. Christopher Ford Trustee**

**Documents**

- Email dated 9/4/14 from Attorney Steven Guard requesting a continuance to October 9, 2014

Chairman Limbacher indicated that the applicant has requested a continuance until October 9, 2014 as Mr. Pritchard is not present. No evidence or testimony was taken.

Mr. Taylor moved to accept the applicant's request to continue the public hearing for the for the Definitive Subdivision Plan for Greenbush Park at 50 Country Way and Mixed Use Special Permit in the Village Business Overlay District for 50 Country Way until October 9, 2014 at 8:00 p.m. and extend the time to file for the Definitive Plan and Special Permit to December 24, 2014. Mr. Vogel seconded the motion. Motion was unanimously approved.

**Scenic Road Hearing – 47 First Parish Road Lot 2  
Assessor's Map/Block/Lot 50-10-08 (portion of)  
Applicant: Welby Builders, LLC  
Owner: Estate of Henry G. Vickers, Jr.**

**Documents**

- Application for a Scenic Road Hearing dated 8/27/14 and plan of Proposed Single Family Dwelling 47 First Parish Road Lot 2 (portion of Assessor's parcel 50-10-08) Scituate, MA prepared for Welby Builders dated 7/28/14
- Transmittal to departments dated 8/27/14

Greg Morse and Paul Sheerin were present representing the applicant Welby Builders. Mr. Morse indicated that the Planning Board endorsed a Form A lot for the property a few months ago. He indicated that a stone wall runs along the frontage of the property and the wall is buried in brush along this properties' frontage. He indicated that the stone wall is a free standing wall and does not retain any earth. He said properties to the right are clear to the street. He said they would like to add a driveway and utility connections through a 20 foot opening.

Ms. Harbottle said the frontage is heavily vegetated, but there are no large trees. She said large rhododendrons are at the front and up the side by the Methodist Church. She said adding a driveway and removing the vegetation would change the appearance of the road. Chairman Limbacher and Mr. Taylor both suggested turning in the stone wall with a return at the driveway entry points. Mr.

Morse said that was not in their plan. The Board asked that the stones from the driveway be used to augment the existing wall to remain. Mr. Vogel asked if more trees could be saved at the existing tree line. Mr. Sheerin said they would leave everything that they could.

Mr. Taylor moved to close the Scenic Road Act public hearing and that the Planning Board vote to approve the removal of approximately 20 linear feet of stone wall and saplings under 3" in diameter for construction of a 10 foot wide new driveway and underground utility connections for Lot 2 at 47 First Parish Road in accordance with a plan for a Proposed Single Family Dwelling by Morse Engineering Co., Inc. dated 7/28/2014. No additional stone wall shall be disturbed for utility installation unless approved by the Town Planner. The applicant will notify the Town Planner 48 hours before construction commences and when the driveway is fully completed. This approval is contingent upon all federal, state and local permits being obtained. Stones taken from the driveway opening will be reused to fill in voids in the existing wall in front of #47. Mr. Vogel seconded the motion. Motion was unanimously approved.

### **Discussion – Possible Bylaw Amendments for Annual Town Meeting**

#### **Documents**

- Amend Accessory Dwelling Section 530 – Define Primary Dwelling, Set Maximum Area and Height Limit, Explain “subordinate” - 9-17-14
- Amend height limits for home elevations – 9-17-14 and 9-22-14

The Board discussed the draft of Building Height and Side Setback in the Flood Zone first. Ms. Harbottle said that for elevating existing structures above the Base Flood Elevation, she clarified the wording that the vertical distance from the sill and the ridge of the roof can't be increased and the height can't exceed the height in the bylaw. Mr. Vogel agreed with it for an existing house, but said it doesn't do anything for a new home on pilings or a raze and reconstruct situation. Ms. Harbottle said that a new home must prove it is not subject to flooding to the ZBA and new development is discouraged in the floodplain. She said habitable area cannot increase with a raze and reconstruct. Chairman Limbacher and Mr. Vogel had some concerns on smaller houses, but agreed the language was good except Ms. Harbottle will add verbiage about if the home was destroyed by a storm and also add existing vertical distance before the word ridge.

Ms. Harbottle said the second section F is new and has been suggested by Dave Ball for the purpose of elevation of utilities inside the side setback. The Board agreed that the footprint of the bump out shall not exceed 50 square feet was reasonable to accommodate utilities. Ms. Harbottle said that the Building Inspector will be given discretion to where and if the bump outs are needed.

The Board discussed accessory dwellings again. Ms. Harbottle said that the definitions will be the same as last draft. She said she went through approximately 50 bylaws of which 35 had size limits on accessory dwellings. She indicated the average was 794 sq. ft. and none were over 1,000 sq. ft. She said most towns did not want two families on one lot. She said Scituate's square footage of 40% of the primary dwelling was very liberal. She said that Mr. Vogel suggested putting in a minimum lot size of 10,000 sq. ft. and having the dwelling be in existence for 5 years. She said that having a height limit on a new separate structure seems reasonable as does limiting the number of bedrooms in accessory dwellings to two.

The Board discussed the 10,000 sq. ft. lot size. Mr. Vogel thinks that the 10,000 sq. ft. lot size will control density and car situations on too small lots thereby controlling visual and activity effects.

Mr. Taylor asked if changing the size, adding in a 5 years existence clause and the lot size may be too much for town meeting. Mr. Greene thinks that the 5 year time frame will register with people and questions if it is needed. Ms. Harbottle said when the bylaw was first enacted in 1989, the house already had to be part of the community which was a benefit. She said that portion of the bylaw was removed in 2003. She said it could be hard to get it back in. Mr. Vogel said that the bylaw allows a two family home with double the lot area. He said there must be a distinction between the accessory dwelling and the 2 family. Chairman Limbacher said that 10,000 sq. ft. lots and 5 years in existence are worthwhile, but he is not sure they are viable. He said the most important points are the definition of subordinate and the area. Mr. Greene suggested there could be separate standards for new free standing accessory dwellings.

Joe Joyce said that accessory dwellings are good for the demographics. He said he thinks more accessory dwellings are in the future and people initially build them for a family member not as rentable income properties. He thinks defining an accessory dwelling better would be helpful and is against the 900 sq. ft. size. He said that he doesn't see that they need to be attached. He said the 10,000 sq. ft. lot size could be too restrictive. He said the number of automobiles and if they park on the street is really a police enforcement issue. Mr. Taylor concurred that accessory dwellings do provide a variety of housing, but they are not restricted to just family members. Joe Joyce said 1250 is a good size and he favors a size cap. He suggested inviting people who have accessory dwellings in and see what they say about size. Mr. Joyce said that he doesn't think that an accessory dwelling changes the real estate value of the neighborhood. He indicated that people shouldn't be prevented from doing something that is needed due to a changing family situation or medical needs. Mr. Vogel said the 900 sq. ft. size limit and the 10,000 sq. ft. lot size restriction would address most of the situations the Board has dealt with in the past. The Board liked that idea of inviting people who live in accessory dwellings and those who are opposed to them to a meeting and suggested November 6 as a date.

## **Old Business and New Business**

### **Documents**

- Staff report for 9/25/14
- Memorandum to Town Administrator on Ch. 91 license for Webster Street
- Memorandum to Planning Board on Feedback from consulting engineers

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 9:20 p.m. Mr. Greene seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Richard Taylor, Clerk  
10-9-14  
Date Approved