

Town of Scituate

Kathleen A. Gardner
Town Clerk
600 Chief Justice Cushing Highway
Scituate, Massachusetts 02066-3297



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www.scituatema.gov

July 9, 2021

NOTICE

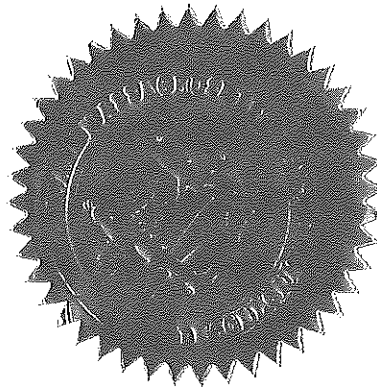
APPROVAL OF BYLAW

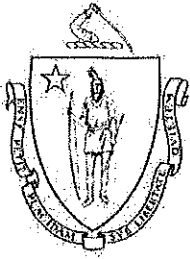
Massachusetts General Laws Chapter 40, Section 32 as amended, requires that the foregoing posting include the following information:

Claims of invalidity of the foregoing amendments to the Zoning and General Bylaws, by reason of any defects in the procedure of adoption, may only be made within ninety days after the posting of Bylaw changes.

Copies of amendments to the Bylaws may be examined and obtained at the office of the Town Clerk, Town Hall, Scituate, Massachusetts.

Kathleen A. Gardner
Town Clerk





THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

July 7, 2021

Kathleen A. Gardner, Town Clerk
Town of Scituate
600 Chief Justice Cushing Way
Scituate, MA 02066

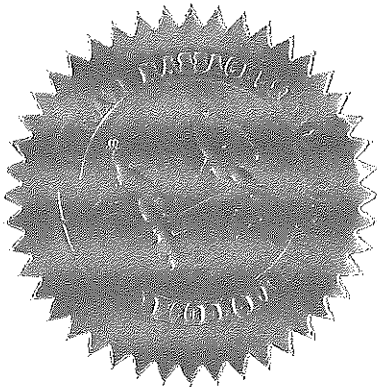
Re: Scituate Annual Town Meeting of April 12, 2021 --- Case # 10061
Warrant Articles # 25, 26, and 27 (Zoning)
Warrant Articles # 22, 23, and 24 (General)

Dear Ms. Gardner:

Articles 22, 23, 24, 25, and 27 - We approve Articles 22, 23, 24, 25, and 27, and the map amendments adopted under Article 25, from the April 12, 2021 Scituate Annual Town Meeting.

Articles 26 - We have retained Article 26 for further review. We will issue our decision on Article 26 on or before September 11, 2021.

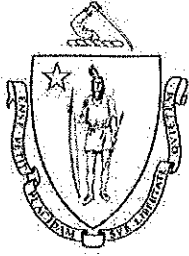
Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.



Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan
By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Cynthia L. Amara



THE COMMONWEALTH OF MASSACHUSETTS
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July 7, 2021

Cynthia L. Amara, Esq.
Town Counsel, Town of Scituate
Murphy, Hesse, Toomey, and Lehane, LLP
300 Crown Colony, Suite 410
Quincy, MA 02169

**Re: Extension of 90-day review period of Article 26
Scituate Annual Town Meeting of April 12, 2021
Case # 10061**

Dear Attorney Amara:

Pursuant to the requirements of G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, the Attorney General and Town Counsel are authorized to extend the 90-day period provided for the Attorney General's review of town by-laws for not more than an additional 90 days. This letter serves to satisfy the requirements of G.L. c. 40, § 32, as amended. In light of our need for time to further discuss the proposed by-law's consistency with state law, we hereby jointly agree to extend the Attorney General's review period of Article 26 for an additional 60 days. Our decision on Article 26 will now be due **September 11, 2021**.

Please sign this letter to reflect your agreement and return the signed letter to us. We will then file the letter with the Town Clerk, with a copy to you. Thank you for your accommodation in this matter.

MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

by: Kelli E. Gunagan, Assistant Attorney General
Municipal Law Unit
Office of the Attorney General
Ten Mechanic Street, Suite 301
Worcester, MA 01608

Cynthia L. Amara, Esq. /s/ (KEG)
Town Counsel

07/07/21
Date

Town of Scituate
Annual Town Meeting
April 12, 2021

WARRANT

ARTICLE 22. General Bylaw Amendment – Revolving Funds

To see if the Town will vote to amend the General Bylaws Section 10260 – Revolving Funds, as follows; or take any other action relative thereto.

Authorized Revolving Funds

1. Add SENIOR CENTER FOOD SERVICE FUND

Fund Name. There shall be a separate fund called Senior Center Food Service Fund.

Revenues. The Town Accountant shall establish the Senior Center Food Service Fund as a separate account and credit to the fund all charges for the preparation and service of food to seniors through the Scituate Senior Center.

Purposes and Expenditures. During each fiscal year, the Council on Aging Director may incur liabilities against and spend monies from the Senior Center Food Service Fund for the preparation and service of food to seniors through the Scituate Senior Center, whether on-site or delivered to seniors' homes.

Fiscal Years. The Senior Center Food Service Fund shall operate for fiscal years that begin on or after July 1, 2021.

And further to set the expenditure limit for FY 2022 at \$40,000.00; or take any other action relative thereto.

Sponsored By: Select Board

(CONSENT AGENDA) MOTION ARTICLE 22. General Bylaw Amendment – Revolving Funds

I move that the Town amend the General Bylaws Section 10260 – Revolving Funds, as follows.

Authorized Revolving Funds

1. Add SENIOR CENTER FOOD SERVICE FUND

Fund Name. There shall be a separate fund called Senior Center Food Service Fund.

Revenues. The Town Accountant shall establish the Senior Center Food Service Fund as a separate account and credit to the fund all charges for the preparation and service of food to seniors through the Scituate Senior Center.

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Fiscal Years. The Senior Center Food Service Fund shall operate for fiscal years that begin on or after July 1, 2021.

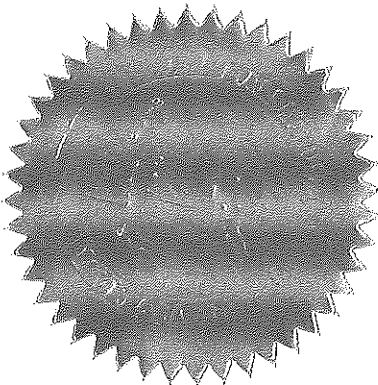
And further to set the expenditure limit for FY 2022 at \$40,000.00.

Quantum of vote: Majority

VOTE- Passed by Consent Agenda-Declared Unanimous in favor

I hereby certify the foregoing to be a True Copy Attest.


Kathleen A. Gardner
Town Clerk



WARRANT

ARTICLE 23. General Bylaw Amendment – Waterways - Sections 30920 and 30930

To see if the Town will vote to amend Section 30920 – B. Mooring Permits of the General Bylaws by inserting the words “Other than the Town of Scituate” at the beginning of the second paragraph; and amend the title of Section 30930 by deleting the word “Decks” and replacing it with the word “Docks” and further to strike the first sentence in Section 30930 - B and replace it with “No person shall tie or secure any boat to any town-owned dock, pier or float without first obtaining a Tie-up permit from the harbormaster”; or take any other action relative thereto.

SECTION 30920 MOORING PERMITS

A. The purpose of this section is to preserve the public peace, good order and welfare; to preserve and protect the coastal waters within the jurisdiction of the town of Scituate and all beaches, flats, tidelands and submerged lands lying seaward of the line of mean high water, and to prevent encroachments therein; to promote, preserve and protect the exercise and enjoyment of the public rights of fishing, fowling and navigation; to so regulate the use of said coastal waters as to protect and promote the public health, safety, convenience and enjoyment thereof.

B. Mooring Permits: No person shall moor any boat or shall place any block, chain, pennant or other mooring device within the limits of Scituate waterways without first obtaining a Mooring Permit from the harbor master. Such permit must be obtained for each calendar year and a mooring fee, set by the Select Board, shall be paid for said permit to the harbormaster on a form prescribed by the Select Board. The application shall set forth the name and address of the owner, the size and type of the boat to be moored, the size and type of the mooring, and if the mooring is already in the water, the location thereof with sufficient details to enable the harbormaster to locate it. No person shall own more than one mooring, except a Commercial Fisherman, as defined in Section 30910 (Definitions), and an owner of a Certified Mooring Service who may own up to two (2) moorings for the purpose of mooring Commercial (fishing) Vessels owned by said Commercial Fisherman or Commercial Vessels used in the operation of certified Mooring Service. Furthermore, a Commercial Fisherman, as defined in Section 30910 (Definitions), may also own one (1) additional mooring for the purpose of mooring a recreational vessel owned by said Commercial Fisherman, or take any other action relative thereto.

Other than the Town of Scituate, no mooring shall be rented. Provided, however, that any yacht club or boat club or other non-profit organization having a membership of at least fifteen persons may own not more than five moorings for the use of transient guests. Occupancy of such guest moorings for more than seven consecutive days by any one vessel shall be presumptive evidence of violation thereof. The harbormaster shall not issue mooring permits or slip rentals to persons who have delinquent boat excise taxes.

Subject to the Town of Scituate Mooring Rules and Regulations and Waterways By-Laws, Subsection Mooring Rules and Regulations (H), a mooring owned by a Commercial Fisherman as defined in Section 30910 (Definitions), with the approval of the Harbormaster, may be used to moor a Commercial Fishing Vessel owned by another Commercial Fisherman for up to two years.

C. The harbormaster shall prepare regulations governing the use of moorings, applications for mooring permits, the size and specifications for moorings, their hardware and pennants. All such regulations shall be submitted to the Select Board for approval. Upon approval, the regulations shall, for

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informational purposes be published once in a newspaper published in the town, and posted for seven consecutive days at the Harbormaster's Office and at the Town Clerk's Office. Copies of such regulations shall be available upon request at the Town Clerk's Office and the Harbormaster's Office. Such regulations may be amended from time to time in the same manner.

D. Any hazard to navigation or property, or any mooring placed within the limits of Scituate waterways in violation of the foregoing provisions, may be removed by the harbormaster at the expense of the owner.

E. As far as practical, the harbormaster shall require all commercial boats to be moored in a common area.

SECTION 30930 TOWN LANDINGS, PIERS, ~~DECKS~~ DOCKS, FLOATS

A. No person carrying passengers for hire shall embark or disembark such passengers from any boat at the town landings without permission of the harbormaster.

B. ~~No person shall tie or secure any boat to any town-owned dock, pier or float for more than sixty minutes without first obtaining a Tie-up Permit from the harbormaster.~~ **No person shall tie or secure any boat to any town-owned dock, pier or float without first obtaining a Tie-up Permit from the harbormaster.** Such permit may be issued on a daily, seasonal or calendar basis and a tie-up fee, set by the Select Board, shall be paid to the harbormaster or other agent authorized by the Town Administrator. The harbormaster shall prepare regulations governing the use of such town facilities and applications for Tie-up Permits. All such regulations shall be submitted to the Select Board for approval subject to the procedural requirements of Section 30920C above. Nothing herein shall prohibit the harbormaster from issuing a Tie-up Permit for no fee for any disabled vessel or any transient vessel requiring temporary refuge in Scituate Harbor.

C. No person shall clean or scale fish on town floats or piers.

D. No person shall leave any boating or fishing equipment or any personal property upon town landing places, floats or piers for longer than is reasonably necessary in the act of loading or unloading same, to or from boats or vehicles, without written permission of the Harbormaster.

E. No person shall swim or dive from town-owned piers or floats unless enrolled in organizational instruction permitted by the harbormaster.

F. No major repairs or complete maintenance work shall be done at town piers, docks, or floats without the permission of the Harbormaster.

G. The town is not responsible for any loss or damage to boats at town piers. Owners will be held responsible for damage to structures and pilings owned by the town.

H. No boat shall be left in dead storage at the town pier.

Or take any other action relative thereto.

Sponsored By: Select Board

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MOTION ARTICLE 23. General Bylaw Amendment – Waterways - Sections 30920 and 30930

Select Board-Maura Curran

I move that the Town amend Section 30920 – B. Mooring Permits of the General Bylaws by inserting the words “Other than the Town of Scituate” at the beginning of the second paragraph; and amend the title of Section 30930 by deleting the word “Decks” and replacing it with the word “Docks” and further to strike the first sentence in Section 30930 - B and replace it with “No person shall tie or secure any boat to any town-owned dock, pier or float without first obtaining a Tie-up permit from the harbormaster” as printed in the warrant.

Quantum of vote: Majority

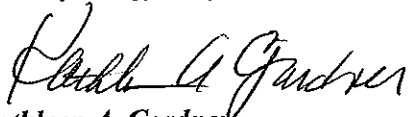
Advisory Committee-Dan McGuiggin

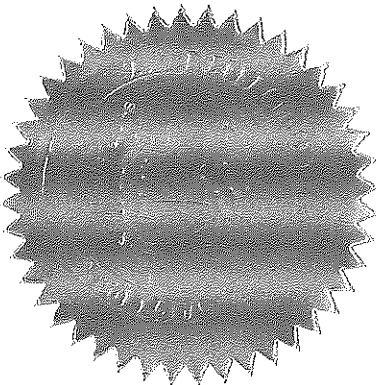
NEW MOTION-Peter Toppan to amend the main motion by adding the word “from” after the words “Other than” in SECTION 30920 MOORING PERMITS in the first sentence. Motioned seconded.

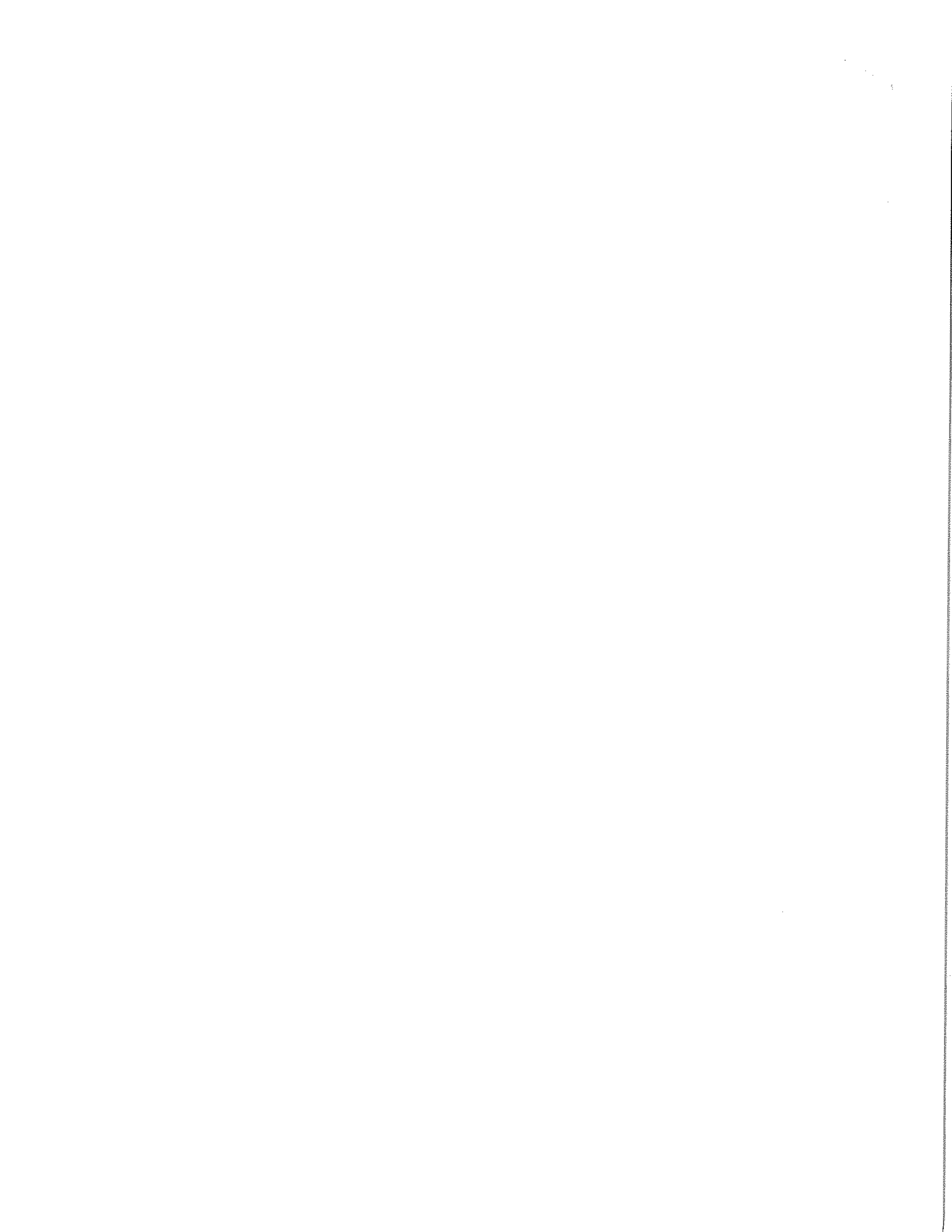
NEW MOTION-Freya Schlegel from 9 Westgate Lane to move the question. Seconded. Voted 2/3rds in favor to move the question.

VOTE ON AMENDED MAIN MOTION-Majority in favor

I hereby certify the foregoing to be a True Copy Attest.


Kathleen A. Gardner
Town Clerk





Town of Scituate
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WARRANT

ARTICLE 24. General Bylaw Amendment – Water Conservation - Section 30660

To see if the Town will vote to amend Section 30660 – Water Conservation of the General Bylaws by deleting it in its entirety and inserting the following new Section 30660 in its place;

Section 30660 Water Conservation

Section 1: Authority

This Bylaw is adopted by the Town of Scituate [hereinafter referred to as Town] under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and pursuant to its powers under M.G.L. c. 40, §§ 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This bylaw also implements the Town authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under G.L. c. 21G, §§ 15-17. This bylaw is also intended to implement other water conservation requirements of M.G.L. c. 21G, the "Massachusetts Water Management Act" and its regulations promulgated at 310 CMR 36.00.

Section 2: Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety, welfare and the environment whenever there is in force a "State of Water Supply Conservation" or a "State of Water Supply Emergency" by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Town in accordance with this bylaw and/or by the Department of Environmental Protection under its state law authorities.

Section 3: Applicability

All Town persons who are customers of the public water supply system shall be subject to this bylaw. This bylaw shall be in effect year round.

Section 4: Definitions

Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.¹

Automatic irrigation system, including sprinklers, shall mean any system for watering vegetation other than a handheld hose or a bucket.

¹ This statutory definition includes cultivation of the soil, dairying and the production, cultivation, growing and harvesting of agricultural, aquacultural, floricultural or horticultural commodities as well as forest harvesting, raising livestock inclusive of bees and fur-bearing animals and forestry, lumbering, preparation for market, delivery to storage or market or to carriers to market incidental to an agricultural operation.

Nonessential outdoor water use shall mean those uses that are not required:

1. for health or safety reasons;
2. for the production of food and fiber;
3. for the maintenance of livestock; or
4. to meet the core functions of a business.

Nonessential outdoor water uses that are subject to mandatory restrictions include but are not limited to:

- irrigation of lawns via sprinklers or automatic irrigation systems;
- washing of vehicles, boats, or other vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

Exceptions to nonessential outdoor water uses are:

- irrigation with harvested and stored stormwater runoff.

The following outdoor water uses are subject to review and may be approved by the Town, through the Water Department or its designee:

- irrigation of public parks and recreation fields during the hours of 9 AM to 5 PM;
- irrigation to establish replanted or resodded lawn or plantings during the months of May and September;
- irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months; and
- filling of privately owned outdoor pools.

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c. 21G, §§ 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 5 of this bylaw.

Water Customers shall mean all persons using the public water supply irrespective of that person's responsibility for payment for use of the water.

Water Users shall mean all persons using the public water supply or using privately-owned wells within the Town boundaries.

Section 5: Declaration of a State of Water Supply Conservation

The Select Board sitting as the Water Commissioners (the "Board") or its designee is authorized to:

- a) declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands; and
- b) declare a State of Water Supply Conservation as necessary to ensure compliance with the Water Management Act.

Upon notification to the public that a State of Water Supply Conservation has been declared, no water customer shall violate any provision, restriction, requirement or condition of the declaration. The Board or its designee may declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Conservation shall be given under Section 8 of this bylaw before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

Section 6. Restricted Water Uses

A declaration of a State of Water Supply Conservation shall limit nonessential outdoor water use by water customers as necessary to control the volume of water pumped each day, except as exempted or permitted in Section 4. This State of Water Supply Conservation goes into effect every year between May 1 and September 30, and comprises four tiers of water restrictions. The Board or its designee will determine which tier that all water customers must adhere to beginning on May 1. And as the months progress until September 30, the Town will inform the public when and if a new tier of restrictions is required. Following are the four water restriction tiers:

Tier 1

Between May 1 and September 30 all outdoor watering must occur *before* 9 AM and *after* 5 PM.

Between May 1 and September 30, automatic irrigation systems may be used one day per week, as designated by the Water Department according to precinct.

- Properties in Precinct 1 may irrigate lawns on Monday
- Properties in precinct 2 may irrigate lawns on Tuesday
- Properties in Precinct 3 may irrigate lawns on Wednesday
- Properties in Precinct 4 may irrigate lawns on Thursday
- Properties in Precinct 5 and 6 may irrigate on Friday

Tier 2

No use of automatic irrigation. Only handheld hoses are allowed before 9 AM and after 5 PM

Tier 3

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No use of automatic irrigation. Only watering cans or buckets are allowed before 9 AM and after 5 PM

Tier 4

NO OUTDOOR WATER USE. Total ban on all nonessential water use.

When a Tier 4 total outdoor water ban is in place, all of the following activities are prohibited:

- Irrigating a lawn via an automatic irrigation system
- Adding water to any type of swimming pool, in-ground or above ground
- Washing any vehicle, boat, or other vehicle except as necessary for operator safety
- Washing exterior building surfaces, parking lots, driveways, sidewalks, etc. except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement.

At the discretion of the Board or its designee, the following uses may be allowed, even when mandatory restrictions are in place. All persons must seek permission from the Board or its designee for any of the following:

- Irrigating to establish a new lawn or plantings, but ONLY during the months of May and September.
- Irrigating of public parks and recreational fields between 9 AM and 5 PM.
- Irrigating of gardens, flowers, and ornamental plants with a handheld hose or drip irrigation system before 9 AM and after 5 PM,
- Irrigating a lawn by means of a handheld hose before 9 AM and after 5 PM

Section 7: Penalties

The Board or its designee shall enforce this bylaw.

Any person who violating an order under this by-law shall be liable to the Town in the amounts listed below:

- Warning for the first violation
- \$100.00 for the second violation
- \$200.00 for the third violation
- \$300.00 for each subsequent offense.

Each day of violation shall constitute a separate offense. Fines shall be recovered by the Town. This bylaw may be enforced by non-criminal disposition. If a State of Water Supply Emergency has been declared the Board or its designee may, in accordance with G.L. c. 40, § 41A, shut off the water at the meter or the curb stop.

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Section 8: Public Notification of a State of Water Supply Conservation

Notification of any provision, restriction, or condition imposed by the Town as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than one week following the declaration of a State of Water Supply Conservation by publication in a newspaper of general circulation within the Town. Notification shall be made within 48 hours of the declaration by signage on major roadways or intersections. Notification may also include email, websites, public service announcements on local media, reverse 911 calls or other such means reasonably calculated to reach and inform all water users.

Section 9: Termination of a State of Water Supply Conservation

A State of Water Supply Conservation may be terminated by a vote of the Board or its designee upon a determination that the conditions requiring the State of Water Supply Conservation no longer exist, or in accordance with the Water Management Act permit conditions. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 8 for notice of its imposition.

Section 10: Inground Irrigation Systems

No new underground irrigation systems installed after the effective date of this bylaw can be connected to the Town's water distribution system and in any manner using municipal water. All irrigation systems installed in accordance with this provision shall be supplied by an on-site source, such as a well, at the sole expense of the property owner. In addition, the property owner shall prominently display a sign, indicating that a well is located on the premises. Violations of this bylaw shall result in a fine of \$100.00 per day.

Commercial agriculture is exempt from this restriction. Municipal sports fields may be exempt based on approval by the Board or its designee.

All inground irrigation systems shall be registered with the Town's Water Department in such form and manner as it shall determine. A fee may be charged for this registration. Registration fees shall be set by the Water Department. The Water Department may require inspection of the irrigation system.

Section 11: Severability

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

Or take any other action relative thereto.

Sponsored By: Select Board

Town of Scituate
Annual Town Meeting
April 12, 2021

**MOTION ARTICLE 24. General Bylaw Amendment – Water Conservation - Section 30660
Select Board-Andrew Goodrich**

I move that the Town amend Section 30660 – Water Conservation of the General Bylaws by deleting it in its entirety and inserting in its place a new Section 30660 as printed in the warrant.

Quantum of vote: Majority

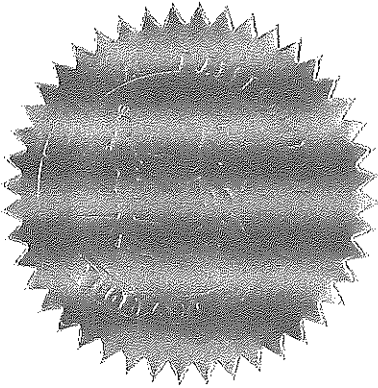
Advisory Committee- Jerry Kelly

VOTE-Declared Unanimous in favor

I hereby certify the foregoing to be a True Copy Attest.



**Kathleen A. Gardner
Town Clerk**



WARRANT

ARTICLE 25. Zoning Bylaw Amendment – North Scituate, Village Center & Neighborhood District (VCN) and VCN Housekeeping

To see if the Town will vote to amend the Zoning Bylaws and zoning map to add a new Village Center and Neighborhood District (VCN) in North Scituate and do some housekeeping to delete sections previously changed by adding a VCN and to make the VCN bylaw more user friendly. All references below refer to sections of the Zoning Bylaw.

1. Amend All Sections – change all references throughout the bylaw accordingly from General Business (GB) District to Business (B).
2. Amend All Sections – remove Harbor Business (HB), Commercial(C) and Residential Multi-family (RM) districts throughout the bylaw accordingly.
3. Amend All Sections – change Board of Selectmen throughout and replace with Select Board throughout the bylaw accordingly.
4. Section 200 Definitions - Amend Definition of “Cottage Court” – delete number of bedrooms.
5. Section 310 Types of Districts – add a new Village Center and Neighborhood District to include North Scituate Village (NSV) and its subdistricts.
6. Section 320 Location of Districts– clarify Location of District map by adding current zoning map date of April 8, 2019 and add previously approved Humarock Village Overlay Business District (STM November 5, 2019) and add North Scituate Village Center and Neighborhood District and its subdistricts.
7. Section 420 Table of Use Regulations– amend the table to include titles of the districts for the Village Center and Neighborhood District by adding a title Greenbush-Driftway Gateway District to the table and add North Scituate Village (NSV) and its subdistricts and uses to the Table of Uses.
8. Section 490 Planned Development District– Delete Section 490 Planned Development District in its entirety as it was previously replaced (ATM April 9, 2019, STM November 2019) with the Village Center and Neighborhood District - Greenbush-Driftway Gateway District.
9. Section 560 Village Business Overlay District– remove all references to North Scituate as a Village Business Overlay District and its boundaries, uses and requirements.
10. Amend Section 580 - add North Scituate Village (NSV) and its subdistricts as a new Village Center and Neighborhood District (VCN) with requirements and design and development standards; update Greenbush-Driftway allowed Building Types in the VCN District in Table 1 and Table 2 and delete the maximum dwelling units per building under Bulk Standards.

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11. Section 720 Common Driveways - correct Standards of Review listed in 720.1 from Section to 770.5 from 770.6
12. Section 750 Design Review for Business, Commercial, Mixed Use and Multi-Family Development - re-organize to make more user friendly by separating Design Standards and Design Guidelines and adding a new North Scituate VCN to be included in the building types and design standards and building activation encroachments. Delete ordinances in Figure 12 Building Activation Encroachments and replace with Bylaws.
13. Section 751 Low Impact Development Standards – Amend Section 751.3 B. 4. To add “as applicable” for use of native landscaping and delete the excess words “The maximum” in Section 751.3 H. 1.
14. Section 753 Public Realm Standards – Update Table 1 – Public Realm Design Standards to clarify street width components and sidewalk components.
15. Amend Section 754 Fair Housing and Affordability Standards – Delete sentence on bedrooms in Section 754.6
16. Amend Section 760 Parking – clarify parking to so that use of Table 1 and Table 2 is clarified and update Table 2 for restaurant use and delete Place of Assembly in Table 2.

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; or take any other action relative thereto.

Sponsored by: Planning Board

MOTION ARTICLE 25. Zoning Bylaw Amendment – North Scituate, Village Center & Neighborhood District (VCN) and VCN Housekeeping

Select Board-Tony Vegnani

I move that the Town amend the Zoning Bylaws and zoning map to add a new Village Center and Neighborhood District (VCN) in North Scituate and do some housekeeping to delete sections previously changed by adding a VCN and to make the VCN bylaw more user friendly. All references below refer to sections of the Zoning Bylaw.

1. Amend All Sections – change all references throughout the bylaw accordingly from General Business (GB) District to Business (B).
2. Amend All Sections – remove Harbor Business (HB), Commercial(C) and Residential Multi-family (RM) districts throughout the bylaw accordingly.
3. Amend All Sections – change Board of Selectmen throughout and replace with Select Board throughout the bylaw accordingly.
4. Section 200 Definitions - Amend Definition of “Cottage Court” – delete number of bedrooms.
5. Section 310 Types of Districts – add a new Village Center and Neighborhood District to include North Scituate Village (NSV) and its subdistricts.
6. Section 320 Location of Districts– clarify Location of District map by adding current zoning map date of April 8, 2019 and add previously approved Humarock Village Overlay Business District (STM November 5, 2019) and add North Scituate Village Center and Neighborhood District and its subdistricts.
7. Section 420 Table of Use Regulations– amend the table to include titles of the districts for the Village Center and Neighborhood District by adding a title Greenbush-Driftway Gateway District to the table and add North Scituate Village (NSV) and its subdistricts and uses to the Table of Uses.
8. Section 490 Planned Development District– Delete Section 490 Planned Development District in its entirety as it was previously replaced (ATM April 9, 2019, STM November 2019) with the Village Center and Neighborhood District - Greenbush-Driftway Gateway District.
9. Section 560 Village Business Overlay District– remove all references to North Scituate as a Village Business Overlay District and its boundaries, uses and requirements.
10. Amend Section 580 - add North Scituate Village (NSV) and its subdistricts as a new Village Center and Neighborhood District (VCN) with requirements and design and development standards; update Greenbush-Driftway allowed Building Types in the VCN District in Table 1 and Table 2 and delete the maximum dwelling units per building under Bulk Standards.

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11. Section 720 Common Driveways - correct Standards of Review listed in 720.1 from Section to 770.5 from 770.6
12. Section 750 Design Review for Business, Commercial, Mixed Use and Multi-Family Development - re-organize to make more user friendly by separating Design Standards and Design Guidelines and adding a new North Scituate VCN to be included in the building types and design standards and building activation encroachments. Delete ordinances in Figure 12 Building Activation Encroachments and replace with Bylaws.
13. Section 751 Low Impact Development Standards – Amend Section 751.3 B. 4. To add “as applicable” for use of native landscaping and delete the excess words “The maximum” in Section 751.3 H. 1.
14. Section 753 Public Realm Standards – Update Table 1 – Public Realm Design Standards to clarify street width components and sidewalk components.
15. Amend Section 754 Fair Housing and Affordability Standards – Delete sentence on bedrooms in Section 754.6
16. Amend Section 760 Parking – clarify parking to so that use of Table 1 and Table 2 is clarified and update Table 2 for restaurant use and delete Place of Assembly in Table 2.

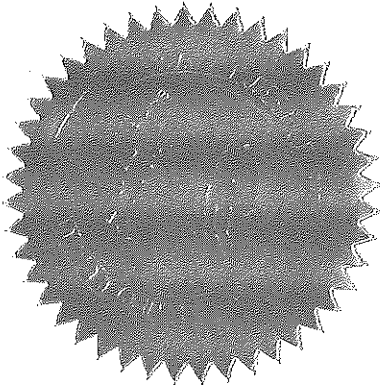
Quantum of vote: 2/3rds

Advisory Committee-Lincoln Heineman

VOTE-Declared Unanimous in favor

I hereby certify the foregoing to be a True Copy Attest.


Kathleen A. Gardner
Town Clerk



WARRANT

ARTICLE 27. Zoning Bylaw Amendment – Fair Housing and Affordability Standards (Section 754)

To see if the Town will amend the Zoning Bylaws by changing the marked up language to provide that Fair Housing and Affordability Standards should apply to all projects with more than five units in all districts; a copy of which shall be posted on the Town website and available in the Planning Board office and Town Clerk’s office; or take any action related thereto.

SECTION 700 - GENERAL PROVISIONS AFFECTING ALL DISTRICTS

754 FAIR HOUSING AND AFFORDABILITY

754.1 APPLICABILITY

A. General. ~~Where affordable housing units are required or provided in exchange for increased density under the provisions in Section 510 Residential Cluster District, Section 530 Accessory Dwellings, Section 550 Flexible Open Space Development, Section 560 Village Business Overlay District, Section 570 Humarock Village Residential Overlay District, or Section 580 Village Center & Neighborhood District, The following standards shall apply to all housing developments generating more than five units in all districts. Land under common ownership for housing developments cannot be segmented to avoid this requirement.~~

B. Specific Application to VBOD and VCN

- 1. Exemptions.** Applications requesting ~~seven~~ five or fewer dwelling units are exempt from this requirement. The Planning Board may waive this requirement if housing units are entirely within an existing historic structure either on the National Register of Historic Places, the State Register of Historic Places or on a list of historic structures maintained by the Scituate Historical Society.
- 2. Number of Affordable Units.** The number of affordable housing units required shall be equal to fifteen per cent (15%) of the total of proposed housing units, rounded to the nearest whole number, except that fractions up to and including .5 units shall be rounded down to the next lower whole number. The requirements for affordable units are thus as follows:

Total Housing Units	Required Affordable Units
6-10	1
11-16	2
17-23	3
24-30	4
31-36	5
37-40	6
Above 40	15% of total

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3. Density Bonuses. For all projects receiving a density bonus, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a project, any fractional unit shall be deemed to constitute a whole unit. The total number of Affordable Housing units constructed in a VBOD or VCN District shall equal not less than twenty percent (20%) of the total number of all units constructed within projects in the district. A Project shall not be segmented to evade the Affordability threshold set forth above.

Sponsored by: Planning Board

MOTION ARTICLE 27. Zoning Bylaw Amendment – Fair Housing and Affordability Standards (Section 754)

Select Board-Maura Curran

I move that the Town amend the Zoning Bylaws by adopting the language as printed in the warrant to provide that Fair Housing and Affordability Standards should apply to all projects with more than five units in all districts.

Quantum of vote: 2/3rds

Advisory Committee-Patrice Metro

VOTE-Declared Unanimous in favor

I hereby certify the foregoing to be a True Copy Attest.


Kathleen A. Ghyner
Town Clerk

