

MEETING OF THE SELECT BOARD

MONDAY, MARCH 7, 2022 6:30 p.m.

JOSEPH P. NORTON EMERGENCY OPERATIONS CENTER, 800 CHIEF JUSTICE CUSHING HIGHWAY

In attendance Karen Connolly, Chair, Karen Canfield, Vice Chair, Andrew Goodrich, Clerk, Maura Curran, Anthony Vegnani

Also, in attendance Jim Boudreau, Town Administrator

Ms. Connolly read the statement below:

The Scituate Select Board is committed to providing an environment of respect during meetings. We ask all members to interact in a polite manner even when there is disagreement.

We value the participation of our community and want all participants, including marginalized and minoritized communities, to feel welcomed and respected.

We ask our committee members, and all who participate, to commit to these standards to support and respect our community.

MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

A motion was made by Mr. Vegnani at 6:30 p.m. to accept the agenda for March 7, 2022 second by Ms. Canfield Unanimous Vote (5-0)

WALK INS –Ann Burbine 10 Pennycress Road asked when the scale at the transfer station will be fixed. Mr. Boudreau said they cannot get parts and as soon as we can it will be fixed. Ms. Burbine received an email from Ms. Curran and she would like to have a follow up discussion at a future time.

SCHEDULED ITEMS:

REVIEW/DISCUSS/VOTE Projects & Warrant Articles for Annual and Special Town Meeting

Ms. Connolly suggested to the Select Board that we review the zoning articles first since we have the Planning Board and Building Commissioner in attendance. The following Planning Board members were in attendance to discuss the zoning articles with the Select Board; Patricia Lambert, Karen Joseph, Town Planner & Ann Burbine, Chair and Bob Vogel, Building Commissioner Ms. Joseph reviewed the following:

Article 17 and this is a housekeeping article to include Village Center & Neighborhood (VCN)

Article 18 the Planning Board has received some egregious shaped lots and a lot shape bylaw is necessary in Scituate. This only applies to new builds. The Planning Board took public comments into consideration. They expect some resistance from contractors. Ms. Joseph passed out handouts to show the Board the types of lots they have received requests for in the past. It has to be 30 feet wide. This was agreed by the Zoning Board of Appeals and the Building Department. You can still connect property but it does not count toward the buildable lot. Mr. Vogel said ZBA feared depending on dimension chosen there would be more preexisting non-conforming lots. The Board wants to minimize the number of cases that would fall under that category.

Article 19 Mr. Bob Vogel presented this article to the Board. Zoning Bylaw Amendment – Section 800 Nonconforming Structures and Uses. The way the current bylaw is written you have two years to repair your property. People abandoned property and it cannot be redeveloped after that time period. The changes proposed are in Section 800. This will increase the right to repair to four years across the board. This will allow time limits to be waived with a special permit from ZBA. If you don't rebuild within four years, you

could sell the land to a neighbor but you cannot rebuild the house after four years. The Select Board did receive a resident letter that this will force some people to sell to a developer or take some action on the property. This is a welcome change to the neighbors and the hope is to cure these situations. After four years they transition to be under the purview of the ZBA. As an example, the Egypt garage could not be rebuilt as a garage but with this change it could be rebuilt as a residential home. Mr. Vogel said the concern was not stripping these properties of all value. Mr. Vogel left the meeting after this article review.

Article 20 Section 440.2 Ms. Joseph said this article changes the name from Registered Marijuana Dispensaries to Medical Marijuana Treatment Centers and adds the updated language. The only place a Marijuana facility is allowed is in the Driftway Business Park (DBP) district. Mr. Vegnani asked the Planning Board to change to the “property line” rather than “entrance”.

Martha Tansey 243 Gannett Road has a question on zoning bylaws related to the Cannabis industry. If Scituate should implement and approve any of the proposed bylaws it renders the moratorium moot. This is troubling to her and she feels we are disregarding the ban. Ms. Connolly said the moderator is aware of this concern and the rules of the road will be followed. We are getting clarification from Town Counsel. Town Counsel has spoken to the Attorney General's office to get some guidance in some areas. The resident got the words from the MA Municipal Association.

Ms. Canfield said we are discussing what the language is for the zoning articles the second question is does the timing make a difference. Ms. Joseph said the Planning Board is doing what Town Counsel has recommended.

Margaret Donovan 9 Tristan Place referenced an article from the Town of Charlton that the MMA published. The general bylaw cannot contradict zoning bylaws that passed.

Deanna Roma 37 Tanglewood Drive would vote down the general ban but would vote for the zoning bylaw changes. They want the zoning bylaws in place but do not want the ban removed.

Ms. Joseph said there are two ban removals. If you vote the zoning bylaw in and don't remove the zoning. You should vote no on everything if you want to vote the ban.

Ms. Connolly said the moderator is well aware of the issues and will set the guidance for Town Meeting and which order the votes will be made.

Mr. Vegnani said that the Planning Board was asked to prepare these zoning bylaws for the Town of Scituate.

The citizen petition applicant went to the planning board at the last town meeting. All the communities the planning board spoke with said to put the zoning in place first.

Article 21 Zoning Bylaw Amendment Add a new Section 440.3 Marijuana Establishment (Adult Use Marijuana Establishments) The planning board held three public meetings to discuss this. They went to Marshfield and Rockland to review their bylaws. This is not being done for the petitioner but is being done in the best interest of the town. Mr. Vegnani questioned why we did not go to a ballot question first. The planning board found out late in the process. Mr. Vegnani said he is not attacking the planning board. He feels this is set up backwards. We want to set it up the correct way. Ms. Joseph said they have limited the locations where these establishments are allowed to go. Ms. Burbine said zoning bylaws are not written in stone and can be changed. Mr. Goodrich thinks the game is going to change and we may have no say in the future. We need to start tackling this sooner rather than later. Waiting may put us in a position where we may not have any input. Kicking the can down the road we could put ourselves in a deeper hole. Ms. Joseph asked the Select Board

what they don't like in the bylaw so they could take it under advisement. Mr. Vegnani said the number of uses in the town is a concern. Ms. Curran would like to see it go back to 500 feet from the property line. Ms. Lambert outlined where the locations would be throughout Scituate. There are 15-16 registered and licensed day care centers in Scituate. Mr. Vegnani asked why the Planning Board was not more restrictive. Ms. Joseph said you have to allow some places in town where they can go. Ms. Lambert said it is a business and could be considered restrictive zoning if you limit the area. Industrial use or manufacturing of firearms would not be allowed in a business district. Ms. Canfield said the planning board has done exactly what we asked them to do. It is appropriate to treat it like any other business. You can't say I want it kind of. Ms. Lambert continued to review this article. Mr. Vegnani asked that the planning board take under advisement the elimination under D. General requirements #4 that they remove the less than 500 feet but not less than 400 feet. The Select Board will vote on this article at the March 15, 2022 meeting after the planning board finalizes the language for the warrant articles. Mr. Vegnani would like the Planning Board to consider removing the districts of Humarock and Front Street from allowable locations.

Ms. Lambert said you have to have the zoning in place before you can lift the moratorium. Mr. Boudreau said town meeting can vote to take things out of order.

Article 22 Section 491 Temporary Moratoria from 2017-2018 The temporary moratorium has expired.

Article 23 section 492 prohibition of marijuana establishments

Article 24 Local Option Recreational marijuana excise tax

Article 25 Section 32060 Prohibition on Marijuana Establishments

Annmarie Galvin wants to point out that it is too broad and should be more restrictive. Among the 13 business types only two retail stores and one delivery type increase revenue to the town.

The Select Board will be voting on these articles at the March 15, 2022 meeting.

Ms. Connolly said the board will recess at 8:52 p.m.

Ms. Connolly reconvened the meeting at 8:55 p.m.

Ms. Connolly asked the Select Board how they wanted to meet with the Advisory Board on Wednesday, March 16th at 7:00 p.m. in person, hybrid or via remote. The Select Board would like an in-person meeting on March 16th to begin at 7:00 p.m. and is aware the Advisory Board will be remote.

Article 3 Capital Improvement Plan was discussed and Ms. Curran is concerned putting \$46,479,236 in front of town residents. Are any of these that need to be approved for FY23. Mr. Vegnani said he does not think that we need to spend \$16M on the Turner Road/Oceanside seawall Item C. Mr. Vegnani asked how much money we have in free cash. Ms. Holt said we have \$5M in free cash. The most discussion were items B & C on the capital warrant article. The Capital Plan committee voted in favor of all items in Article 3. After discussion the Select Board decided to remove Item B Seawall Replacement Cedar Point Army Corps of Engineer project for \$7,197,247 at this time and revisit at a later date. In addition, the Board decided to reduce Item C Foreshore Repairs – Seawall Turner Rd/Oceanside to \$4M from \$16M.

Motion by Ms. Curran to remove Item B from Warrant Article 3 FY23 Capital in the amount of \$7,197,247 and to reduce Item C from \$16M to \$4M second by Mr. Vegnani Unanimous Vote (5-0)

Article 4 Fiscal Year 2023 Operating Budget

Mr. Goodrich would like to see a position added in planning and conservation. Mr. Boudreau said he would need more defined responsibility regarding what that position would do and the departments will need to work on this. Mr. Boudreau said it could be considered for the Fall Town Meeting. Mr. Vegnani would like to see the IT position moved up the timeline and implemented as soon as possible.

Motion by Ms. Curran to accept Article 4 as written second by Mr. Goodrich Unanimous Vote (5-0)

The Board reviewed and discussed the warrant articles suggested to be on the Consent Agenda. It is recommended that Special Town Meeting Warrant articles 1-4 appear on the Consent Agenda and Annual Town Meeting articles 1-2, 5-11, 13 and 16 appear on the Consent Agenda and the Board agreed to add Article 27 also.

Motion by Ms. Canfield to approve all Consent Agenda Items 1-4 for the Special Town Meeting second by Mr. Goodrich Unanimous Vote (5-0)

Motion by Mr. Vegnani to approve all Consent Agenda Items 1-2, 5-11, 13, 16, and 27 second by Ms. Curran Unanimous Vote (5-0)

Move that the Select Board approve and vote the warrant articles 1-5 for the April 11, 2022 Special Town Meeting contingent upon any further changes by Town Counsel and/or the Town Administrator. Motion by Mr. Vegnani second by Ms. Canfield Unanimous Vote (5-0)

Move that the Select Board approve and vote the warrant articles 1, 2, 5 through 11 for the April 11, 2022 Annual Town Meeting contingent upon any further changes by Town Counsel and/or the Town Administrator. Motion by Mr. Vegnani second by Ms. Canfield Unanimous Vote (5-0)

Move that the Select Board approve and vote the warrant articles 12 & 13 for the April 11, 2022 Annual Town Meeting contingent upon any further changes by Town Counsel and/or the Town Administrator. Motion by Mr. Vegnani second by Ms. Curran Unanimous Vote (5-0)

Move that the Select Board not support warrant article 14 for the April 11, 2022 Annual Town Meeting contingent upon any further changes by Town Counsel and/or the Town Administrator. Motion by Mr. Vegnani second by Ms. Canfield In favor Connolly, Curran & Goodrich not in favor motion fails (2-3)

Move that the Select Board approve warrant article 14 for the April 11, 2022 Annual Town Meeting contingent upon any further changes by Town Counsel and/or the Town Administrator. Motion by Mr. Goodrich second by Ms. Curran In favor Goodrich, Curran and Connolly against Vegnani, Canfield Motion passes (3-2)

Move that the Select Board approve and vote the warrant articles 15 & 16 for the April 11, 2022 Annual Town Meeting contingent upon any further changes by Town Counsel and/or the Town Administrator. Motion by Ms. Canfield second by Mr. Vegnani Unanimous Vote (5-0)

Move that the Select Board approve and vote the warrant articles 26 & 27 for the April 11, 2022 Annual Town Meeting contingent upon any further changes by Town Counsel and/or the Town Administrator. Motion by Ms. Canfield second by Ms. Curran Unanimous Vote (5-0)

Move that the Select Board vote not in favor of Citizen Petition Article 28 to shut down the wind turbine motion by Ms. Curran second by Ms. Canfield Unanimous Vote (5-0)

The Select Board decided to wait and vote on Articles 17 through 25 at their March 15th meeting after the vote of the Planning Board.

The Select Board requested a public hearing with the Advisory Board to review the Annual Town Meeting FY23 Proposed Budget on Wednesday, March 16th. Ms. Devin will schedule this meeting.

DISCUSS/ASSIGN Warrant Articles for Annual and Special Town Meeting

The Board decided that the warrant articles will be assigned at the March 15th Select Board meeting.

OTHER BUSINESS:

1. Adjournment and Signing of Documents

Motion to adjourn the meeting at 10:45 p.m. motion by Mr. Goodrich second by Ms. Curran Unanimous Vote (5-0)

Respectfully Submitted,

Lorraine Devin, Recorder

List of Documents for the March 7, 2022 Select Board Meeting

- Agenda
- Upcoming Meetings and Events
- Marijuana Zoning Public Hearing Planning Board presentation dated March 7, 2022
- Annual & Special Town Meeting Warrants
- General Fund Budget Reconciliation Detail
- Taxpayer Impacts of All Debt Exclusions for FY22-41
- New Water Treatment Facility and Supervisory Control and Data Acquisition System (SCADA Project At a Glance

Select Board Meeting Minutes for March 7, 2022

SELECT BOARD

Karen E. Connolly, Chair

Karen B. Canfield, Vice Chair

Andrew W. Goodrich, Clerk

Maura C. Curran

Anthony V. Vegnani