



**Advisory Committee  
Meeting Minutes  
Community Room, Scituate Public Library  
Thursday, January 31, 2019  
7:00 pm**

**Committee Members Present:** Lincoln Heineman Chair; Jerry Kelly, Vice Chair; Anthony Antoniello; Patrice Metro; Elise Russo; Jamie Gilmore; Sean deLacy

**Committee Members Absent:** Mike Westort

**Also in Attendance:** Ken Duval, Adam Brodsky, Esq; John Boehmke; Brad Washburn; Amy Walkey; Kyle Boyd; Karen Joseph; Robert Vogel

**Not in Attendance:** Jim Boudreau, Town Administrator; Nancy Holt, Finance Director

**The meeting was called to order at 7:00 pm by Lincoln Heineman.**

**Lincoln Heineman asked for a motion to accept the agenda, a motion was made by Jamie Gilmore; seconded by Jerry Kelly; Unanimous vote (7-0)**

**Lincoln Heineman asked for a motion to approve the meeting minutes from 1/24/19 with inconsequential corrections, a motion was made by Jamie Gilmore seconded by Jerry Kelly; Unanimous vote (7-0)**

**Review Petition Articles:**

**Amend Zoning map to extend Humarock – Ken Duval, Property owner and Petitioner, Adam Brodsky, Esq.**

The South River Marina LLC, formerly the South River Yacht Yard in Humarock, contains a large metal building and boat yard. A portion of the property is currently zoned as part of the business district, due to the re-zoning of the business district in 2007/2008. The Town hired consultants who put together the zoning map and the proposed extension of Humarock Village Residential Overlay, the previous owner of the boat yard had asked to take the waterfront portion of the parcel out of the residential district so they could continue to run the boat yard. Eleven years later, there is no demand for a marina of that size with a large metal building for boat storage. The current owner, Ken, wants to keep some of the boat yard in use, but wants to reduce the size of the boat yard and re-evaluate what he can do with the rest of the property. He is requesting to put the property back in the overlay district (residential) where it was originally. This petition was presented to the Planning Board who seemed to be in favor, but have not voted yet. They are asking for the Advisory Committee's Support.

*Lincoln asked how large the property was, and Ken said 48,000 sq. feet.*

*Lincoln asked how much property you need, Att. Brodsky said they need the whole property to be re-zoned to allow for the possibility of building a multi-residential building.*

*Jamie asked how old the metal building was, Ken said it was built in the 1970s.*

*Lincoln asked what properties were residential and what were business, Attn. Brodsky said it was mixed.*

*Lincoln asked if all the neighbors and abutters were on board, Ken Duval said yes.*

### **Defer approval of new construction – John Boehmke**

John said that the Town's consumption of water usage is going up and our reservoir levels are going down and if you have a drought, the reservoir really goes down. There are projects to increase our water supply, but they are not on-line yet. Currently, we can withdraw 1.8 million gallons of water per day. John said maybe the Town should consider working with the State to change the number.

Lincoln thought that the way to address the problem was working through the Town and the State DEP Permit and not through legislation. John agreed that it would be a better way, he said he tried to commission a study and even though the Toll Brothers and the Town put money aside for the DPW to do the study, he felt it was going nowhere.

*Patrice commented on the gallons of water that were put in the river for the herrings, and also wondered if this was the correct process to fix the problem since it is a State Regulation. Brad Washburn thinks a temporary moratorium has to be put in place. He thinks we should talk to Town Counsel. John had a phone call with Kevin Cafferty and Jim Boudreau who said they would speak to Town Counsel. Lincoln asked Brad to talk to Jim and Town Counsel to see if this was legal.*

Jamie said that we were able to work through the drought of 2016 and that the Scituate DPW said we had enough water to supply the new residential buildings, Jamie didn't feel this was the right step to take as some people in the Town want to see Scituate grow.

*Patrice said that the study may need to be looked at further, Patrice asked if Anthony agreed. Anthony asked if John checked with the DPW about supply and demand, John said that they report the monthly production from the wells and the level of the reservoir. He further said that the wells produce 1 million gallons a day which is fine for the winter months, but in the summer they have to draw off the reservoir. He felt that we should stop building until we know what the right levels are. It doesn't seem fair to the citizens who already live here.*

Jerry complimented him for working within the system, and said that we were lucky to get rain late in the season of the 2016 drought, he further said that DEP has approved consumption of 1.8 million gallons of water a day, but unfortunately the high demand period is also the low supply period. Jerry felt it was good to start a conversation about the topic.

*Elise said are we meeting the demand, BUT, we have to spend \$10M to put in AstroTurf because we cannot water fields. As the DPW explained to us, we only have water for pets and people.*

**Lincoln gave John suggestions for petition language: He felt that "temporary" needs to be better defined and that he should have some information/evidence from other sources than just the Water Resource Commission, maybe include an opinion from a professional in the**

## **DPW.**

John said that he was hoping if it was put on the warrant that it would force the study to be completed. He restated that the funds were appropriated, \$200,000 from Toll Brothers and \$75,000 from Water Enterprise Fund. Brad said that Kevin Cafferty wanted to do the study, but was waiting to do a hydraulics study first and complete the ice pigging.

*Lincoln asked Brad if there was any opposition other than the other priorities. Brad said there was no opposition and he would like to get started on the study.*

Karen Joseph, Town Planner, added that it is a general by-law so Planning Committee would not have to vote.

Anthony said it should be discussed with the DPW.

John added that the answer from the Board of Selectmen was that it cannot be done, that it is illegal to stop building because of the DEP permit.

## **Departmental Budget Reviews:**

### **Community Planning and Development - Brad Washburn**

Brad said the department was created in 2017.

#### **Budget:**

Mainly personnel, everything else is level funded.

#### **Goals:**

- Coordinate relevant departments throughout Town Hall: : DPW, Town Administrator, Recreation, Health, Water Resource, and our internal departments: Planning, Conservation and Building and continue to increase cooperation and coordination among the departments.
- Continue high level facilitation and communication on infrastructure, waste water, Hull sewer, Town Master Plan and Coastal Issues

### **Conservation/Coastal Resources (171) Amy Walkey and Kyle Boyd**

#### **Accomplishments:**

- 300 Permits
- Regular Meetings with 7 member volunteer staff
- Oversee all Open Space and Conservation land
- Wet land protection
- Assist residents on environmental questions

#### **Challenges:**

- Driftway Park vandalism
- Carol Logue was the long time secretary and she retired. The new person is great, but the salary is low and she hopes to be able to keep her.

#### **Budget:**

Changes in line items:

- Difference in requested and TA recommended: (\$4,500 for a part-time salary). Patrick Galvin had been doing the part-time work but the money ran on June 30<sup>th</sup> and the TA did not approve continuing to pay for this part time position.

*Jerry asked if it had to be Patrick, and Amy said it could be Patrick another person*

*Patrice asked about examples of open enforcement cases, Amy said it could be an uninformed resident cutting back too much brush or someone who tears down a house without a permit*

*Patrice asked about examples of open enforcement cases, Amy said it could be an uninformed resident cutting back too much brush or someone who tears down a house without a permit.*

*Lincoln asked if the fines were at the right level, Amy said the fines were per day and tied to the by-law, so she felt they were correct.*

Brad said they are resource heavy cases that take a long time to enforce and follow up on. Amy added that Patrick used to follow up on the citations.

Amy said that they have wonderful volunteers on the commissions.

**Lincoln asked what the balance was in the Conservation Fund and the Driftway Park Fund, Brad and Amy said they would find out.**

*Kyle Boyd, the new Coastal Resources Director [who replaced Nancy Durfee] said he started in October, and that he did not have any budget requests. He said he is currently working with coastal advisory commission and that he is working on making contacts within the Town.*

**Goals:**

- Work better interdepartmentally
- Help write grants
- Help residents elevate their homes

*Lincoln wanted to know how many homes needed to be elevated. Kyle said he did not know off hand, but would find out for the next time they present to the Committee.*

Brad said they asked for moderate increases due to additional staff, mileage reimbursement (they use their own cars because they do not have enough) and conferences; but it was not TA approved.

Lincoln told Brad that the Town is selling their old police cars.

Lincoln said to think about how we are going to protect the harbor going forward, Brad said that Kyle received 2 grants from the State and MAPC for \$40,000 and \$20,000 respectively, to focus on the harbor.

Brad said that they are looking for long term solutions and are applying for another grant.

## **Planning (175) Karen Joseph**

### **Accomplishments:**

- Permitted many projects

### **Goals:**

- Revise storm water regulations
- MBTA parking lot sold - 78 new permits required
- Master plan update
- Working with EDC for Greenbush and North Scituate
- Stormwater

**Lincoln said the Town gave up \$200,000 by not selling the small parcel of land in Greenbush back to the MBTA and asked Brad to look at this issue when they negotiate.**

### **Budget:**

Requested vs. TA Approved

*We hired a consultant for Stormwater, and we asked for an increase in technology services.*

*We also asked extra money because we do not know what will pass at Town meeting and we need money for conferences and travel (mileage reimbursement)*

## **Zoning Board of appeals (176) Robert Vogel**

### **Accomplishments:**

- Transitioned office staff: 1 promotion, 1 new hire (replacement)

### **Challenges:**

- Herring Brook Development, public hearings 60 units
- Stockbridge Landing, duplexes 64 condominiums
- Ann Vinal Road Development
- Toll Brothers, issuing permits on 4 model units
- Lawson Green (40b)
- Elderly housing
- Drew family project

### **Budget:**

Small budget, with increases for salaries and office supplies

## **Economic Development Commission (182) Brad Washburn**

### **Budget:**

Changes in line items:

Slight decrease from \$49,000 requested to \$46,000 TA approved in Purchases of Services, Brad said it was for consultant work. They help us receive a lot of money in grants and without their assistance we could not get it done.

### **Inspections (241) Robert Vogel**

#### **Challenges:**

- Need more staffing: Close to capacity and then with Toll brothers it will be a substantial increase for permits and inspections -- 38% increase from just one development.
- Outside contractors get paid less in Scituate \$23.00 per inspection (visit) than other Towns who start at \$28.00
- Bob Vogel is the Flood Plan Administrator as well

#### **Goals:**

- Hire an outside building inspector

#### **Budget:**

Changes in line items:

Increased salaries for inspectors, \$119,000 requested and \$103,000 TA approved.

There will be a surplus of funds from Toll Brothers

### **Review Warrant Articles related to Zoning:**

#### **Amend Zoning By-Law Greenbush/Driftway area**

The zoning in Greenbush is pedestrian friendly, village style. The vision plan had sub-districts and suggested places for open spaces. The vision plan was put into zoning, Brad wanted the public to weigh in on the changes. So in 2018, he had a public forums first with Greenbush residents and business owners and then in June there was another public meeting. The last meeting was in December, where we came out with a draft. The Town worked with a consultant to create a draft zoning with a district, 2 base districts and several overlays. It is very similar to the proposed zoning, but now you can opt out of it. The new zoning plan is called the Village Center and Neighborhood District. Brad says it doesn't change the allowable uses of the property. Just creates a village style area that is walkable and allows business opportunity. There are 7 different sub-districts some allow for Open Spaces or Enhanced density or Town Homes.

Brad said they need to simplify the message because the zoning plan is confusing. There will be a presentation on the plan on February 7, at the EOC.

*Lincoln asked about Jenkins Place and the poor location, Brad said that Jenkins Place is in the business zone even though it is residential and they have not voiced opposition to the plan.*

*Lincoln asked if it changed what people could do on the specific street (dead end) in Jenkins Place, Brad said it provides guidance as to what the Town wants to see; no increase in density.*

*Lincoln said why don't you change it to residential, Brad said he is not opposed to it.*

*Sean said it makes it more desirable if it is flexible (by leaving it zoned for business).*

Karen said they are not removing any districts that have to do with environment and DEP requirements.

**Flexible Open Space Development – Karen Joseph**

We do not have the warrant article language yet, **Lincoln asked to receive the language as soon as they have it.**

Karen said that they want to add a deed restriction for a Homeowners Association Trust. The purpose is to keep it open space (non-built) and that they would still be required to pay taxes. It existed as part of Open Space, but not in Flexible Open space and that it was changed in 2010

*Lincoln said Open Space is not necessarily woods, Karen agreed. They will ask that for whatever state the land is in, it has to stay in.*

Attendance for February 7th Meeting:

Patrice - Y

Anthony - Y

Elise -Y

Jamie –Y

Sean – Y

Jerry - Y

**Lincoln Heineman made a motion to adjourn the meeting at 9:05 PM, Jamie Gilmore seconded the motion; Unanimous Vote (7-0).**

Respectfully Submitted,  
Lianne Cataldo (Recording Secretary)

**Outstanding Items:**

- Lincoln asked for the balance in the Conservation Fund and the Driftway Park Fund
- Lincoln asked Brad to talk to Jim and Town Counsel regarding the option of stopping further building in Scituate due to the water restrictions
- Lincoln said the Town gave up \$200,000 by not selling the small parcel of land in Greenbush back to the MBTA and asked Brad to look at this issue when they negotiate.
- Flexible Open Space Article: Lincoln asked for the language as soon as it is available.

**Referenced Materials**

- Agenda
- Minutes from 1/24
- Departmental Budgets and Goals and Objectives
- Zoning Articles Language