

TOWN OF SCITUATE
ADVISORY COMMITTEE



Report and Recommendations
For

ANNUAL & SPECIAL TOWN MEETING

APRIL 8, 2024

7:00 P.M.
HIGH SCHOOL GYMNASIUM

This Report is furnished for your information. Please bring it to all sessions of Town Meeting.

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**LISTING OF ARTICLES
SPECIAL TOWN MEETING
APRIL 8, 2024**

- ARTICLE 1. Unpaid Prior Year Bills
- ARTICLE 2. FY 24 Budget Reconciliations
- ARTICLE 3. Community Preservation Act
- ARTICLE 4. Change Town Clerk Position from Elected to Appointed

**ANNUAL TOWN MEETING
APRIL 8, 2024**

- ARTICLE 1. Compensation of Elected Officials
- ARTICLE 2. Reports of Boards and Committees
- ARTICLE 3. Capital Improvement Plan
- ARTICLE 4. Fiscal Year 2025 General Fund Operating Budget
- ARTICLE 5. Waterways Enterprise Fund FY 2025 Budget
- ARTICLE 6. Golf Course Enterprise Fund FY 2025 Budget
- ARTICLE 7. Wastewater Enterprise Fund FY 2025 Budget
- ARTICLE 8. Transfer Station Enterprise Fund FY 2025 Budget
- ARTICLE 9. Water Enterprise Fund FY 2025 Budget
- ARTICLE 10. Stabilization Fund Excess Levy
- ARTICLE 11. Revolving Fund Limits
- ARTICLE 12. Community Preservation
- ARTICLE 13. Community Preservation Act Reconciliations
- ARTICLE 14. Affordable Housing Trust – Small Grant Non Deed Restricted Program
- ARTICLE 15. Massachusetts General Laws Chapter 91 Liability

ARTICLE 16. Amend Zoning Map and Zoning Bylaws for Village Center and Neighborhood Districts – Greenbush/Driftway Gateway District and North Scituate Village District for Compliance with MGL Ch 40A Section 3A of the Zoning Act for Multi-Family Zoning as of right in MBTA Communities and minor housekeeping changes

ARTICLE 17. Zoning Bylaw Amendment – Wireless Communication Antennas

ARTICLE 18. Amend General Bylaws Section 10260 – Revolving Funds

ARTICLE 19. Amend General Bylaws Section 30150 – Streets, Sidewalks, Public Ways

ARTICLE 20. Local Option Acceptance – M.G.L. Chapter 59 §5 cl 54

REPORT OF THE ADVISORY COMMITTEE

TO THE VOTERS OF SCITUATE:

In accordance with the Town of Scituate Bylaws, the Advisory Committee submits its report to the voters. This report contains the complete warrant for the Annual & Special Town Meeting, which will convene on April 8, 2024.

Our forum is an Open Town Meeting, which has been described as the purest form of democracy. All registered voters are entitled to attend, ask questions, express their opinions, and vote on all matters.

This evening, the Select Board, and other town boards will propose various warrant articles, expenditures, funding transfers, land acquisitions, local options acceptances, zoning changes, etc. The Special Town Meeting places before the voters a total of **four (4)** articles, and the Annual Town Meeting places before the voters a total of **twenty (20)** articles for your consideration.

We, the Advisory Committee, will provide recommendations on each; but **ONLY YOU** decide which articles pass, and which ones do not.

YOU ARE THE LEGISLATIVE BODY OF SCITUATE.

The Advisory Committee urges you to become an active participant in town meeting. Voice your opinion and seek any clarification necessary to make an informed vote on these articles.

Respectfully submitted,

SCITUATE ADVISORY COMMITTEE

Elise Russo, Chairman
Daniel McGuiggin, Vice Chair
Jerry Kelly
James Gilmore
Patrice Metro
Lynda Ferguson
Missy Seidel
Marc DiCosimo
Conor Doherty

TOWN MEETING RULES AND DEFINITIONS

1. The conduct of Scituate's Town Meeting is bound by state law, the Town's Charter and By-laws, local tradition and the publication entitled, "Town Meeting Time."
2. The Moderator presides over the Town Meeting, decides all questions of order and procedure, and announces the results of all votes. The results of all votes when announced by the Moderator shall be final except on a voice vote that may be questioned by seven (7) voters standing immediately after the announced results of a vote. In such a case, a teller-counted vote shall be taken without debate.
3. Non-voters will be seated in a special section unless permission is granted by the Town Meeting to be seated elsewhere. Non-voters may be allowed to address the Town Meeting with permission of the Moderator unless a majority of voters choose to deny such a privilege.
4. Articles in the Warrant give notice of the issues subject to discussion at a Town Meeting and establish the parameters of matters that can be debated and acted on. Amendments, motions and/or debate determined by the Moderator, with the advice of Town Counsel, to be "beyond the scope" of the articles may not be permitted.
5. In order for the Town Meeting to act on or discuss an article, a motion must be made. The Moderator will call for a motion on each article and, if no motion is made after the second call, the Moderator will "pass over" the article and move on to the next Article. In order to bring back a "passed over" article for a motion and discussion, there must be an approved "motion for reconsideration".
6. Articles may be postponed by a majority vote or advanced by a 2/3 vote.
7. To address the Town Meeting, a speaker must be recognized by the Moderator and once recognized, a speaker should first give his or her name and address for the record. No speaker will be recognized while another person is speaking except to raise "a point of order," which is used to question a ruling of the Moderator or the conduct of Town Meeting. Points of order are not to address the subject matter being discussed.
8. All matters shall be decided by a majority vote unless a 2/3 or greater vote is required. If more than a majority vote is required, the Moderator shall announce the required percentage for passage before calling the vote.
9. The Moderator may set time limits on all presentations and may terminate

debate on a motion when deemed appropriate. Debate on a motion may also be terminated by a voter “moving the question” which, if accepted by the Moderator as not being premature, shall be voted on without discussion or debate. A motion to “move the question” requires a 2/3 vote for passage.

10. Only two (2) amendments to a motion may be on the floor at any particular time. Amendments over six (6) words must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available to those attending at the entrance of the hall before the start of that particular session.

11. Generally, amendments shall be voted on in the order made and prior to the vote on the motion to be amended. However, amendments relating to amounts to be appropriated shall be voted on in a descending order until an amount gains approval.

12. A motion may be reconsidered once for a compelling reason by a 2/3 vote. No further reconsideration will be permitted. There may be no reconsideration of a vote at a subsequent session of the Town Meeting.

13. A resolution is a non-debatable, non-binding motion on any matter calling for a consensus of the Town Meeting. A resolution must be related to the content of an article. If a resolution is over ten (10) words, it must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available at the entrance of the hall for those attending.

14. When justice or order requires, the Moderator may make exceptions to these rules, in his or her discretion, as is deemed appropriate under the circumstances.

MUNICIPAL FINANCE TERMS

APPROPRIATION: An authorization by the Town Meeting to make obligations and payments from the treasury for a specific purpose.

ASSESSED VALUATION: A valuation set upon real or personal property by the Board of Assessors as a basis for levying taxes.

BETTERMENT: A betterment assessment is a charge for the cost of public improvements, which benefit a limited area, against real estate situated in that area.

BOND: A loan, typically over a year in maturity.

BOND AUTHORIZATION: The amount of money the Town Meeting approves for borrowing for a specific purpose.

BOND ISSUE: Generally, the sale of a certain number of bonds/notes at one time by a governmental unit.

CAPITAL BUDGET: A plan of proposed capital outlays and the means of financing them for the current fiscal year.

CAPITAL OUTLAY: Expenditure for the purchase of property or equipment and for the construction or renovation of a facility and infrastructure.

CHERRY SHEET: A form showing all state and county charges and reimbursements to the town as certified by the Massachusetts Department of Revenue.

DEBT SERVICE: Payment of interest and repayment of principal to holders of the town's debt instruments.

ENTERPRISE FUND: Financing of services where all or most of the costs are paid for by users.

ENTERPRISE RETAINED EARNINGS: If during a fiscal year an Enterprise Fund produces a surplus, such surplus shall be kept in a separate account called "retained earnings." The Department of Revenue then "certifies" that surplus as an available fund that can be used for:

1. Operating costs to offset the need to increase user charges.
2. To fund capital improvements.
3. To fund Enterprise Fund revenue deficits.

FISCAL YEAR: A 12-month period, commencing on July 1, to which the annual budget applies. (Abbreviated as “FY”)

FREE CASH: The excess of assets over liabilities, minus uncollected taxes of prior years also referred to as “available cash.” The amount is certified annually by the Massachusetts Department of Revenue. Free Cash may be appropriated by vote of a Town Meeting.

GENERAL FUND: The major town-owned fund which is created with town receipts and which is charged with expenditures payable from such revenues.

GRANT: A contribution of assets by one governmental unit or other organization to another. Typically, these contributions are made to local governments from the state and federal government. Grants are usually made for specific purposes.

LEVY LIMIT: The amount of dollars a Town can raise by taxation under Proposition 2½.

LINE ITEM BUDGET: A format of budgeting, which organizes costs by type of expenditure - such as expenses, equipment and salaries.

OVERLAY: The overlay is the amount raised by the Assessors to be used for potential abatement of property taxes. The Overlay Surplus is the portion of each year’s overlay account no longer required to cover property tax abatements.

PROPERTY TAX LEVY: The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed “per thousand dollars” of assessed valuation.

RESERVE FUND: Money set aside by Town Meeting to be allocated by the Advisory Committee for extraordinary and unforeseen expenditures.

REVOLVING FUND (Ch. 44, Sec 53E ½): A Town may annually authorize the use of a revolving fund by separately accounting for the receipts received from a particular service or program and may expend from the revolving fund to provide such service or program without appropriation.

STABILIZATION FUND: A special account, which is invested until used and can only be utilized by Town Meeting appropriation.

Enterprise Indirects increased by workers comp and unemployment chargebacks. One-time increase of \$93,114.61 for FY25 Revision 2/14/2024; 10:06 AM

FINANCIAL FORECAST COMMITTEE MEMBERS: Town Administrator James Boudreau; Select Board Member Vice Chair Andrew Goodrich; Finance Director/Town Accountant Nancy Holt; Treasurer Collector Pamela Avitabile; Director of Assessing Joseph DiVito; School Committee Member Peter Gates; Superintendent of Schools William Burkhead; Director of School Finance and Business Thomas Raab; Capital Planning Committee Chair Christopher Carchia and Advisory Committee Chair Elise Russo

Financial Forecast

ADOPTED Forecast
February 14, 2024

FORECASTING MODEL

	Notes	Actual FY 2021	Actual FY 2022	Actual FY 2023	Budget FY 2024	Proposed FY 2025	Projected FY 2026	Projected FY 2027	Projected FY 2028	Projected FY 2029
SOURCES										
Prior Year		\$ 58,023,354	\$ 63,038,371	\$ 66,214,508	\$ 70,298,731	\$ 74,031,715	\$ 76,682,508	\$ 79,399,571	\$ 82,184,560	\$ 85,039,174
Override										
2.5% Increase		\$ 1,450,584	\$ 1,575,959	\$ 1,655,286	\$ 1,757,468	\$ 1,850,793	\$ 1,917,063	\$ 1,984,989	\$ 2,054,614	\$ 2,125,979
New Growth		\$ 1,223,712	\$ 1,603,298	\$ 2,425,662	\$ 1,975,516	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000
TOTAL LEVY		\$ 60,697,650	\$ 66,217,628	\$ 70,295,456	\$ 74,031,715	\$ 76,682,508	\$ 79,399,571	\$ 82,184,560	\$ 85,039,174	\$ 87,965,153
Cherry Sheet/State Aid	[1]	\$ 8,783,368	\$ 8,526,303	\$ 8,827,140	\$ 9,195,995	\$ 9,348,528	\$ 9,348,528	\$ 9,348,528	\$ 9,348,528	\$ 9,348,528
Septic Loan Program		\$ -	\$ 10,962	\$ 12,344	\$ 12,347	\$ 12,348	\$ 12,349	\$ 12,351	\$ 12,354	\$ 12,356
Local Receipts	[13],[19]	\$ 7,462,124	\$ 7,645,165	\$ 8,767,521	\$ 5,696,412	\$ 5,768,562	\$ 5,768,562	\$ 5,768,562	\$ 5,768,562	\$ 5,768,562
Enterprise Indirect costs	[12]	\$ 994,161	\$ 1,098,382	\$ 1,197,398	\$ 1,203,492	\$ 1,409,913	\$ 1,438,111	\$ 1,466,873	\$ 1,496,211	\$ 1,526,135
Overlay Surplus		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Rooms Occupancy Tax		\$ 135,953	\$ 180,519	\$ 205,932	\$ 50,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Meals Tax	[2]	\$ 257,388	\$ 233,019	\$ 381,803	\$ 230,000	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000
TOTAL ALL REVENUE		\$ 78,330,644	\$ 83,911,978	\$ 89,687,593	\$ 90,419,961	\$ 93,601,859	\$ 96,347,121	\$ 99,160,874	\$ 102,044,829	\$ 105,000,734
USES										
Offsets	[1]	\$ 29,809	\$ 32,544	\$ 40,334	\$ 42,403	\$ 42,472	\$ 42,472	\$ 42,472	\$ 42,472	\$ 42,472
State & County Charges	[1]	\$ 648,239	\$ 645,744	\$ 702,123	\$ 767,846	\$ 769,068	\$ 807,521	\$ 847,897	\$ 890,292	\$ 934,807
Overlay		\$ 261,477	\$ 276,609	\$ 300,001	\$ 300,000	\$ 310,000	\$ 310,000	\$ 310,000	\$ 310,000	\$ 310,000
Other Deficits/Articles		\$ -	\$ -	\$ 175,239	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Economic Development		\$ 31,000	\$ 34,500	\$ 46,000	\$ 46,000	\$ 46,000	\$ 46,000	\$ 46,000	\$ 46,000	\$ 46,000
TOTAL USES		\$ 970,526	\$ 989,397	\$ 1,263,697	\$ 1,156,249	\$ 1,167,540	\$ 1,205,993	\$ 1,246,369	\$ 1,288,764	\$ 1,333,279
NET REVENUE		\$ 77,360,118	\$ 82,922,581	\$ 88,423,897	\$ 89,263,712	\$ 92,434,319	\$ 95,141,127	\$ 97,914,505	\$ 100,756,064	\$ 103,667,455
<i>Revenue Growth</i>						3.55%				
SHARED COSTS										
Reserve Fund		\$ 39,033	\$ 74,245	\$ 71,674	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
Tax Title		\$ 21,567	\$ 39,070	\$ 21,827	\$ 39,000	\$ 39,000	\$ 39,000	\$ 39,000	\$ 39,000	\$ 39,000
Insurance/Town Bldgs.	[9]	\$ 763,050	\$ 867,934	\$ 958,519	\$ 1,099,981	\$ 1,209,979	\$ 1,270,478	\$ 1,334,002	\$ 1,400,702	\$ 1,470,738
So. Shore Vo. Tech./Norfolk Agric.	[3]	\$ 638,132	\$ 634,970	\$ 583,933	\$ 769,728	\$ 1,014,880	\$ 1,065,624	\$ 1,118,905	\$ 1,230,796	\$ 1,353,875
Debt & Interest		\$ 1,995,967	\$ 1,995,246	\$ 1,961,447	\$ 1,995,767	\$ 1,995,767	\$ 1,995,767	\$ 1,995,767	\$ 1,995,767	\$ 1,995,767
- Capital Stabilization/Capital Plan		\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ -	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
- Capital Stablztn/Plan (Meals Tax)		\$ 84,000	\$ 38,000	\$ 84,000	\$ 84,000	\$ -	\$ -	\$ -	\$ -	\$ -
- Debt Excl MS & PSC (Meals Tax)	[2]	\$ -	\$ 100,000	\$ 100,000	\$ 100,000	\$ -	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Plymouth County Retirement Assmt	[5]	\$ 5,228,790	\$ 5,759,996	\$ 6,213,897	\$ 6,841,463	\$ 7,571,059	\$ 8,328,164	\$ 9,160,981	\$ 10,077,079	\$ 11,084,787
School Bus Lease	[4]	\$ 244,301	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000
Street Lights	[4]	\$ 88,597	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000
Workers' Compensation		\$ 210,000	\$ 523,715	\$ 210,000	\$ 210,000	\$ 190,000	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000
HVAC Technician	[15]	\$ -	\$ -	\$ 42,705	\$ 76,658	\$ 80,491	\$ 84,516	\$ 88,742	\$ 93,179	\$ 97,838
Second School Resource Officer	[16]	\$ -	\$ -	\$ -	\$ 100,000	\$ 102,500	\$ 105,063	\$ 107,689	\$ 110,381	\$ 113,141
Unemployment Insurance	[11]	\$ 152,088	\$ 1,920	\$ 42,843	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000
Contributory Group Insurance	[10,14]	\$ 5,933,245	\$ 6,080,017	\$ 6,679,379	\$ 7,279,855	\$ 7,382,061	\$ 8,046,446	\$ 8,770,627	\$ 9,559,983	\$ 10,420,382
Federal Taxes	[6]	\$ 712,899	\$ 758,366	\$ 792,074	\$ 882,332	\$ 917,625	\$ 954,330	\$ 992,503	\$ 1,032,203	\$ 1,073,492
OPEB	[7]	\$ 104,440	\$ 115,200	\$ 124,278	\$ 136,829	\$ 151,421	\$ 166,563	\$ 183,220	\$ 201,542	\$ 221,696
TOTAL SHARED COSTS		\$ 16,316,109	\$ 17,463,679	\$ 18,361,576	\$ 20,230,614	\$ 21,169,784	\$ 22,980,952	\$ 24,716,436	\$ 26,665,632	\$ 28,795,714
NET AVAILABLE		\$ 61,044,009	\$ 65,458,902	\$ 70,062,321	\$ 69,033,098	\$ 71,264,535	\$ 72,160,175	\$ 73,198,069	\$ 74,090,432	\$ 74,871,741
SPLIT										
School Share 66.67%/66.34% [4] [18]		\$ 39,206,165	\$ 41,273,689	\$ 43,333,014	\$ 45,507,329	\$ 47,229,029	\$ 47,871,060	\$ 48,559,599	\$ 49,151,593	\$ 49,669,913
Town Share 33.33%/33.66% [18]		\$ 19,600,142	\$ 20,633,749	\$ 21,663,257	\$ 22,750,252	\$ 24,035,507	\$ 24,289,115	\$ 24,638,470	\$ 24,938,839	\$ 25,201,828
		\$ 58,806,307	\$ 61,907,438	\$ 64,996,271	\$ 68,257,581	\$ 71,264,536	\$ 72,160,175	\$ 73,198,069	\$ 74,090,432	\$ 74,871,741
Percentage Change						4.41%	1.26%	1.44%	1.22%	1.05%

Enterprise Indirects increased by workers comp and unemployment chargebacks. One-time increase of \$93,114.61 for FY25

Revision 2/14/2024; 10:06 AM

FINANCIAL FORECAST COMMITTEE MEMBERS: Town Administrator James Boudreau; Select Board Member Vice Chair Andrew Goodrich; Finance Director/Town Accountant Nancy Holt; Treasurer Collector Pamela Avitabile; Director of Assessing Joseph DiVito; School Committee Member Peter Gates; Superintendent of Schools William Burkhead; Director of School Finance and Business Thomas Raab; Capital Planning Committee Chair Christopher Carchia and Advisory Committee Chair Elise Russo

ADOPTED Forecast
February 14, 2024

FORECASTING MODEL

	Notes	Actual FY 2021	Actual FY 2022	Actual FY 2023	Budget FY 2024	Proposed FY 2025	Projected FY 2026	Projected FY 2027	Projected FY 2028	Projected FY 2029
TAX RATE										
Total Levy from above		\$ 60,697,650	\$ 66,217,628	\$ 70,295,456	\$ 74,031,715	\$ 76,682,508	\$ 79,399,571	\$ 82,184,560	\$ 85,039,174	\$ 87,965,153
School Debt Exclusion		\$ 681,947	\$ 653,930	\$ 619,483	\$ 594,744	\$ 564,753	\$ 84,580	\$ 82,371	\$ 83,128	\$ 76,029
Wastewater Debt Exclusion		\$ 97,981	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
new Water Treatment Plant Debt Excl	[17]	\$ -	\$ -	\$ -	\$ 22,701	\$ 145,718	\$ 145,717	\$ 145,717	\$ 145,717	\$ 145,717
Library Debt Exclusion		\$ 384,352	\$ 373,925	\$ 363,425	\$ 352,925	\$ 342,425	\$ 331,925	\$ 321,425	\$ 311,850	\$ 303,200
Public Safety Complex Debt Excl	[8]	\$ 1,163,670	\$ 1,135,710	\$ 1,102,213	\$ 1,070,463	\$ 1,033,838	\$ 1,002,338	\$ 970,838	\$ 942,338	\$ 916,838
Senior Center/Gym Debt Exclusion		\$ 58,333	\$ 921,992	\$ 782,900	\$ 803,463	\$ 774,100	\$ 749,350	\$ 724,600	\$ 699,850	\$ 675,100
Middle School Debt Exclusion	[8]	\$ 3,428,600	\$ 3,335,600	\$ 3,242,600	\$ 3,149,600	\$ 3,056,600	\$ 2,958,725	\$ 2,865,975	\$ 2,782,500	\$ 2,708,300
TOTAL TAX LEVY		\$ 66,512,533	\$ 72,638,785	\$ 76,406,077	\$ 80,025,611	\$ 82,599,942	\$ 84,672,205	\$ 87,295,485	\$ 90,004,557	\$ 92,790,336
TAX RATE		\$ 13.33	\$ 12.62	\$ 11.13	\$ 11.33	\$ 10.36	\$ 10.76	\$ 10.87	\$ 10.99	\$ 11.11
Total Valuation		\$ 5,146,329,020	\$ 5,249,255,600	\$ 6,833,558,450	\$ 6,970,229,619	\$ 7,690,005,430	\$ 7,843,805,539	\$ 8,000,681,649	\$ 8,160,695,282	\$ 8,323,909,188

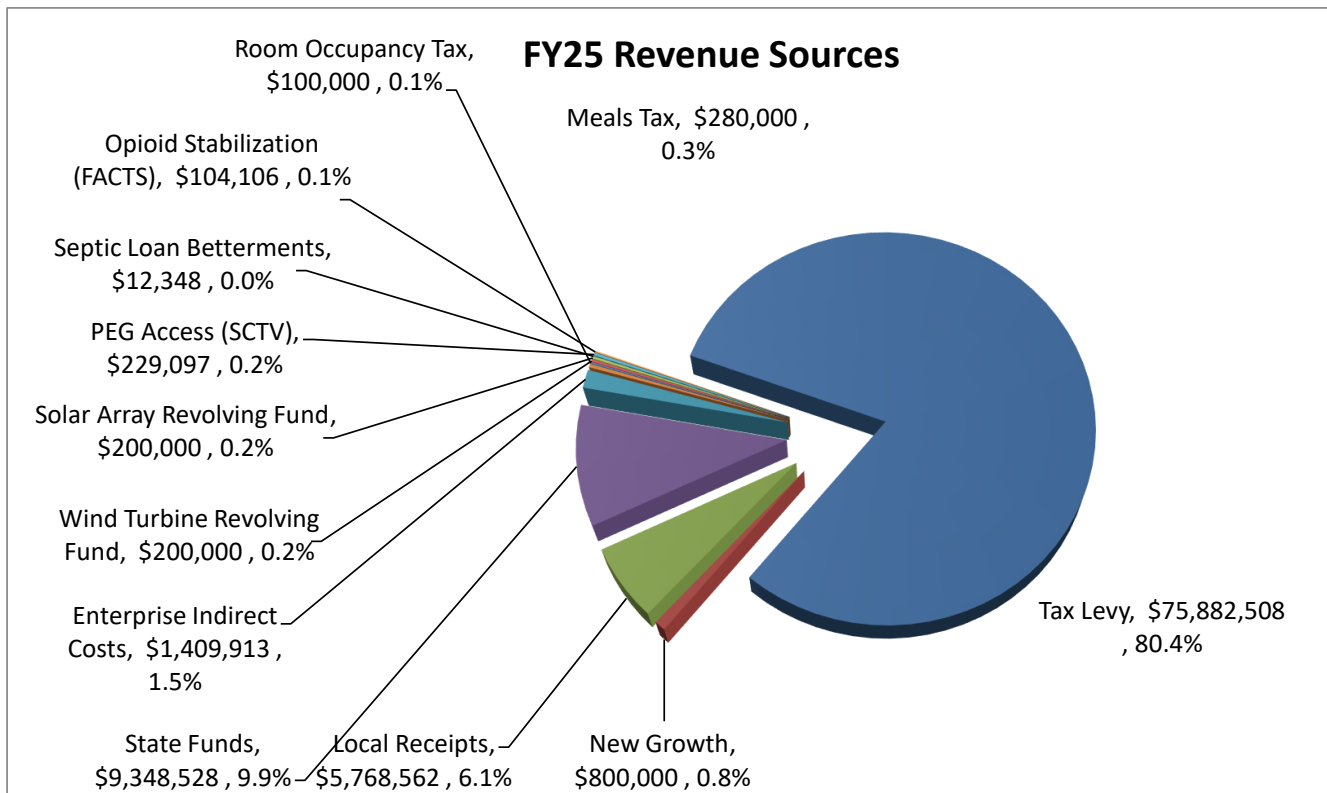
ASSUMPTIONS:

- [1] - Reflects estimated FY25 DOR cherry sheet from DLS for Governors' FY25 budget with level funding for FY26-29
- [2] - Estimate of \$280,000 is reflective of trends for receipts of meals tax
- [3] - South Shore Voc. Tech FY25-15 pupil increase \$1,014,880 and no one enrolled in Norfolk Aggie; 7% in FY26-27 and 10% in FY28-29 for capital
- [4] - Shared cost of school bus lease of \$250,000 added to this amount in budget article so it is under the control of the School Department. Shared cost of street lighting set at \$125,000. Both amounts to stay static for future years.
- [5] - Actual assessment for FY25 including additional liability for FY23 one-time COLA with FY26-28 at 10%
- [6] - Reflects a 4% increase over FY24 budget and remains at that level through FY29 due to exempt employees retiring and COLAs.
- [7] - Pursuant to Town financial policies, 2% of Plymouth County Retirement System assessment.
- [8]- \$100,000 in solar array and wind turbine revenues to offset debt exclusion impact for middle school & public safety complex.
- [9]- 10% increase over FY24 budget - some lines moved to other insurers. Additional 5% FY26-29.
- [10]-FY20 was 3.1% for active plans; FY21 is 3.9% for active plans; FY22 was 4.36% for active plans; calendar year 2021 at 0% for Medex plans; FY23 rate is 3.61% for active plans; FY24 rate is 7.44% for active plans and barring any positive information 9% increase assumed for FY25-FY29; 50% of plans are Medigap which have more stable rates
- [11]- Unemployment line at \$65,000 which is pre-pandemic level.
- [12]- Actual calculation for FY25 and 2% estimated increase for FY26-29.
- [13]-Increased to \$X including change to fees for Inspections and ZBA.
- [14]-FY21 and FY22 actuals are artificially low as the Town's health insurer, MIA, provided premium holidays due to the pandemic
- [15]-New shared cost for FY23 for salary of a shared HVAC Technician for town and school buildings increased by 2.5% for FY24 for COLA and 2.5% for step; same pattern for FY26-29
- [16]-New shared cost for FY24 for salary of a second School Resource Officer during the school year and patrol officer during the summer; increased by 2.5% COLA FY25-29
- [17]-Estimates from draft Schedule C from MCWT for DW-22-36 for \$2,368,763 Rte 3A portion of project
- [18]-Revenue apportionment changed for FY25 forward to School - 66.34% and Town 33.66%; a 0.33% shift from School to Town departments
- [19]-Local receipts increased \$72,150 to reflect increase in fee schedule for Inspections Department specific to an increase in a per inspection rate for inspectors for FY25. Total amount for town share for FY25 only.

FY25 Scituate Sources of Revenue

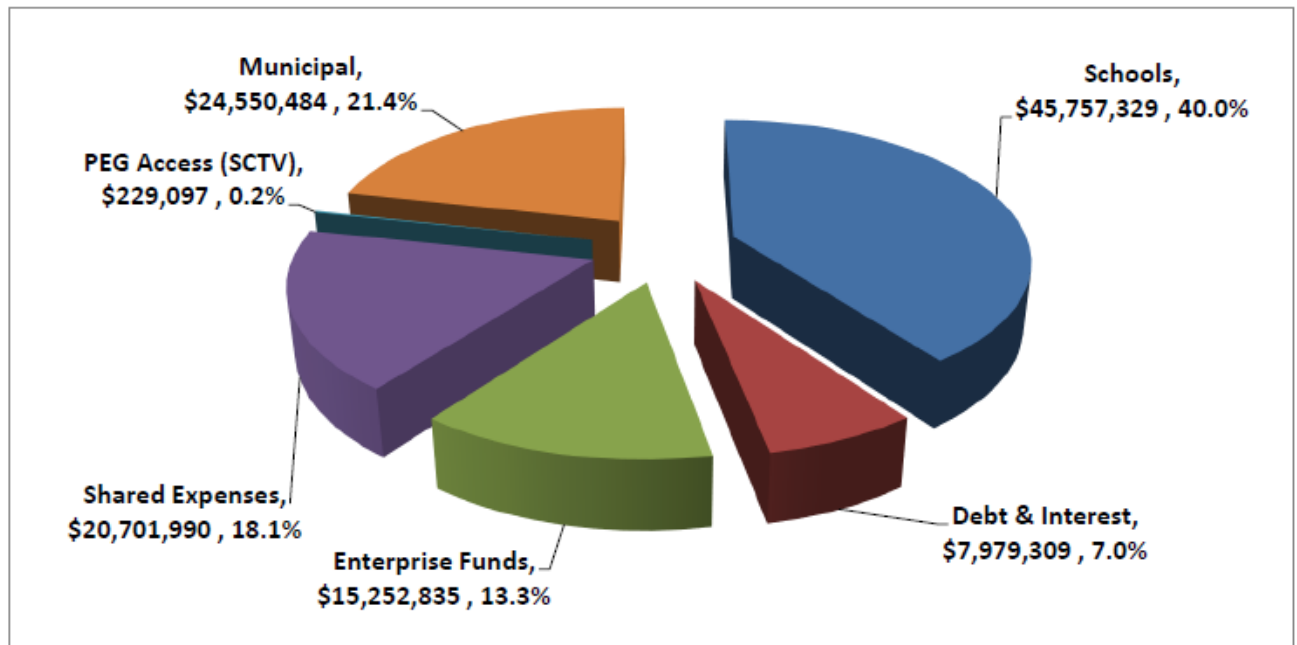
2024 Tax Levy	\$	74,031,715
2.5%	\$	<u>1,850,793</u>
	\$	<u>75,882,508</u>

Tax Levy	\$	75,882,508
New Growth	\$	800,000
Local Receipts	\$	5,768,562
State Funds	\$	9,348,528
Enterprise Indirect Costs	\$	1,409,913
Meals Tax	\$	280,000
Room Occupancy Tax	\$	100,000
Wind Turbine Revolving Fund	\$	200,000
Solar Array Revolving Fund	\$	200,000
Septic Loan Betterments	\$	12,348
PEG Access (SCTV)	\$	229,097
Opioid Stabilization (FACTS)	\$	104,106
	\$	<u>94,335,062</u>



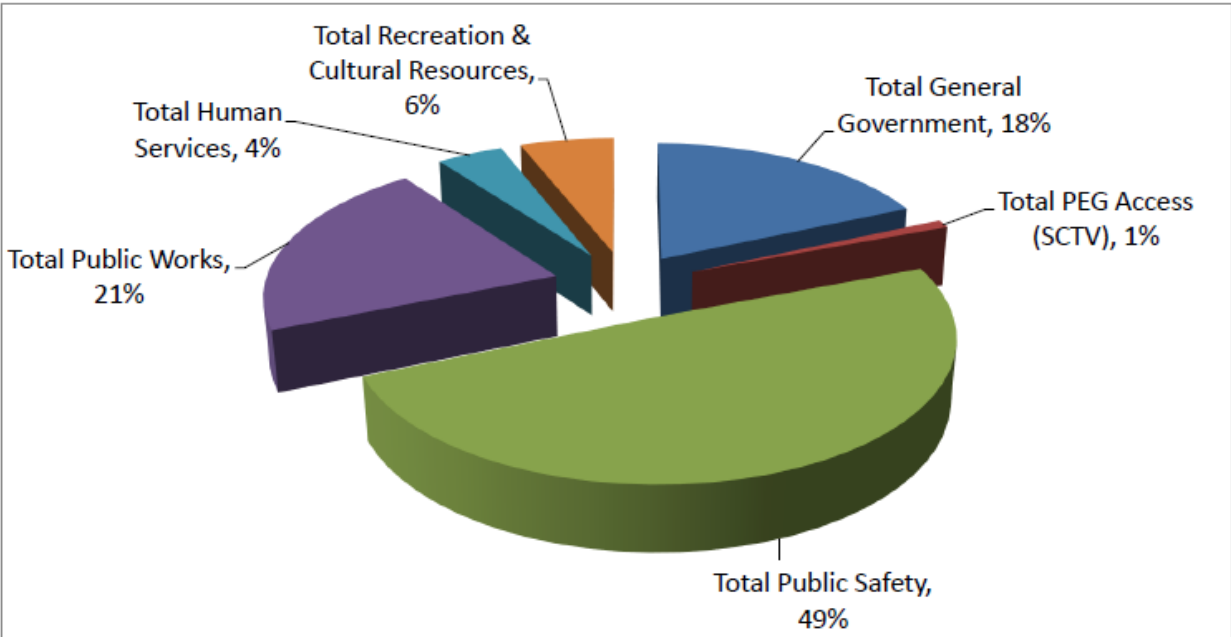
FY25 Scituate Town Budget

Schools	\$	45,757,329
Debt & Interest	\$	7,979,309
Enterprise Funds	\$	15,252,835
Shared Expenses	\$	20,701,990
PEG Access (SCTV)	\$	229,097
Municipal	\$	24,550,484
	\$	<u>114,471,044</u>



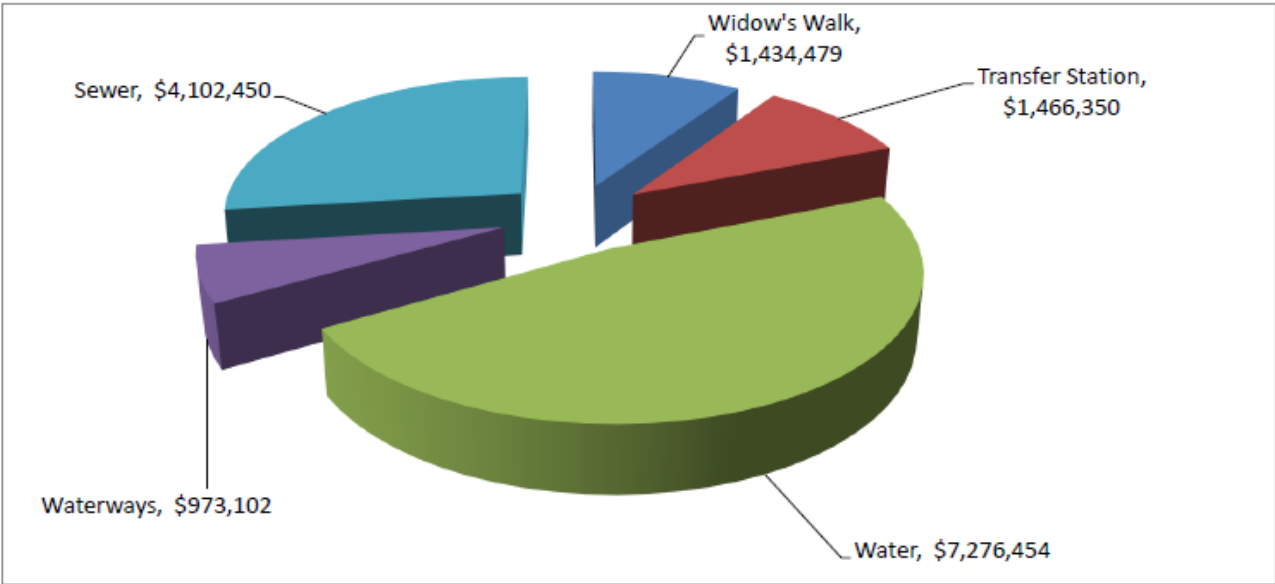
FY25 Scituate Municipal Expense Share

Total General Government	\$ 4,547,795	18%
Total PEG Access (SCTV)	\$ 229,097	1%
Total Public Safety	\$ 12,247,841	49%
Total Public Works	\$ 5,217,950	21%
Total Human Services	\$ 1,046,508	4%
Total Recreation & Cultural Resources	\$ 1,490,390	6%
	<u>\$ 24,779,581</u>	<u>100%</u>

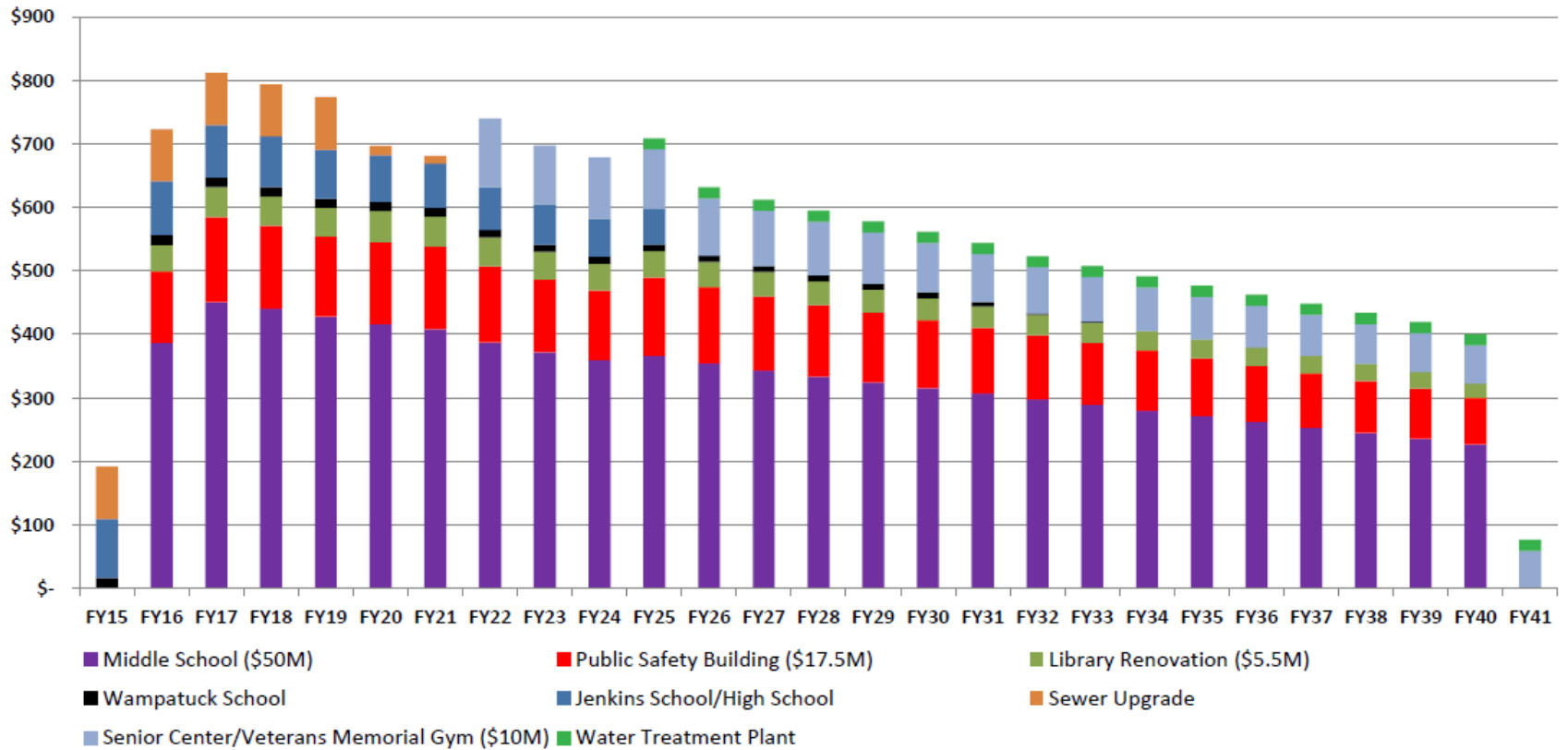


FY25 Scituate Enterprise Fund Expense

Widow's Walk	\$	1,434,479
Transfer Station	\$	1,466,350
Water	\$	7,276,454
Waterways	\$	973,102
Sewer	\$	4,102,450
	\$	<u>15,252,835</u>



Current Scituate Debt Exclusions - Tax Impact on Average Single Family Home Value



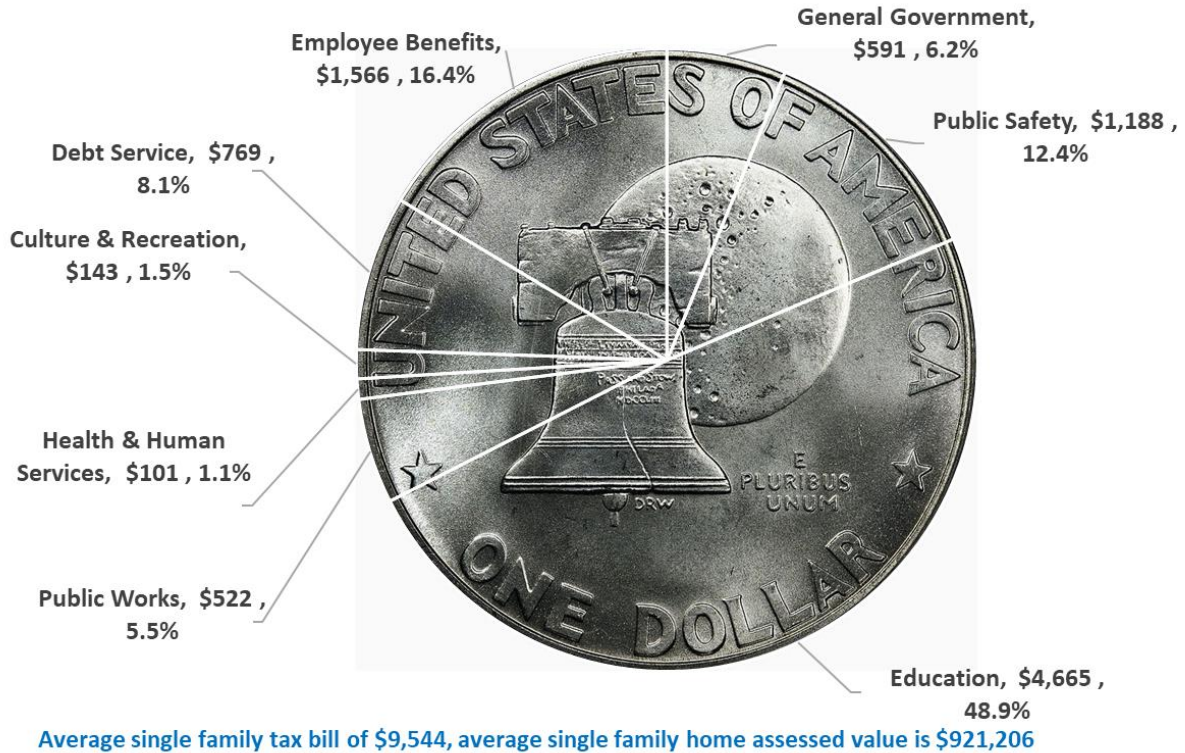
Notes

(1) Middle School and Public Safety Complex include \$300,000 offset from meals tax, wind turbine and solar array revenues as approved annually by town meeting for FY16-20 and FY22, FY23-24 (only \$200,000 for FY21) and not proposed for FY25 which equates to approximately \$36 annual savings to average home. Average single family home assessment: FY15 - \$492,700, FY16 - \$508,367, FY17 - \$531,954, FY18 - \$553,095, FY19 - \$576,038, FY20 - \$601,671, FY21 - \$631,254, FY22 - \$695,958, FY23-\$822,087 and FY24-\$921,206

(2) FY24 and beyond calculated based on FY24 total value and average home value and are subject to change annually.

(3) Water Treatment Plant reflects first loan of approximately \$2M.

How Your Tax Dollars Are Spent



To see a listing of departments in each grouping, please refer to Annual Town Meeting Article 4, FY 2025 General Fund Budget.

**TOWN OF SCITUATE
SPECIAL TOWN MEETING
APRIL 8, 2024
WARRANT**

COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS

To either of the constables of the Town of Scituate, in said County

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs therein, to meet at the Scituate High School Gymnasium, 606 Chief Justice Cushing Highway on

MONDAY, THE EIGHTH DAY OF APRIL 2024 NEXT

At seven o'clock in the evening, then and there to act on the following articles:

*******Please see Appendix A for Special Town Meeting Consent Agenda*******

ARTICLE 1. Unpaid Prior Year Bills

To see if the Town will vote to transfer the sum of **\$16,419.81**, or a greater or lesser sum, for the purpose of paying prior fiscal year unpaid bills, or take any other action relative thereto.

Department	Vendor	Date	Amount	Funding Source
DPW	Sullivan, James	6/19/2023	\$ 153.53	Free Cash
DPW	Industrial Communications LLC	6/23/2023	\$ 2,340.00	Free Cash
Police	Thomson Reuters	6/30/2023	\$ 349.80	Free Cash
Police	O'Reilly Auto Parts	6/8/2023	\$ 11.74	Free Cash
Police	Greater Boston Police Council	7/1/2022	\$ 1,900.00	Free Cash
Police	Scituate Boat Works	4/2/2023	\$ 859.32	Free Cash
Police	UPS	6/23/2023	\$ 107.20	Free Cash
IT	Govconnection	3/8/2023	\$ 7,560.00	Free Cash
Fire	All-Comm Technologies, Inc.	4/14/2023	\$ 142.20	Free Cash
Fire	South Shore Health Express	6/22/2023	\$ 504.00	Free Cash
Fire	West Marine Pro	6/8/2023	\$ 56.94	Free Cash
Fire	Tessco	3/31/2023	\$ 167.72	Free Cash
Fire	Bulldog's Performance Plus, LLC	10/25/2022	\$ 941.16	Free Cash
COA	Wel-Design Alarm Systems	2/10/2023	\$ 400.00	Free Cash
COA	South Shore Health Express	6/30/2023	\$ 120.00	Free Cash
Water	Eurofins Eaton Analytical	4/13/2023	\$ 700.00	Water Ent RE
Harbormaster	Concord Electric Supply	6/26/2023	\$ 106.20	Waterways RE
	Total		\$ 16,419.81	

Sponsored By: Select Board

Comments:

This Article would use available funds for paying invoices presented after the close of prior fiscal years. A list of the invoices presented after the close of the fiscal year is provided above. This is a recurring annual accounts payable responsibility for the Town.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 2. FY 24 Budget Reconciliations

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$966,516.00** or a greater or lesser sum, for the purpose of fully funding the following accounts established under Articles 4, 5, 6, 7, 8 and 9 of the April 10, 2023 Annual Town Meeting as follows:

Department	Line Item	To Amount	From Amount	Comment
Facilities Department	Public Buildings 1410580.585500	\$ 65,000.00		Additional funds for roof at First Parish fire station, boiler repair at library and library elevator mandated upgrade requirement.
Fire Department	Uniforms 1220540.558100	\$ 30,000.00		Outfitting for six firefighters filling open vacancies
Police Department	Uniforms 1120540.558100	\$ 15,000.00		Outfitting for three police officers filling open vacancies
DPW Public Grounds	Capital Outlay 1155580.585100	\$ 6,000.00		Safety equipment
DPW Public Grounds	Regular Salaries 1429510.511000		\$ 100,000.00	Vacancies
DPW Highway	Regular Salaries 1422510.511000		\$ 40,000.00	Vacancies
DPW Roads & Seawalls	Roads & Seawalls 1411580.585600	\$ 300,000.00		Replenish for amounts used for beach nourishment project
Snow & Ice	Overtime 1423510.512000; Roadway Maintenance 1423540.543300; Equipment Rentals 1423520.527100		\$ 276,000.00	Mild winter
Advisory Committee	Printing & Forms 1131540.542500	\$ 2,566.00		Printing of Advisory Committee booklets - more color pages, extra town meeting
Advisory Committee	PT Salaries 1131510.518000		\$ 2,566.00	Recording secretary not used

Department	Line Item	To Amount	From Amount	Comment
Transfer Station Enterprise	Supplies 63433540.542300	\$ 45,000.00		Bag sales exceeded estimated sales and needed to order additional stock of all sizes
Transfer Station Enterprise	Transfer Station Enterprise Retained Earnings		\$ 45,000.00	
Waterways Enterprise	Technical Services 66298520.530900	\$ 5,000.00		Harbor Wi-Fi design & engineering
Waterways Enterprise	Waterways Unspent Article 10/23 STM Art 7 Grant Match 66298923.589000.23SO7		\$ 5,000.00	Grant match appropriated was more than needed
Widows Walk Enterprise	Electricity 61661520.521100	\$ 25,000.00		Electricity exceeded budget; adjustments made for FY25
Widows Walk Enterprise	Widows Walk Enterprise Retained Earnings		\$ 25,000.00	
Sewer Enterprise	Long Term Debt Interest 64440590.591500	\$ 62,950.00		Issued bond in December 2023 for Inflow & Infiltration program for more than anticipated
Sewer Enterprise	Sewer Enterprise Retained Earnings		\$ 62,950.00	
Water Enterprise	Water Rebate Program 65450520.538800	\$ 10,000.00		Popularity of program
Water Enterprise	Water Capital Outlay 65450580.585100	\$ 250,000.00		Expanding fiber connections to additional sites & technology in conjunction with potential grant project and engineering and permitting of new poles
Water Enterprise	Water Capital Outlay 65450580.585100	\$ 130,000.00		Old Oaken Bucket Source Water Improvement & Aeration; removed from FY25 capital plan for funding in FY24 budget due to need
Water Enterprise	Charges & Assessments 65450560.560200	\$ 20,000.00		6% rate increase by Town of Marshfield for purchase of water for Humarock area
Water Enterprise	Regular Salaries 65450510.511000		\$ 125,000.00	Vacancies
Water Enterprise	Water Enterprise Retained Earnings		\$ 285,000.00	
	Total	\$ 966,516.00	\$ 966,516.00	

or take any other action relative thereto.

Sponsored By: Select Board

Comments:

This Article is required to rebalance selected departmental operating budget line items that are mostly housekeeping in nature as a result of budgetary changes since our April Annual

Town Meeting. They are all part Town budget under Articles 4, 5, 6, 7, 8 and 9 of the April 10, 2023 Annual Town Meeting.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 3. Community Preservation Act

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (CPC) to appropriate the sums of money as indicated below. Appropriations for the items below are to be expended from Community Preservation Undesignated Funds unless otherwise indicated. All such sums appropriated are further to be expended subject to all terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items.

1. \$6,806 From Community Preservation fund balance, to be reserved for the creation and support of Community Housing consistent with the Act; FY24 previously voted set-asides were insufficient to meet the 10%;
2. \$6,806 From Community Preservation fund balance, to be reserved for the creation and support of Open Space consistent with the Act; FY24 previously voted set-asides were insufficient to meet the 10%.

Or take any other action relative thereto.

Sponsored by: Community Preservation Committee

Comments:

This Article would increase the amounts previously set aside for Community Housing and Open Space in FY 2024 as these were not sufficient to meet the 10% required amount after additional state matching funds were received.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 4. Change Town Clerk from Elected to Appointed Position

To see if the Town will vote to change the Town Clerk from an elected to an appointed position by voting to do the following:

1. Amend Home Rule Charter

To see if the Town will vote to authorize the Select Board to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that legislation be adopted precisely as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the

General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

An act changing the position of town clerk in the town of Scituate from an elected position to an appointed position

SECTION 1. The charter of the town of Scituate, which is on file in the office of the archivist of the Commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out, in Article 3, Section 3-1(a), the words “town clerk”.

SECTION 2. Said charter is hereby further amended by striking out Article 3, Section 3-7(a) and inserting in place thereof the following section:-

(a) Term of Office - There shall be a town clerk appointed by the Town Administrator with the approval of the Select Board for three years.”

SECTION 3. This act shall be submitted to the voters of the town of Scituate at the next town election following the effective date of this act in the form of the following question that shall be placed on the official ballot:

“Shall an act passed by the General Court entitled ‘An act changing the position of town clerk in the town of Scituate from an elected position to an appointed position’ be accepted?”

Below the question shall appear a summary of the act prepared by town counsel and approved by the select board. If a majority of the votes cast in answer to the question are in the affirmative, sections 1 and 2 shall take effect in the town of Scituate, but not otherwise.

2. Amend General Bylaws

To see if the Town will vote to amend the Code of General Bylaws by striking out, in Section 20210, the words “Town Clerk”; provided, however, that said amendment shall not become effective until the effective date of the special legislation referred to in this article providing for a corresponding amendment to the Scituate Home Rule Charter changing the Town Clerk from an elected position to an appointed position.

And to take any other action relative thereto.

Sponsored By: Select Board

Comments:

This Article is a singular authorization for a two step process to change the charter through special legislation and then the general bylaws if the charter change is enacted. A referendum vote would not be held unless the Legislature requires it as part of the approval of the charter change. The current Town Clerk supports this change as the duties of the Town Clerk have

become much more complex and technical and qualifications to execute the responsibilities of the position should be considered for any future incumbent as years of experience are required.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

**TOWN OF SCITUATE
ANNUAL TOWN MEETING
APRIL 8, 2024
WARRANT**

COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS

To either of the constables of the Town of Scituate, in said County

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs therein, to meet at the Scituate High School Gymnasium, 606 Chief Justice Cushing Highway on

MONDAY, THE EIGHTH DAY OF APRIL 2024 NEXT

At seven o'clock in the evening, then and there to act on the following articles:

*******Please see Appendix B for Annual Town Meeting Consent Agenda*******

ARTICLE 1. Compensation of Elected Officials

To see if the Town will vote to establish the salaries and compensation of all elected Town officials as follows for a sum totaling **\$97,325.00**, or a greater or lesser sum; or take any other action relative thereto:

SELECT BOARD:	Chair & Legitimate Expenses	\$ 1,500.00
SELECT BOARD:	Members & Legitimate Expenses	\$ 2,000.00
		(4@\$500)
ASSESSORS:	Chair & Legitimate Expenses	\$ 1,200.00
ASSESSORS:	Members & Legitimate Expenses	\$ 800.00
		(2@\$400)
TOWN CLERK:	Personal Services	\$91,825.00

Sponsored By: Select Board

Comments:

This is an annually recurring article which establishes the salaries and compensation for all elected officials. For FY25 there were no changes other than a 3% cost of living increase for the Town Clerk.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 2. Reports of Boards and Committees

To see if the Town will vote to hear or act upon any reports from the Town officers or committees; or take any other action relative thereto.

Sponsored By: Select Board

Comments:

This article allows town meeting members to receive a report from town officials on the work of committees or projects of particular interest at the time of the meeting. Of note reports from committees can be found in the Annual Report of the Town of Scituate book.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

********Please see Appendix C for Capital Planning Committee Report********

ARTICLE 3. Capital Improvement Plan

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, in accordance with M.G.L. c. 44, §§ 7 and 8 and any other enabling authority, the following sums of money totaling **\$22,575,255.00** or any greater or lesser sums as may be necessary, for the purpose of funding the costs of the Capital Improvement Plan submitted in accordance with Section 6-6 of the Scituate Town Charter and outlined as follows; or take any other action relative thereto:

	Project	Department	Amount	Funding Source
A	SHS Science Lab Upgrade	School Department	\$75,000	Free Cash
B	Technology Switch Replacement	School Department	\$400,000	Free Cash
C	Wampatuck ADA Compliance	School Department	\$650,000	Free Cash
D	Scituate High School Locker Room Phase Three	School Department	\$1,050,000	Borrowing
E	Oceanside Seawall Phase 4	DPW-Engineering	\$4,000,000	Borrowing
F	Foreshore Protection	DPW-Engineering	\$200,000	Free Cash
G	Public Safety Locker Room Improvement Study	Facilities	\$200,000	Free Cash
H	Maritime Center Floor and Door Replacement	Facilities	\$30,000	Maritime Center Rental Revolving Fund
I	Town Wide Facilities Plan Year 4	Facilities	\$935,621	Free Cash & Maritime Center Rental Revolving Fund
J	Replace Pumper Truck	Fire Department	\$840,000	Borrowing
K	Roadways, Sidewalks, Drainage & Culvert improvements	DPW Highway	\$300,000	Free Cash
L	New Holder C70 Sidewalk Machine	DPW Public Grounds	\$202,000	Free Cash
M	Electric ride on mowers	DPW Public Grounds	\$38,000	Free Cash
N	Replace Truck 2-8, 2007 Chevrolet 3500 Dump Truck	DPW Public Grounds	\$82,000	Free Cash
O	New Harper TV40 Turbovac Leaf & Debris Vacuum	DPW Public Grounds	\$31,000	Free Cash
P	New Bucket Truck	DPW Public Grounds	\$540,500	Free Cash
Q	Design & Engineer North Scituate Sewer Expansion	Sewer Enterprise	\$2,200,000	Borrowing
R	First Parish Pump Station Replacement Design Bid	Sewer Enterprise	\$165,000	Borrowing & PY articles
S	Structural Repairs	Sewer Enterprise	\$250,000	Sewer Enterprise Retained Earnings
T	Town Wide Facilities Plan Year 4	Sewer Enterprise	\$47,959	Sewer Enterprise Retained Earnings
U	Entrance Gate Key Card Access and Cameras	Transfer Station Enterprise	\$150,000	Transfer Station Enterprise Retained Earnings
V	Town Wide Facilities Plan Year 4	Transfer Station Enterprise	\$24,045	Transfer Station Enterprise Retained Earnings
W	Additional Funds for Well Borings - West End Well Investigation	Water Enterprise	\$100,000	Water Enterprise Retained Earnings
X	Well 17A Upgrades	Water Enterprise	\$100,000	Water Enterprise Retained Earnings
Y	Replace Truck #33 Dodge Ram Utility Body	Water Enterprise	\$89,000	Water Enterprise Retained Earnings
Z	Additional Design and Construction of New Storage Tank	Water Enterprise	\$3,300,000	Borrowing
AA	Replacement of Truck #39, 2009 Chevy Silverado Pickup Truck	Water Enterprise	\$74,800	Water Enterprise Retained Earnings
BB	Replace Water Mains	Water Enterprise	\$3,000,000	Borrowing
CC	10 Year Meter Replacement Cycle Program FY2025	Water Enterprise	\$250,000	Water Enterprise Retained Earnings

	Project	Department	Amount	Funding Source
DD	Redevelopment and Electronics Upgrade of Public Wells	Water Enterprise	\$190,000	Water Enterprise Retained Earnings
EE	Scituate Harbor Dredging	Waterways Enterprise	\$3,000,000	Borrowing
FF	Town Wide Facilities Plan Year 4	Waterways Enterprise	\$32,151	Waterways Enterprise Retained Earnings
GG	Town Wide Facilities Plan Year 4	Widows Walk Enterprise	\$28,179	Widows Walk Enterprise Retained Earnings
	Total		\$22,575,255	

Sponsored By: Select Board/Capital Planning Committee

Comments:

Please refer to specific information in the FY25 Town Administrator Budget Message, the Town Administrator recommendations in the capital budget book and subsequent recommendations received from the Capital Planning Committee for the FY25 capital plan.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 4. Fiscal Year 2025 Operating Budget

To see if the Town will vote to raise and appropriate, and/or transfer from available funds in the Treasury, the sum of **\$99,218,209** or a greater or lesser sum, for the purpose of funding personal services and expenses for Town operations as may be necessary for the ensuing Fiscal Year commencing July 1, 2024; or take any other action relative thereto.

Fiscal Year 2025 Operating Budget						
			FY 2024 Appropriated	FY 2025 Select Board	FY 2025 Advisory Com	% of total
		Select Board				
		Town Administration				
123	510	Personal Services	\$ 396,941	\$ 425,140	\$ 425,140	
	520	Purchase of Services	\$ 230,160	\$ 236,664	\$ 236,664	
	530	Town Counsel	\$ 145,000	\$ 145,000	\$ 145,000	
	532	Contract Bargaining	\$ 204,587	\$ 270,595	\$ 270,595	
	540	Materials & Supplies	\$ 7,400	\$ 7,400	\$ 7,400	
	599	Salary Adjustments	\$ -	\$ -	\$ -	
			\$ 984,088	\$ 1,084,799	\$ 1,084,799	1.09%
		Advisory Committee				
131	510	Personal Services	\$ 2,566	\$ 2,681	\$ 2,681	
	520	Purchase of Services	\$ 250	\$ 260	\$ 260	
	540	Materials & Supplies	\$ 4,300	\$ 7,000	\$ 7,000	
			\$ 7,116	\$ 9,941	\$ 9,941	0.01%
132		Reserve Fund				
	570	Transfers	\$ 75,000	\$ 75,000	\$ 75,000	0.08%
135		Finance Director/Town Accountant				
	510	Personal Services	\$ 395,548	\$ 416,068	\$ 416,068	
	520	Purchase of Services	\$ 67,200	\$ 67,200	\$ 67,200	
	540	Materials & Supplies	\$ 1,300	\$ 1,300	\$ 1,300	
			\$ 464,048	\$ 484,568	\$ 484,568	0.49%
		Assessors				
141	510	Personal Services	\$ 231,322	\$ 239,463	\$ 239,463	
	520	Purchase of Services	\$ 39,510	\$ 46,500	\$ 46,500	
	540	Materials & Supplies	\$ 500	\$ 500	\$ 500	
			\$ 271,332	\$ 286,463	\$ 286,463	0.29%
		Treasurer/Collector				
145	510	Personal Services	\$ 340,125	\$ 360,851	\$ 360,851	
	520	Purchase of Services	\$ 108,025	\$ 113,025	\$ 113,025	
	540	Materials & Supplies	\$ 18,500	\$ 18,500	\$ 18,500	
			\$ 466,650	\$ 492,376	\$ 492,376	0.50%
155		Information Technology				
	510	Personal Services	\$ 314,825	\$ 338,365	\$ 338,365	
	520	Purchase of Services	\$ 432,478	\$ 464,226	\$ 464,226	
	540	Materials & Supplies	\$ 500	\$ 500	\$ 500	
	580	Capital Outlay	\$ 30,000	\$ 40,000	\$ 40,000	
			\$ 777,803	\$ 843,091	\$ 843,091	0.85%

Fiscal Year 2025 Operating Budget						
			FY 2024 Appropriated	FY 2025 Select Board	FY 2025 Advisory Com	% of total
		Tax Foreclosures				
158	521	Tax Foreclosures	\$ 39,000	\$ 39,000	\$ 39,000	
			\$ 39,000	\$ 39,000	\$ 39,000	0.04%
159		Cable TV				
	510	Personal Services	\$ 134,457	\$ 140,597	\$ 140,597	
	520	Purchase of Services	\$ 5,000	\$ 6,500	\$ 6,500	
	540	Materials & Supplies	\$ 2,000	\$ 2,000	\$ 2,000	
	580	Capital Outlay	\$ 150,000	\$ 80,000	\$ 80,000	
			\$ 291,457	\$ 229,097	\$ 229,097	0.23%
161		Town Clerk				
	510	Personal Services	\$ 204,951	\$ 239,128	\$ 239,128	
	520	Purchase of Services	\$ 41,055	\$ 53,147	\$ 53,147	
	540	Materials & Supplies	\$ 4,230	\$ 4,230	\$ 4,230	
			\$ 250,236	\$ 296,505	\$ 296,505	0.30%
171		Planning & Community Development				
175	510	Personal Services	\$ 954,262	\$ 1,027,252	\$ 1,027,252	
176	520	Purchase of Services	\$ 63,600	\$ 63,600	\$ 63,600	
182	540	Materials & Supplies	\$ 4,950	\$ 5,200	\$ 5,200	
241			\$ 1,022,812	\$ 1,096,052	\$ 1,096,052	1.10%
192		Property/Liability Insurance				
	570	Expenses	\$ 1,099,981	\$ 1,209,979	\$ 1,209,979	1.22%
		Total General Government	\$ 5,749,523	\$ 6,146,871	\$ 6,146,871	6.20%
210		Police				
	510	Personal Services	\$ 4,250,390	\$ 4,918,354	\$ 4,918,354	
	520	Purchase of Services	\$ 151,509	\$ 149,790	\$ 149,790	
	540	Materials & Supplies	\$ 139,831	\$ 149,990	\$ 149,990	
	580	Capital Outlay	\$ 279,470	\$ 279,470	\$ 279,470	
			\$ 4,821,200	\$ 5,497,604	\$ 5,497,604	5.54%
220		Fire				
	510	Personal Services	\$ 5,601,063	\$ 5,804,425	\$ 5,804,425	
	520	Purchase of Services	\$ 71,987	\$ 74,987	\$ 74,987	
	540	Materials & Supplies	\$ 170,991	\$ 193,991	\$ 193,991	
			\$ 5,844,041	\$ 6,073,403	\$ 6,073,403	6.12%
230		Combined Public Safety Dispatch				
	510	Personal Services	\$ 742,307	\$ 769,934	\$ 769,934	
	540	Materials & Supplies	\$ 600	\$ 600	\$ 600	
			\$ 742,907	\$ 770,534	\$ 770,534	0.78%

Fiscal Year 2025 Operating Budget						
			FY 2024 Appropriated	FY 2025 Select Board	FY 2025 Advisory Com	% of total
295	Shellfish					
	510	Personal Services	\$ 8,000	\$ 8,000	\$ 8,000	
	520	Purchase of Services	\$ 200	\$ 200	\$ 200	
	540	Materials & Supplies	\$ 600	\$ 600	\$ 600	
			\$ 8,800	\$ 8,800	\$ 8,800	0.01%
	Total Public Safety		\$ 11,416,948	\$ 12,350,341	\$ 12,350,341	12.45%
300	School Department					
	505	School Expenses	\$ 45,757,329	\$ 47,479,029	\$ 47,479,029	47.85%
310	Regional School Assessments					
	560	Intergovernmental	\$ 769,728	\$ 1,014,880	\$ 1,014,880	1.02%
	Total Schools		\$ 46,527,057	\$ 48,493,909	\$ 48,493,909	48.88%
	Public Works					
400	510	Personal Services	\$ 1,898,068	\$ 2,017,805	\$ 2,017,805	
	520	Purchase of Services	\$ 575,320	\$ 575,320	\$ 575,320	
	540	Materials & Supplies	\$ 245,389	\$ 255,489	\$ 255,489	
	580	Capital Outlay	\$ 421,500	\$ 431,600	\$ 431,600	
			\$ 3,140,277	\$ 3,280,214	\$ 3,280,214	3.31%
410	Facilities					
	510	Personal Services	\$ 531,273	\$ 580,064	\$ 580,064	
	520	Purchase of Services	\$ 563,398	\$ 586,648	\$ 586,648	
	540	Materials & Supplies	\$ 266,000	\$ 288,400	\$ 288,400	
	580	Capital Outlay	\$ 66,000	\$ 66,000	\$ 66,000	
			\$ 1,426,671	\$ 1,521,112	\$ 1,521,112	1.53%
423	Snow & Ice					
	510	Personal Services	\$ 101,401	\$ 102,931	\$ 102,931	
	520	Purchase of Services	\$ 150,000	\$ 150,000	\$ 150,000	
	540	Materials & Supplies	\$ 245,714	\$ 244,184	\$ 244,184	
			\$ 497,115	\$ 497,115	\$ 497,115	0.50%
424	Street Lights & Beacons					
	520	Purchase of Services	\$ 125,000	\$ 125,000	\$ 125,000	0.13%
	Total Public Works		\$ 5,189,063	\$ 5,423,441	\$ 5,423,441	5.47%

Fiscal Year 2025 Operating Budget						
			FY 2024 Appropriated	FY 2025 Select Board	FY 2025 Advisory Com	% of total
510	Board of Health					
	510	Personal Services	\$ 315,684	\$ 338,410	\$ 338,410	
	520	Purchase of Services	\$ 6,325	\$ 6,325	\$ 6,325	
	540	Materials & Supplies	\$ 1,735	\$ 2,085	\$ 2,085	
	580	Capital Outlay	\$ 125	\$ 125	\$ 125	
			\$ 323,869	\$ 346,945	\$ 346,945	0.35%
541	Council on Aging					
	510	Personal Services	\$ 266,843	\$ 337,979	\$ 337,979	
	520	Purchase of Services	\$ 7,750	\$ 15,660	\$ 15,660	
	540	Materials & Supplies	\$ 28,000	\$ 28,000	\$ 28,000	
	580	Capital Outlay	\$ 5,200	\$ 2,000	\$ 2,000	
			\$ 307,793	\$ 383,639	\$ 383,639	0.39%
543	Veterans Agent					
	510	Personal Services	\$ 93,418	\$ 98,553	\$ 98,553	
	520	Purchase of Services	\$ 105,715	\$ 106,265	\$ 106,265	
	540	Materials & Supplies	\$ 2,300	\$ 2,000	\$ 2,000	
			\$ 201,433	\$ 206,818	\$ 206,818	0.21%
549	Commission on Disabilities					
	520	Purchase of Services	\$ 5,000	\$ 5,000	\$ 5,000	
			\$ 5,000	\$ 5,000	\$ 5,000	0.01%
561	FACTS Substance Abuse Program					
	510	Personal Services	Grant	\$ 62,077	\$ 62,077	
	520	Purchase of Services	funded	\$ 39,029	\$ 39,029	
	540	Materials & Supplies		\$ 3,000	\$ 3,000	
			\$ -	\$ 104,106	\$ 104,106	0.10%
	Total Health & Human Services		\$ 838,095	\$ 1,046,508	\$ 1,046,508	1.05%
610	Library					
	510	Personal Services	\$ 855,771	\$ 912,147	\$ 912,147	
	520	Purchase of Services	\$ 138,432	\$ 151,627	\$ 151,627	
	540	Materials & Supplies	\$ 164,000	\$ 174,000	\$ 174,000	
	580	Capital Outlay	\$ 5,000	\$ 5,000	\$ 5,000	
			\$ 1,163,203	\$ 1,242,774	\$ 1,242,774	1.25%

Fiscal Year 2025 Operating Budget						
			FY 2024 Appropriated	FY 2025 Select Board	FY 2025 Advisory Com	% of total
630	Recreation					
	510	Personal Services	\$ 172,477	\$ 159,028	\$ 159,028	
	520	Purchase of Services	\$ 1,710	\$ 1,710	\$ 1,710	
	540	Materials & Supplies	\$ 150	\$ 150	\$ 150	
			\$ 174,337	\$ 160,888	\$ 160,888	0.16%
650	Beautification					
	540	Materials & Supplies	\$ 32,500	\$ 37,500	\$ 37,500	
			\$ 32,500	\$ 37,500	\$ 37,500	0.04%
691	Historical Buildings					
	520	Purchase of Services	\$ 39,680	\$ 49,228	\$ 49,228	
			\$ 39,680	\$ 49,228	\$ 49,228	0.05%
	Total Recreation & Resources		\$ 1,409,720	\$ 1,490,390	\$ 1,490,390	1.50%
720	Debt & Interest					
	590	Debt Service	\$ 7,979,309	\$ 7,989,583	\$ 7,989,583	8.05%
			\$ 7,979,309	\$ 7,989,583	\$ 7,989,583	8.05%
911	Plymouth County Retirement					
	512	Other Personal Services	\$ 6,978,292	\$ 7,722,480	\$ 7,722,480	7.78%
912	Workers' Compensation					
	515	Employee Benefits	\$ 210,000	\$ 190,000	\$ 190,000	0.19%
913	Unemployment Insurance					
	515	Employee Benefits	\$ 65,000	\$ 65,000	\$ 65,000	0.07%
914	Contributory Group Insurance					
	515	Employee Benefits	\$ 7,279,855	\$ 7,382,061	\$ 7,382,061	7.44%
916	Federal Taxes					
	515	Employee Benefits	\$ 882,332	\$ 917,625	\$ 917,625	0.92%
	Total Employee Benefits		\$ 15,415,479	\$ 16,277,166	\$ 16,277,166	16.41%
	Total General Fund		\$ 94,525,194	\$ 99,218,209	\$ 99,218,209	100.00%

Sponsored By: Select Board

Comments:

The fiscal year 2025 operating budget is a level services budget. This does not mean that it is level FUNDED, but rather, that it is funded at a level to maintain services provided in the prior fiscal year. Managing this is a challenge when inflation exceeds the statutory 2.5% tax levy increase. Thus, the operating budget does not support any new positions requests from several departments but does support increased hours for two positions. These are 1) five hours for the part time clerk in the Town Clerk’s office given the election year needs, funded from the tax levy, and 2) nine hours for the part time clerk in the Select Board Office for duties related to scheduling/bookings of the Maritime Center, funded from the Maritime Center Revolving Fund. In addition, funding approved in a prior fiscal year for an unfilled zoning enforcement officer has been proposed to be used for a new Assistant Council on Aging Director.

Positive changes to the estimated budget include lower than expected increases in active and retired employee health benefits (actual rate of 5.4% vs projected over 10%), a lower-than-expected regional school assessment (due to lower enrollment), and a modestly higher increase in state aid. These three provided \$396,657 in additional revenue above the initial forecast, split between the School Department (\$263,142) and the Town (\$133,515). Of note, there was a slight change in the revenue formula with the School Department School Department agreed to for FY25 only. Also to be noted: the opioid stabilization funds will be used to support the FACTS budget, we will increase inspection fees (electrical, wiring, and plumbing permits) from \$32-\$45 per inspection to support inspector increases consistent with market wages, and an additional \$10,000 in seasonal salaries has been included in the Waterways Enterprise budget for patrolling the new mooring is Cohasset Harbor. Lastly, the Roads & Seawalls budget will be funded from the wind turbine and solar array revolving funds.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 5. Waterways Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of **\$973,102.00**, or a greater or lesser sum, for the purpose of funding the Waterways Enterprise operations and expenses for the ensuing fiscal year commencing July 1, 2024; or take any other action relative thereto.

Personal Services	\$	511,142
Other Expenses	\$	461,960
Total	\$	973,102

Sponsored By: Select Board

Comments:

The Waterways Enterprise budget reflects contractual increases for salaries but no new personnel. The overall budget decrease from the FY24 budget is \$121.164 or (9.3%) due to the retirement of long-term debt.

Recommendation: The Advisory Committee recommends approval of this article.
Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 6. Golf Course Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$1,434,479.00**, or a greater or lesser sum, for the purpose of funding the Widow's Walk Golf Course operations and expenses for the ensuing fiscal year commencing July 1, 2024; or take any other action relative thereto.

Personal Services	\$684,779
Other Expenses	\$749,700
Total	\$1,434,479

Sponsored By: Select Board

Comments:

The Golf Course Enterprise budget reflects contractual increases for salaries. The contract for course management expired in December 2023 and the course management was brought in-house starting in FY24 with the addition of a course superintendent, assistant course superintendent and mechanic. The overall budget increase from the FY24 voted budget is \$7,398 or 0.5%.

Recommendation: The Advisory Committee recommends approval of this article.
Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 7. Wastewater Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$4,102,450.00**, or a greater or lesser sum, for the purpose of funding Wastewater Treatment Plant operations and expenses, for the ensuing fiscal year commencing July 1, 2024; or take any other action relative thereto.

Personal Services	\$ 674,442
Other Expenses	\$ 3,428,008
Total	\$ 4,102,450

Sponsored By: Select Board

Comments:

The Wastewater (Sewer) Enterprise budget reflects contractual increases for salaries but no new personnel. The department requested major increases totaling \$382,895 which were not recommended as the current recommendation will require a 3-4% rate increase to remain self-supporting. The overall budget increase from FY24 is \$66,008 or 1.5% which results in a funding deficit of \$86,931. The Select Board will take up FY25 rate discussions in June 2024. If

all items in STM and ATM are approved by voters, there will be \$54,385 in retained earnings remaining.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 8. Transfer Station Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$1,466,350.00**, or a greater or lesser sum, for the purpose of funding the Landfill and Transfer Station operations and expenses for the ensuing fiscal year commencing July 1, 2024; or take any other action relative thereto.

Personal Services	\$375,660
Other Expenses	\$1,090,690
Total	\$1,466,350

Sponsored By: Select Board

Comments:

The Transfer Station Enterprise budget reflects contractual increases for salaries. The overall budget decrease from the FY24 budget is \$37,397 or (2.1%) due to a reduction in hauling costs funding for lagging C&D tonnage. The operational budget does not rely on any retained earnings and is self-supporting. If all items in STM and ATM are approved by voters, there will be \$188,350 in retained earnings remaining.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 9. Water Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of **\$7,276,454.00**, or a greater or lesser sum, for the purpose of funding Water Division operations and expenses for the ensuing fiscal year commencing July 1, 2024; or take any other action relative thereto.

Personal Services	\$1,363,826
Other Expenses	\$5,912,628
Total	\$7,276,454

Sponsored By: Select Board

Comments:

The Water Enterprise budget reflects contractual increases for salaries but no new personnel. The overall budget increase from FY24 is \$544,000 or 7.5% which accounts for increases in funding for the water rebate program, Town of Marshfield supplied water costs for Humarock, debt

service costs and contractual increases. The operational budget does not rely on any retained earnings and is self-supporting. If all items in STM and ATM are approved by voters, there will be \$759,889 in retained earnings remaining.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 10. Stabilization Fund Excess Levy

To see if the Town will vote to raise and appropriate the difference between the levy net and the levy limit to the Stabilization Fund, in accordance with M.G.L. c. 40, § 5B; or take any other action relative thereto.

Sponsored By: Select Board

Comments:

This article appropriates funds to the Stabilization Fund, which serves as the town’s “rainy day” fund. The amount appropriated is the remainder of the levy limit (the total amount the town may raise in taxes) after the levy net, which is the amount needed to pay for services provided by the town. By state law, the levy limit is the amount raised through taxation in the previous fiscal year plus an additional 2.5%, taxation on new property, and any capital or debt exclusions from overrides. Reasons for a remainder could include positive adjustments to state aid not known at the time of Town Meeting or funds that have not been needed to meet budget obligations.

The Stabilization Fund is an important emergency cushion for the town which may be used for unforeseen expenses. An historical listing of funds allocated to the Fund appears in the first section of the Town’s budget book. In the last five years, this article has resulted in \$3.8M being added to the Stabilization Fund. The current balance in the fund is \$8,193,435.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 11. Revolving Fund Limits

To see if the Town will vote to set the annual spending limits for the revolving funds authorized under General Bylaw Section 10260 for Fiscal Year 2025, in accordance with M.G. L., c. 44, § 53E1/2 as follows; or take any other action relative thereto.

Revolving Fund	FY25 Expenditure Limit
Senior Center Revolving	\$150,000
Senior Center Food Service	\$45,000
Planning Board Application	\$15,000
Food Establishment Inspection	\$40,000
School Transportation	\$400,000
Beach Sticker	\$550,000
Public Health Vaccinations	\$50,000
Wind Turbine	\$750,000
Maintenance of Private Ways	\$10,000
GATRA Transport	\$130,000
Solar Array	\$485,000
Recreation Program	\$485,000
Athletic Fields	\$75,000
Maritime Center Rental	\$40,000
Scituate Harbor Community Building Rental	\$10,000
Aquaculture	\$5,000
Perc Witness Fees	\$50,000

Sponsored By: Select Board

Comments:

This article authorizes the annual spending limits to provide the designated services or programs for each revolving fund.

The expenditure limits for FY2025 for the MGL Chapter 44, §53E1/2 revolving funds are based on FY23 actual expenditures. The expenditure limits set for FY2024 had been the same as for FY2025. On the basis of actual expenditures in FY2023, no changes were required.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

********Please see Appendix D for Community Preservation Project Summaries********

ARTICLE 12. Community Preservation

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (the “CPC”) on the Fiscal Year 2025 Community Preservation budget and pursuant to M.G.L. c. 44B (the “Act”) to appropriate and/or reserve the sums of money as indicated below (i) to meet the administrative expenses and all other necessary and proper expenses of the CPC for Fiscal Year 2025; (ii) for the acquisition, creation, and preservation of open space; (iii) for the acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use; (iv) for the acquisition, preservation, rehabilitation, and restoration of historic resources; and (v) for the creation, acquisition, preservation and support of community

housing. Appropriations for the items below are to be expended first from any existing reserves for the purposes of such item, then appropriated from Community Preservation FY 2025 estimated revenues, with any excess to be appropriated from Community Preservation unreserved funds unless otherwise specified below. All such sums appropriated are further to be expended subject to all of the terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items; or take any other action relative thereto.

3. \$284,381 From Community Preservation FY 2025 estimated revenues, to be reserved for the creation and support of Community Housing consistent with the Act;
2. \$284,381 From Community Preservation FY 2025 estimated revenues, to be reserved for the acquisition and preservation of Historic Resources consistent with the Act;
3. \$284,381 From Community Preservation FY 2025 estimated revenues, to be reserved for acquisition and preservation of Open Space consistent with the Act;
4. \$71,095 From Community Preservation FY 2025 estimated revenues, for Administrative Expense of the Community Preservation Committee;
5. \$261,801 From Community Preservation FY 2025 estimated revenues for payment of debt relevant to the Athletic Field Renovation Project voted as Article 12 ATM 04/2019;
6. \$1,000,000 For Community Housing – Supported Access to Independent Living (SAIL) Home at 809 Country Way;
7. \$1,957,123 For Recreation – High School Tennis Court Construction;
8. \$22,884 For Historic Resources – Bailey Ellis House Restoration Part II.

Sponsored By: Community Preservation Committee

Comments:

Please refer to the materials provided in the Community Preservation Committee presentation attached as an appendix to this booklet for more detailed project descriptions. This article was unanimously approved by the Community Preservation Committee.

The Community Preservation Committee is requesting standard annual appropriations to the Community Housing, Historic Resources & Open Space reserve funds as well as funding for Administrative projected costs, which if not fully spent is returned to the funds yearly, in accordance the Act.

Additionally, requests for the payment of debt service for the Athletic Field Renovation project, and funding for one Historic Resources project, one Recreation project, and one Community Housing project are requested as follows;

Historic Fund: Scituate Arts Association (SAA) is seeking \$22,882 for CPC to cover shortfalls from the 2022 funding request for the Historic Bailey-Ellis Windows Tower and Door Restoration project given additional damage that was uncovered and high costs of specialized labor. SAA is pledging additional \$15k to cover overages beyond this request as needed.

Undesignated Fund : The Scituate Recreation Department is requesting funds for the construction of five (5) new tennis courts to replace the four existing tennis courts at Scituate High School. The high school currently has four courts that are in serious disrepair, are considered unsafe for play, and are not sufficient for hosting competition play, which currently occurs at the Old Gates School at the Recreation Department tennis courts. CPC provided funding in 2022 and 2023 for a feasibility study as well as the final design, engineering, permitting, and bid documents for this project. This request is to fund the construction.

The new courts would create more opportunities for youth, middle school, high school and adult tennis players as well as Recreation Department programming. The project would allow for the high school to hold MIAA matches with the proposed five courts at the high school, and will also alleviate demand on the Recreation Department tennis courts at Old Gates, allowing for improved community use of those courts.

Community Housing Fund: SAIL Home (Supported Access to Independent Living) is requesting \$1,000,000 from Community Preservation Funds for a \$3.3 million project to create affordable housing at 809 Country Way in Scituate.

This space will be renovated and converted to house multiple uses to create a truly integrated community for adults with intellectual developmental disabilities (IDD) and/or autism. SAIL Home will serve up to 8 residents whose families will live within 30 minutes of the development including several from Scituate.

CPC funds will be used to cover the construction and renovation costs of the affordable housing units within the building. Costs for the community space, call center, and rental office/commercial space will be funded through grants and other donations as the Community Preservation Act only allows funding for the affordable housing units.

All projects were discussed in detail, as well as a review of the written remarks provided by the Chair of the CPC Committee and found in compliance with the tenets of the Act and within the ability of the funds.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of items # 1-6 and #8, and a majority vote (7-0) with 1 abstention for item #7.

********Please see Appendix D for Community Preservation Report********

ARTICLE 13. Community Preservation Act Reconciliations

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee to rescind the balance of funds authorized but unexpended totaling **\$679,345.93**, or a greater or lesser sum, and to transfer said funds into the Reserve or General

Fund Balance from which they were originally appropriated, in accordance with the provisions of the Community Preservation Act; or take any other action relative thereto.

Org	Object	Project	TM Authorization	Description	Balance
25177917	589000	O6348	STM 11/2017 Art 6-4	Mapping Trails & Signage	\$ 14.22
25177917	589000	R1110	ATM 04/2017 Art 11-10	Creation of Dog Park	\$ 571.08
25177919	589000	H121B	ATM 04/2019 Art 12-1B	STOCKBRIDGE GRAIN CHEST	\$ 5,557.77
25177920	589000	H8-02	STM 11/2020 Art 8-2	CLOSING COSTS M LINC ACQ	\$ 51.57
25177921	589000	H6-4	STM 10/2021 Art 6-4	ARCHIVES DOCUMENT PRESERVTN	\$ 2,841.23
25177921	589000	O6-7	STM 10/2021 Art 6-7	LAND ACQ-O BORDER ST	\$ 5,214.09
25177921	589000	R12-7	ATM 04/2021 Art 12-7	CEDAR POINT BENCH REPLACEMT	\$ 2,300.50
25177921	589000	R12-8	ATM 04/2021 Art 12-8	TRAIL PARKNG & ACCESS ADDTL	\$ 11,816.44
25177921	589000	R12-9	ATM 04/2021 Art 12-9	THOREAU'S WAYE LIB GREEN	\$ 5,413.13
25177922	589000	O65	STM 09/2022 Art 6-5	DAMON ACCESS & PICNIC AREA	\$ 4,158.92
25177922	589000	O66	STM 09/2022 Art 6-6	CROSBY & BATES PICNIC AREA	\$ 89,995.60
25177922	589000	H12-8	ATM 04/2022 Art 12-8	TOWN ARCHIVES WPA RECORDS	\$ 1,200.00
25177922	589000	R1209	ATM 04/2022 Art 12-9	FEASIBILITY HS TENNIS COURTS	\$ 1,235.00
25177922	589000	R63	STM 09/2022 Art 6-3	MOBI MATS	\$ 52.38
25177923	589000	A2311	ATM 04/2023 Art 12-11	WHEELER PARK WINDOWS	\$ 548,924.00
				Total	\$ 679,345.93

Sponsored By: Community Preservation Committee

Comments:

This article transfers surplus balances from various completed CPC projects back into the CPC Reserves for future projects upon certification from the applicants that their project is complete or cannot move forward. The CPC voted the following rescissions at their January meeting of \$679,345.93 to be considered at the April 2024 annual town meeting. All projects listed were completed and the remainder of the funds allocated are being rescinded with the exception of the Wheeler Park Windows project. Funding for that project was secured by the Housing Authority through another grant, eliminating the need for CPA funding.

By consistently reviewing older projects, the Community Preservation Committee maximizes the funds available for new projects. This article was unanimously approved by the Community Preservation Committee.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 14. Affordable Housing Trust - Small Grant Non Deed Restricted Program

To see if the Town will vote to further fund a Small Grant Non Deed Restricted Program as administered by the Affordable Housing Trust and to fund such program appropriate the sum of **\$25,000.00**; or take any other action relative thereto.

Sponsored By: Select Board

Comments:

This is to approve funds for year two of this program. The Scituate Affordable Housing Trust introduced a Small Repair Grant Program to approve up to \$3,500 in grant funding to help qualifying Scituate homeowners make essential repairs and modifications to their homes for health and safety reasons. This successful program provided 8 grants last year.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 15. Massachusetts General Laws Chapter 91 Liability

To see if the Town will vote to assume liability in the manner provided by M.G.L. c. 91, § 29, as amended, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach in accordance with M.G.L. c. 91, §11 and to authorize the Select Board to execute and deliver a bond on indemnity therefor to the Commonwealth; or take any other action relative thereto.

Sponsored By: Select Board

Comments:

This is a routine (annual) article in which the Town would assume liability for any damages as a result of the state performing maintenance work on the town's waterways. This allows maintenance work, such as dredging, to be performed in the harbor.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

*****Please see Appendix E for Red Line Version and Appendix F for Clean Copy of Zoning Bylaws*****

ARTICLE 16. Amend Zoning Map and Zoning Bylaws for Village Center and Neighborhood Districts – Greenbush/Driftway Gateway District and North Scituate Village District for Compliance with MGL Ch 40A Section 3A of the Zoning Act for Multi-Family Zoning as of right in MBTA Communities and minor housekeeping changes:

- A. Amend the zoning bylaws throughout to replace the references to “Department of Housing and Community Development” or “DHCD” to “Executive Office of Housing and Livable Community” or “EOHLC” respectively.**
- B. Amend the Town of Scituate, MA Zoning Map in the Village Center & Neighborhood District – North Scituate – Village Center and North Scituate Outer Village district boundaries as shown on a map entitled Town of Scituate - North Scituate Zoning dated November 30, 2023, by JM GOLDSON and to issue a new zoning map reflecting this amendment, and amend Section 310, Section 320 and Section 340 to reflect the new mapping.**

C. Amend Section 200 – Definitions by adding the following definitions in alphabetical order.

Affordable unit. A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.

Applicant. A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

Area Median Income (AMI). The median family income for the metropolitan statistical region that includes the Town of Scituate as defined by the U.S. Department of Housing and Urban Development (HUD).

Commuter rail station. Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.

EOHLC. The Executive Office of Housing and Livable Communities, or any successor agency.

MBTA. Massachusetts Bay Transportation Authority.

Mandatory Mixed-use District. A district where development is required to contain a mix of residential uses and non-residential uses, including commercial, institutional, or other uses.

Sub-district. An area within a broader zoning district that is geographically smaller than the overall zoning district and differentiated from the rest of the district by use, dimensional standards, or development standards.

And change the title of **Multi-Family Dwelling** to read **Multi-family Dwelling/Multi-Family Building**.

D. Amend Section 310 Types of Districts to add Mandatory Mixed-use District under “VCN” Village Center & Neighborhood District which includes the NDTV Sub-district in Greenbush-Driftway Gateway District and NSV-VC Sub-district in North Scituate Village.

E. Amend Section 420 – Table of Use Regulations

1. Update the Table of Use for Multi-family Buildings to be allowed by right in the GWB District;
2. Delete use category G (Multi-family dwelling complex, subject to Section 430.3), and relabel the lettering below accordingly.
3. Amend Garage for commercial vehicles subject to Section 440.2) to correct “Section 440.2” with “Section 440.3.”

4. Add Flex Space/Fabrication Building as Category M. under Section 4 Industrial Uses as not allowed in R-1, R-2, R-3, NRN, DCR, NRCR and B, allowed in GWB, GVC, NDTV, DBP and NSV-VC and by Special Permit in the NSV-OV.
5. Change heading in Greenbush-Driftway in Table of Uses from NCR to NRCR

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹								
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY							NORTH SCITUATE	
						GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV
1. Residential and Institutional Uses														
A.	Single-family detached dwelling	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
A.1	Single-family attached dwelling					Y	Y	Y	Y	Y	N	N	N	Y
A.2	Single-family/Cottage and Cottage Court					Y	N	N	Y	N	N	N	N	Y
B.	Two-family dwelling, subject to §430.1	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
C.	Residential Accessory use	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	Y	Y
D.	Accessory dwelling, subject to Section 530	SP	SP	SP	SP	Y	N	N	N	N	N	N	SP	SP
E.	Affordable accessory dwelling, subject to Section 530	See Section 530				Y	N	N	N	N	N	N	SP	SP
F.	Multi-family Dwelling	N	N	N	Y	Y	<u>Y</u>	Y	Y	N	N	N	N	Y
G.	Multifamily dwelling complex, subject to Section 430.3	N	N	N	N	SP	SP	Y	Y	N	N	N	N	N
G.	Private garage for more than 3 automobiles	SP	SP	SP	Y	Y	N	N	N	N	N	N	SP	N
H.	Garage for commercial vehicles subject to Section 440.3	SP	SP	SP	Y	Y	N	N	N	Y	N	N	N	N
I.	Religious use pursuant to G.L. c.40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
J.	Educational use pursuant to G.L. c. 40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
K.	Town administration or utility building or public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
L.	Town recreation or water supply use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
M.	Child care facility pursuant to G.L. c.40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
N.	Live/Work Building					Y	Y	Y	Y	SP	N	N	Y	Y
O.	Mixed-Use Building					Y	Y	Y	Y	SP	N	N	Y	Y
2. Agricultural, Horticultural, Floricultural Uses														
A.	Agriculture, horticulture, viticulture, aquaculture or floriculture pursuant to G.L. c. 40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
B.	Commercial dairy, poultry or livestock farm on a lot containing three acres or more (but not including a piggery, commercial kennel, or fur farm) provided	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N

¹ Refer to 580.3 and 580.9 for allowed buildings and associated standards within the Village Center Neighborhoods.

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹									
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY							NORTH SCITUATE		
						GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV	
	that any building in which poultry or livestock are housed is not less than fifty feet from side and rear lot lines and the exterior line of any street.														
C.	Commercial greenhouse on lot of less than 5 acres; provided that such building and any heating plant accessory thereto is not less than fifty feet from side and rear lot lines and from the exterior of any street.	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N	
D.	Salesroom or stand for the display and sale of agricultural or horticultural products the major portion of which are grown on the premises on lots less than 5 acres; provided that no such products are displayed within thirty feet of any street or lot line.	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N	
E.	Commercial riding academy on a lot containing three acres or more, provided any building in which horses are housed and any riding ring is not less than fifty feet from side and rear lot lines and from the exterior line of any street	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N	
3. Commercial Uses															
A.	Private organized camp	SP	SP	SP	Y	N	N	N	N	N	N	N	N	N	
B.	Rest, convalescent, nursing home or assisted living facility	SP	SP	SP	Y	Y	Y	SP	Y	N	N	N	SP	SP	
C.	Cemetery	SP	SP	SP	Y	SP	N	N	N	N	N	N	N	N	
D.	Hospital	SP	SP	SP	Y	N	N	SP	N	SP	N	N	N	N	
E.	Philanthropic or charitable institution	SP	SP	SP	Y	Y	Y	Y	SP	SP	SP	SP	Y	Y	
F.	Public or nonprofit library, museum, art gallery, civic center	Y	Y	Y	Y	Y	Y	Y	SP	Y	SP	SP	Y	Y	
G.	Commercial livery or mooring for marine pleasure craft with no fueling or repair services	SP	SP	SP	Y	SP	SP	N	SP	SP	N	N	N	N	
H.	Commercial golf course	SP	SP	SP	Y	N	N	N	N	N	N	Y	N	N	
I.	Golf range/miniature golf	N	N	N	Y	N	N	N	N	N	N	N	N	N	
J.	Boarding House or Lodging House for	SP	SP	SP	Y	SP	SP	N	N	N	N	N	SP	SP	

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹								
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY							NORTH SCITUATE	
						GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV
	more than three persons													
K.	Bed and Breakfast Establishment of more than two guest bedrooms	SP	SP	SP	Y	Y	Y	Y	SP	SP	N	SP	Y	Y
L.	Inn	SP	SP	SP	Y	Y	Y	Y	SP	SP	N	SP	Y	Y
M.	Hotel or motel	N	N	N	SP	SP	Y	SP	SP	SP	N	SP	SP	SP
N.	Club or lodge	SP	SP	SP	Y	Y	Y	Y	N	Y	N	SP	Y	Y
O.	Scientific accessory uses	SP	SP	SP	Y	Y	Y	SP	N	Y	N	N	Y	Y
P.	Retail business (not including any use specifically listed in this table)	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y
Q.	Showroom for building supplies, including plumbing, heating and ventilating equipment	N	N	N	Y	Y	Y	N	N	Y	N	N	Y	Y
S.	Shop of a carpenter, cabinetmaker, electrician, job printer, painter paperhanger, plumber, sign painter or upholsterer.	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y
T.	Restaurant	N	N	N	Y	Y	Y	Y	N	Y	N	SP	Y	Y
U.	Office building, bank or other monetary institution	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y
V.	Salesroom for automobiles, boats, trailers, trucks, machinery or farm implements and their accessories.	N	N	N	SP	SP	SP	N	N	SP	N	N	N	N
W.	Indoor Tennis Facility	N	N	N	SP	SP	SP	N	N	SP	N	SP	SP	SP
X.	Animal or veterinary hospital	N	N	N	N	SP	Y	SP	N	Y	N	N	SP	SP
Y.	Meeting hall for hire, indoor theatre	N	N	N	N	Y	Y	Y	N	Y	N	SP	Y	Y
Z.	Health club, swimming pool tennis court, skating rink, bowling alley	N	N	N	N	SP	Y	SP	N	Y	N	SP	Y	Y
AA.	Business Accessory Use subject to Section 440.3	N	N	N	Y	Y	Y	N	N	Y	N	N	Y	Y
BB.	Commercial kennel	N	N	N	N	N	SP	N	N	SP	N	N	N	N
CC.	Fast food establishment	N	N	N	SP	N	SP	SP	N	SP	N	N	Y	Y
DD.	Temporary outdoor sales approved by Select Board	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
EE.	Registered marijuana dispensary	N	N	N	N	N	N	N	N	SP	N	N	N	N
FF.	Microbrewery	N	N	N	SP	SP	SP	SP	N	Y	N	N	SP	SP
GG.	Marijuana Establishment	N	N	N	N	N	N	N	N	N	N	N	N	N
4. Industrial Uses														
A.	Establishment for the sale of lumber or other building supplies, heating fuel, livestock feed, ice, fertilizer, or similar materials stored in	N	N	N	N	N	N	N	N	Y	N	N	N	N

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹								
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY							NORTH SCITUATE	
						GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV
	bulk on the premises (but not including the storage of used or salvaged materials).													
B.	Establishment for repair of trailers, trucks, machinery or farm implements.	N	N	N	N	N	N	N	N	Y	N	N	N	N
C.	Auto body shop, provided that all work is conducted within a completely enclosed building.	N	N	N	N	N	N	N	N	Y	N	N	SP	SP
D.	Yard for custom building or repair of boats under one hundred feet in length, boat storage yard.	N	N	N	N	N	N	Y	N	Y	N	N	N	N
E.	Storage yard or plant for contractor's equipment, storage garage or trucks, trucking yard or terminal.	N	N	N	N	N	N	N	N	Y	N	N	N	N
F.	Wholesale distribution plant, cold storage plant, material storage yard, or warehouse (but not including the storage of used or salvaged materials or explosives, or the wholesale products, or other inflammables.)	N	N	N	N	N	N	N	N	Y	N	N	N	N
G.	Soldering or welding shop, shop for light metal fabrication or blacksmith shop, provided that all work is conducted within a completely enclosed building.	N	N	N	N	N	N	N	N	Y	N	N	N	N
H.	Woodworking mill	N	N	N	N	N	N	N	N	Y	N	N	N	N
I.	Commercial bakery or dairy products plant	N	N	N	N	N	N	N	N	Y	N	N	N	N
J.	Light manufacturing	N	N	N	N	N	N	N	N	Y	N	N	N	N
K.	Use accessory to allowed industrial use	N	N	N	N	N	N	N	N	Y	N	N	N	N
L.	Large scale ground mounted solar photovoltaic installation and appurtenant structures	N	N	N	N	N	N	N	N	Y	N	N	N	N
M.	Flex Space/ Fabrication Building	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	SP

F. Delete Section 430.3 Multi-Family Dwelling Complex in its entirety.

~~430.3 MULTI FAMILY DWELLING COMPLEX~~

~~A. — Multi-family dwelling complex shall be subject to the following conditions and regulations: —~~

~~1. — Each project will be subject to the provisions of Section 770, Site Plan Review.~~

~~2. — The minimum lot area for each multifamily dwelling complex shall be forty thousand square feet.~~

~~3. — The minimum lot frontage shall be one hundred and fifty feet on a public street, or a private street, approved by the Planning Board under the subdivision control law. Minimum width of each lot throughout its depth shall be not less than one hundred and fifty feet measured at its narrowest.~~

~~4. — The minimum lot area for each dwelling unit shall be five thousand square feet plus one thousand square feet for each bedroom in excess of two for each dwelling unit. In no case shall there be more than eighteen bedrooms or eight dwelling units per forty thousand square feet. Dwelling~~

~~units with more than two bedrooms shall not exceed one in each eight dwelling units to be constructed on each lot. Surplus areas of water bodies, wetlands and marshes shall not be included in the calculation of lot area to determine the allowable number of dwelling units.~~

~~5. — The shortest distance between any two multifamily dwellings shall be not less than thirty five feet. Courts shall be completely open on one side and the depth of the court shall not exceed the width.~~

~~6. — Each multifamily dwelling shall contain no more than twelve dwelling units. No exterior face of any building shall exceed fifty feet in any plane (measured horizontally) without an offset of at least eighteen inches.~~

~~7. — All utility service lines shall be underground.~~

~~8. — No more than twenty five percent of the lot may be covered by the multifamily dwellings, including accessory buildings.~~

~~9. — The front yard setback requirements shall be fifty feet. The side and rear yard setback requirement shall be permitted in the front yard setback areas; said setback areas (other than access drives) shall be appropriately landscaped.~~

~~10. — There shall be set aside on each lot an area equal to fifteen hundred square feet per dwelling unit, not to be built upon, unpaved, landscaped, and/or left natural with an acceptable balance of trees, shrubs and grass, except that three hundred square feet of the above fifteen hundred square feet per dwelling unit shall be developed for recreational purposes.~~

~~11. — In addition to the open space required in (10) above, there shall be provided landscaped side and rear yard buffer areas of at least ten feet in width each adjacent to each property line of the lot and being part of the yard requirement in (9) above. For each additional forty thousand square feet, two feet shall be added up to a maximum of thirty feet. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to~~

~~protect adjacent properties and present a reasonably opaque, natural barrier to a height of six feet~~

~~12. — Two off street parking spaces shall be provided for each dwelling unit. No more than ten spaces shall be provided in any one continuous row. The minimum size of a parking space, including aisles and maneuvering areas, shall be within three hundred and fifty square feet and spaces shall be within two hundred feet of the intended user. Parking spaces shall be lighted but shielded from direct glare on a public street and adjoining premises.~~

~~13. — No building shall exceed two stories in height. No building shall exceed thirty feet in height.~~

~~14. — No interior floor space below ground level shall be used for living purposes.~~

~~15. — No building shall exceed one dwelling unit in depth front to back.~~

~~16. — No building shall have an overall length of more than two hundred feet.~~

G. Amend Section 580.2 Subsection D. Pedestrian Frontage Overlay Zone to add the following language in the 1. Purpose section to clarify the locations of the Pedestrian Frontage Overlay Zone as follows:

1. Purpose: The Pedestrian Frontage Overlay Zones identify properties along certain public streets in the VCN Districts North Scituate Village-Village Center and the Greenbush -Driftway Gateway District-New Driftway Transit Village Subdistrict as places prioritized for pedestrian-oriented and active ground floor uses. Pedestrian Frontage Overlay Zones are identified on the VCN Zoning District Insert Maps as a subset of the Town of Scituate Zoning Map.

H. Amend Section 580 Village Center and Neighborhood District as follows:

1. Section 580.3.D. strike the phrase “or Board of Appeals.” as follows:

Alternative Building Types: If a new building is proposed that cannot be classify as one of the allowed building types of this section by the Zoning Enforcement Officer, the building is subject to Special Permit review and approval by the Planning Board ~~or Board of Appeals.~~

4. Section 580.4 Table 2 – VCN Residential Density by Building Type & District to allow Multi-Family Buildings 15 dwelling units per acre in the GWB, NRN and GVC districts.

TABLE 2 - VCN RESIDENTIAL DENSITY BY BUILDING TYPE & DISTRICT

RESIDENTIAL/MIXED USE BUILDINGS		D.U.s PER ACRE (BY RIGHT/BY SPECIAL PERMIT)						
		Greenbush-Driftway Gateway					North Scituate Village	
		GWB	NRN	GVC	DBP/NRCR/DCR	NDTV	VC	OV
		Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP
1.	Single-Family Detached Dwelling Units	NA	NA	4/8 ⁴	NA	NA	NA	NA
2.	Single-Family Attached Dwelling Units ¹	8/16	8/16	8/16	NA	12/20	NA	12/20
3.	Two-Family Dwelling and Cottage Courts ²	NA	8/16	8/16 ⁴	NA	NA	NA	12/20
4.	Mixed Use Buildings	12/24	12/24 ³	12/24	NA	16/36	12/24	12/24
5.	Multi-Family Buildings	<u>15/24</u>	<u>15/24</u> ³	<u>15/24</u>	NA	16/36	NA	15/24

NA Not Allowed

P Permitted By Right

Y Permitted By Special Permit from the Planning Board

1 Single-Family Attached Dwelling Units includes Rowhouses, Townhouses, and Live/Work Units

2 Two-Family Dwelling Units are permitted on a 10,000 S.F. lot with no accessory dwelling units. Where more than one Two-Family dwelling unit is being built they must meet the density per acre requirements above for the additional units.

3 Mixed Use Buildings are not permitted in the NRN District

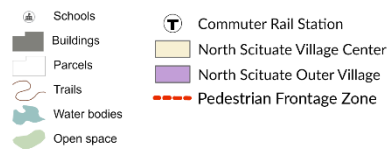
4 Where Single-Family Detached Dwellings and Two-Family Dwellings are permitted, the minimum lot size for an individual lot is 10,000 S.F. Where more than one single-family detached dwelling unit is being built they must meet the density per acre requirements above for the additional units.

3. Section 580.9.A.1.a to strike the phrase “a limited amount of” as shown below:

Purpose: The purpose of this district is to create an attractive gateway along the Driftway by encouraging a broad range of commercial **uses, and a limited amount of** residential, and institutional uses at moderate densities supported by attractive streetscape treatments and multi-modal transportation facilities including bus transit, sidewalks, and the Driftway Multipurpose Trail.

4. Amend Section 580.9.B North Scituate Village District (NSV) to update the location of the pedestrian frontage zones as shown on the proposed zoning map dated November 30, 2023 by JM Goldson LLC.

Prepared by JM Goldson LLC



Date Created: November 30, 2023



Sources: MassGIS, MassDEP, MAPC Trailmap

I. Amend Section 754 Fair Housing and Affordability Standards as follows:

1. Amend Section 754.1.B.1 Specific Application to VBOD and VCN to add language to 1. Exceptions after the first sentence as follows:

Exemptions. Applications requesting five or fewer dwelling units are exempt from this requirement. By right development in the VCN subdistricts GDG-GWB, GDG-NRN, GDG-GVC, and NSV-OV nine or fewer 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. Amend Section 754.1.B.2 Number of Affordable Units, by inserting the following language below the table 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

By right development of ten units or more in the VCN subdistricts GDG-GWB, GDG-NRN, GDG-GVC, and NSV-OV are required to provide 10 percent affordable units at not less than 80 percent of the Area Median Income.

3. Amend Section 754.1.B.3 Density Bonuses by striking the language from the section: “The total number of Affordable Housing Units constructed in a VBOD or VCN shall equal not less than twenty percent (20%) of the total number of all units constructed within projects in the district” as shown below:

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.

4. Amend Section 754.3 Monitoring Agent to by deleting “Select Board” in the first sentence and replacing it with “Applicant in conjunction with the Planning Board.”
5. Amend Section 754.7.B Compliance with LIP Program by replacing “CMR 45.00” with “CMR 56.00.”

J. Amend Section 760 Parking Requirements

1. Amend Section 760.8 to add language that there is no parking required for commercial uses in the Mandatory Mixed-Use Districts (VCN-GDG-NDTV and VCN-NSV-VC districts), as follows:

760.8 BUSINESS AND MIXED-USE DISTRICT PARKING REQUIREMENTS AND WAIVERS

The Planning Board may waive the parking requirements of this Section for commercial, mixed-use, and residential uses in the Village Center & Neighborhood (VCN) and Business Districts if the applicant can demonstrate that sufficient off-street and on-street parking (public or private) exists that may adequately fulfill, in part or in whole, the parking needs of the applicant, or that special circumstances exist, such as the shared use of a parking lot by activities having different peak demand times as determined by the standards below. No commercial parking is required in the VCN GDG-NDTV and NSV-VC districts for by right projects only.

2. Amend the Section 760.8.B. to specify that there is no parking required for commercial uses on the ground floor in the Section 3A of MGL c. 40A. Mandatory Mixed-Use District(s), as follows:

B. Off-Street Parking Requirements. The minimum number of off-street parking spaces required for residential, commercial, and mixed uses in the VCN and B shall be consistent with the requirements on Table 2 below. Where a use is not addressed on Table 2, then such use will be consistent with the requirements of Table 1 in Section 760.6. Outdoor seating cafes and accessory buildings are exempt from off-street parking requirements at the discretion of the Planning Board. The VCN GDG-NDTV and NSV-VC districts do not require any off-street parking for the ground floor commercial uses for by right projects only.

K. Amend Section 770.9 Applicability of Approval Requirements

1. Amend Section 770.9.A to add the words “or VCN” after the words B District as follows:

A. Any of the uses permitted in B **or VCN** District but not permitted in R-1, R-2, or R-3 Districts (with or without Board of Appeals authorization).

2. Amend Section 770.9.C by deleting it in its entirety and adding a new Section C. as follows:

~~C. An apartment house, garden apartment building or other multiple dwelling for residential use by more than two families.~~

C. Multi-family dwellings are subject to Site Plan Administrative Review or Major Site Plan Review as would be required for business or commercial uses.

Sponsored by the Planning Board

Comments:

The town had already done work to change zoning around the commuter rail stations to increase available housing in close proximity to public transportation. This means that the additional changes needed to make Scituate compliant with MGL(Massachusetts General Law) c. 40A §3A were minimal. To vote against the minor changes would make Scituate ineligible for state grants, and potentially open to legal action from the state. (The town of Milton voted against

changing their zoning to be compliant, and since has lost grant funding for a seawall, and has been sued by the state attorney general.) It should be noted that regardless of how densely North Scituate is zoned, the lack of a sewer connection to the area currently limits development. Changes to zoning is the only thing required to be compliant with the state law, there is no requirement to increase available housing.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

*****Please see Appendix G for Red Line Version and Appendix H for Clean Copy of Zoning Bylaw*****

ARTICLE 17. Zoning Bylaw Amendment – Wireless Communication Antennas

To see if the Town will vote to amend the Zoning Bylaws Section 730.4 Wireless Communication Antennas on Utility Poles, as indicated below or take any other action relative thereto.

730.4 WIRELESS COMMUNICATION ANTENNAS ON UTILITY POLES

A wireless communications antenna may be installed on a utility pole in any zoning district provided **that: (1) the antenna is not more than ten feet in height; (2) ~~subject to~~ the applicant ~~obtaining~~ obtains a Special Permit from the Planning Board that meets all the requirements of a Major Site Plan Review approval from the Planning Board under Section 770 of this bylaw and (3) the application meeting applicable standards of Section 730.2 A. and B., paragraphs 1, 3 and 5 regarding plan submissions, structural soundness, camouflage and removal.** Prior to the public hearing on the special permit, the applicant shall provide information to the Planning Board concerning the need for the antenna(s). This may include coverage maps to show the need for the antenna(s) or similar information. Prior to approving the special permit, the Planning Board must make a written finding that there is a demonstrated need for the antenna(s) to provide or improve cell phone, computer or similar devices' service for purposes of coverage and/or capacity.

Sponsored by: Planning Board

Comments:

There is no policy or procedural change to the bylaws. The only change is to the language of the existing bylaw to increase the clarity of the requirements. As written, it currently mentions the special permit that is required, but it doesn't explicitly state that the applicant must obtain a special permit.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 18. Amend General Bylaws Section 10260 – Revolving Funds

To see if the Town will vote to amend the Aquaculture Revolving Fund, in Section 10260 of the Town of Scituate General Bylaws, to allow for revenue received from mitigation imposed by the Conservation Commission relevant to docks and similar structures and authorize expenditures as required by the mitigation; or take any other action relative thereto.

by striking the entirety of said text and replacing the same with the following:

Aquaculture Revolving Fund

Fund Name. There shall be a separate fund called Aquaculture Revolving Fund.

Revenues. The Town Accountant shall establish the Aquaculture Revolving Fund as a separate account and credit to the fund all charges for licenses and reporting related to Aquaculture activities and all monies received from mitigation activities ordered by the Conservation Commission relevant to docks and similar structures.

Purposes and Expenditures. During each fiscal year, the Harbormaster and/or Shellfish Constable, with approval of the Town Administrator, may incur liabilities against and spend monies from the Aquaculture Revolving Fund for costs incurred for aquaculture activities and expenses as required by mitigation activities ordered by the Conservation Commission.

Fiscal Years. The Aquaculture Revolving Fund shall operate for fiscal years that begin on or after July 1, 2020.

Sponsored By: Select Board

Comments:

The purpose of this Article is to allow revenue received into the Aquaculture Revolving Fund from fees/fines on owners of docks and other similar structures to be used to enhance the growth of the shellfish beds and other actions within their scope.

The Advisory Board vote unanimously in favor 8-0

To amend the Aquaculture Revolving Fund to allow for revenue received from mitigation imposed by the Conservation Commission relevant to docks and similar structures and authorize expenditure for reseeded shellfish beds or other actions as required by the mitigation. Bylaw Review Committee voted in favor of this change to the bylaws.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 19. Amend General Bylaws Section 30150 – Streets, Sidewalks, Public Ways

To see if the Town will vote to amend Town of Scituate General By-Laws Section 30150, “Streets, Sidewalks, Public Ways,” subsection I, “Handicapped Parking Regulations on Public and Certain Private Ways,” subsection 2, “Parking in Designated Parking Spaces Prohibited” by deleting \$100.00 and inserting, in its place, \$300.00; or take any other action relative thereto.

Sponsored By: Select Board

Comments:

The purpose of this article is to implement an increase in the violation penalty for illegally parking in a designated Handicap parking spot from the current \$100 to \$300 per violation.

We are a town with a growing population yet not a growing parking availability. Maintaining proper Handicap access to those who need it is of high importance. The Advisory Committee agreed with this increase and the Bylaw Review Committee voted in favor of this change to the bylaws.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

******Please see Appendix G for Full Statute Language******

ARTICLE 20. Local Option Acceptance – M.G.L. Chapter 59 §5 cl 54

To see if the Town will vote to accept the provisions of Mass. Gen. L. c 59, Section 5, cl. 54 and establish the minimum value of personal property subject to taxation at \$5,000 of fair cash value on personal property accounts to be taxed beginning in the fiscal year FY2025 or take any other action relative thereto.

Sponsored by: Select Board/Board of Assessors

Comments:

This article exempts personal property having a fair cash value of less than \$5,000 from the personal property tax. Currently the town collects personal property tax from 1300 accounts, totaling \$746,900 in revenue. Of this, 97% is derived from the 380 accounts over \$5,000 each. 78% is derived from the top 8, largely utility companies. There are another 380 bills which are under \$5.00 per quarter. The costs associated with billing these low value accounts exceed the revenue collected.

A comparison to 11 communities indicates that 4 including Scituate have no exemption, three are at \$5,000, and 2 are at \$10,000.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

Appendix A – Special Town Meeting Consent Agenda

CONSENT AGENDA-SPECIAL TOWN MEETING

Warrant Articles on a Consent Agenda (permitted by Robert’s Rules) are exceptions to the general process of Town Meeting. The Town Administrator, Select Board, and Moderator identify, for Town Meeting consideration, those articles they believe should generate no controversy and can be properly voted without debate. These articles are put on the Consent Agenda to allow motions under these articles to be acted upon as one unit and to be passed without debate. A 2/3rds vote of Town Meeting Members is required by Scituate Town by-law (Section 20120 (B)) to permit a Consent Agenda to be used since Articles will, as a result of the process, be taken out of order.

At the call of the Consent Agenda, the Moderator will read out the numbers of the articles, one by one. If one or more voters object to any particular article being included in the Consent Agenda, they say “Hold” in a loud voice when the number is called. The article will then be removed automatically from the Consent Agenda and restored to its original place in the Warrant, to be debated and voted upon in the usual manner. After the calling of the individual items in the Consent Agenda, the Moderator will ask for a motion that the voters pass all items remaining AS A UNIT on one vote. Use of the Consent Agenda process makes the Town Meeting more efficient by speeding up the handling of non-controversial items.

THE CONSENT AGENDA WILL BE TAKEN UP AS THE FIRST ORDER OF BUSINESS AT THE COMMENCEMENT OF THE SPECIAL TOWN MEETING ON MONDAY, APRIL 8, 2024.

CONSENT AGENDA MOTION

MOTION: *I move that the Town vote to take Articles*

1 – Unpaid Prior Year Bills,

2 – FY24 Budget Reconciliations and

3 – Community Preservation Additional Set-asides

out of order and that they be “Passed by Consent” in accordance with the Motions shown on the Consent Agenda distributed this evening.

2/3 VOTE REQUIRED; SINGLE EXCEPTION WILL REMOVE ARTICLE FROM CONSENT AGENDA

Please review the list of articles and motions proposed for each Consent Item which follows.

ARTICLE 1. Unpaid Prior Year Bills

To see if the Town will vote to transfer the sum of **\$16,419.81**, or a greater or lesser sum, for the purpose of paying prior fiscal year unpaid bills, or take any other action relative thereto.

Department	Vendor	Date	Amount	Funding Source
DPW	Sullivan, James	6/19/2023	\$ 153.53	Free Cash
DPW	Industrial Communications LLC	6/23/2023	\$ 2,340.00	Free Cash
Police	Thomson Reuters	6/30/2023	\$ 349.80	Free Cash
Police	O'Reilly Auto Parts	6/8/2023	\$ 11.74	Free Cash
Police	Greater Boston Police Council	7/1/2022	\$ 1,900.00	Free Cash
Police	Scituate Boat Works	4/2/2023	\$ 859.32	Free Cash
Police	UPS	6/23/2023	\$ 107.20	Free Cash
IT	Govconnection	3/8/2023	\$ 7,560.00	Free Cash
Fire	All-Comm Technologies, Inc.	4/14/2023	\$ 142.20	Free Cash
Fire	South Shore Health Express	6/22/2023	\$ 504.00	Free Cash
Fire	West Marine Pro	6/8/2023	\$ 56.94	Free Cash
Fire	Tessco	3/31/2023	\$ 167.72	Free Cash
Fire	Bulldog's Performance Plus, LLC	10/25/2022	\$ 941.16	Free Cash
COA	Wel-Design Alarm Systems	2/10/2023	\$ 400.00	Free Cash
COA	South Shore Health Express	6/30/2023	\$ 120.00	Free Cash
Water	Eurofins Eaton Analytical	4/13/2023	\$ 700.00	Water Ent RE
Harbormaster	Concord Electric Supply	6/26/2023	\$ 106.20	Waterways RE
	Total		\$ 16,419.81	

Sponsored By: Select Board

MOTION ARTICLE 1. Unpaid Prior Year Bills

I move that the Town appropriate the sum of **\$16,419.81** for the purpose of paying prior fiscal year unpaid bills as printed in the warrant and to fund such appropriation **transfer \$700.00 from Water Enterprise Retained Earnings, transfer \$106.20 from Waterways Enterprise Retained Earnings and transfer \$15,613.61 from Free Cash.**

ARTICLE 2. FY 24 Budget Reconciliations

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$966,516.00** or a greater or lesser sum, for the purpose of fully funding the following accounts established under Articles 4, 5, 6, 7, 8 and 9 of the April 10, 2023 Annual Town Meeting as follows:

Department	Line Item	To Amount	From Amount	Comment
Facilities Department	Public Buildings 1410580.585500	\$ 65,000.00		Additional funds for roof at First Parish fire station, boiler repair at library and library elevator mandated upgrade requirement.
Fire Department	Uniforms 1220540.558100	\$ 30,000.00		Outfitting for six firefighters filling open vacancies
Police Department	Uniforms 1120540.558100	\$ 15,000.00		Outfitting for three police officers filling open vacancies
DPW Public Grounds	Capital Outlay 1155580.585100	\$ 6,000.00		Safety equipment
DPW Public Grounds	Regular Salaries 1429510.511000		\$ 100,000.00	Vacancies
DPW Highway	Regular Salaries 1422510.511000		\$ 40,000.00	Vacancies
DPW Roads & Seawalls	Roads & Seawalls 1411580.585600	\$ 300,000.00		Replenish for amounts used for beach nourishment project
Snow & Ice	Overtime 1423510.512000; Roadway Maintenance 1423540.543300; Equipment Rentals 1423520.527100		\$ 276,000.00	Mild winter
Advisory Committee	Printing & Forms 1131540.542500	\$ 2,566.00		Printing of Advisory Committee booklets - more color pages, extra town meeting
Advisory Committee	PT Salaries 1131510.518000		\$ 2,566.00	Recording secretary not used
Transfer Station Enterprise	Supplies 63433540.542300	\$ 45,000.00		Bag sales exceeded estimated sales and needed to order additional stock of all sizes
Transfer Station Enterprise	Transfer Station Enterprise Retained Earnings		\$ 45,000.00	
Waterways Enterprise	Technical Services 66298520.530900	\$ 5,000.00		Harbor Wi-Fi design & engineering
Waterways Enterprise	Waterways Unspent Article 10/23 STM Art 7 Grant Match 66298923.589000.23SO7		\$ 5,000.00	Grant match appropriated was more than needed
Widows Walk Enterprise	Electricity 61661520.521100	\$ 25,000.00		Electricity exceeded budget; adjustments made for FY25
Widows Walk Enterprise	Widows Walk Enterprise Retained Earnings		\$ 25,000.00	
Sewer Enterprise	Long Term Debt Interest 64440590.591500	\$ 62,950.00		Issued bond in December 2023 for Inflow & Infiltration program for more than anticipated
Sewer Enterprise	Sewer Enterprise Retained Earnings		\$ 62,950.00	

Department	Line Item	To Amount	From Amount	Comment
Water Enterprise	Water Rebate Program 65450520.538800	\$ 10,000.00		Popularity of program
Water Enterprise	Water Capital Outlay 65450580.585100	\$ 250,000.00		Expanding fiber connections to additional sites & technology in conjunction with potential grant project and engineering and permitting of new poles
Water Enterprise	Water Capital Outlay 65450580.585100	\$ 130,000.00		Old Oaken Bucket Source Water Improvement & Aeration; removed from FY25 capital plan for funding in FY24 budget due to need
Water Enterprise	Charges & Assessments 65450560.560200	\$ 20,000.00		6% rate increase by Town of Marshfield for purchase of water for Humarock area
Water Enterprise	Regular Salaries 65450510.511000		\$ 125,000.00	Vacancies
Water Enterprise	Water Enterprise Retained Earnings		\$ 285,000.00	
	Total	\$ 966,516.00	\$ 966,516.00	

or take any other action relative thereto.

Sponsored By: Select Board

MOTION ARTICLE 2. FY 24 Budget Reconciliations

I move that the Town appropriate the sum of **\$966,516.00** for the purpose of fully funding the accounts listed in the printed warrant and established under Articles 4, 5, 6, 7, 8 and 9 of the April 10, 2023 Annual Town Meeting and to fund such appropriation transfer **\$966,516.00** from the accounts listed in the printed warrant.

ARTICLE 3. Community Preservation Act

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (CPC) to appropriate the sums of money as indicated below. Appropriations for the items below are to be expended from Community Preservation Undesignated Funds unless otherwise indicated. All such sums appropriated are further to be expended subject to all terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items.

- 5. \$6,806 From Community Preservation fund balance, to be reserved for the creation and support of Community Housing consistent with the Act; FY24 previously voted set-asides were insufficient to meet the 10%;
- 6. \$6,806 From Community Preservation fund balance, to be reserved for the creation and support of Open Space consistent with the Act; FY24 previously voted set-asides were insufficient to meet the 10%.

Or take any other action relative thereto.

Sponsored by: Community Preservation Committee

MOTION ARTICLE 3. Community Preservation Act

I move that the Town act on recommendations from the Community Preservation Committee (CPC) to appropriate the sums of money as indicated below. Appropriations for the items below are to be expended from Community Preservation Undesignated Funds unless otherwise indicated. All such sums appropriated are further to be expended subject to all terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items.

1. \$6,806 From Community Preservation fund balance, to be reserved for the creation and support of Community Housing consistent with the Act; FY24 previously voted set-asides were insufficient to meet the 10%;
2. \$6,806 From Community Preservation fund balance, to be reserved for the creation and support of Open Space consistent with the Act; FY24 previously voted set-asides were insufficient to meet the 10%.

Appendix B – Annual Town Meeting Consent Agenda

CONSENT AGENDA-ANNUAL TOWN MEETING

Warrant Articles on a Consent Agenda (permitted by Robert’s Rules) are exceptions to the general process of Town Meeting. The Town Administrator, Select Board, and Moderator identify, for Town Meeting consideration, those articles they believe should generate no controversy and can be properly voted without debate. These articles are put on the Consent Agenda to allow motions under these articles to be acted upon as one unit and to be passed without debate. A 2/3rds vote of Town Meeting Members is required by Scituate Town by-law (Section 20120 (B)) to permit a Consent Agenda to be used since Articles will, as a result of the process, be taken out of order.

At the call of the Consent Agenda, the Moderator will read out the numbers of the articles, one by one. If one or more voters object to any particular article being included in the Consent Agenda, they say “Hold” in a loud voice when the number is called. The article will then be removed automatically from the Consent Agenda and restored to its original place in the Warrant, to be debated and voted upon in the usual manner. After the calling of the individual items in the Consent Agenda, the Moderator will ask for a motion that the voters pass all items remaining AS A UNIT on one vote. Use of the Consent Agenda process makes the Town Meeting more efficient by speeding up the handling of non-controversial items.

THE CONSENT AGENDA WILL BE TAKEN UP AS THE FIRST ORDER OF BUSINESS AT THE COMMENCEMENT OF THE ANNUAL TOWN MEETING ON MONDAY, APRIL 8, 2024.

CONSENT AGENDA MOTION

MOTION: *I move that the Town vote to take Articles*

- 1 – Compensation of Elected Officials,***
- 2 – Reports of Boards and Committees,***
- 5 – Waterways Enterprise Fund Budget,***
- 6 – Golf Course Enterprise Fund Budget,***
- 7 – Wastewater Enterprise Fund Budget,***
- 8 – Transfer Station Enterprise Budget,***
- 9 – Water Enterprise Fund Budget,***
- 10 – Stabilization Fund Excess Levy Capacity,***
- 11 – Revolving Fund Limits,***
- 13 – Community Preservation Reconciliations and***
- 15 – MGL Chapter 91 Liability***

out of order and that they be “Passed by Consent” in accordance with the Motions shown on the Consent Agenda distributed this evening.

2/3 VOTE REQUIRED; SINGLE EXCEPTION WILL REMOVE ARTICLE FROM CONSENT AGENDA

Please review the list of articles and motions proposed for each Consent Item which follows.

ARTICLE 1. Compensation of Elected Officials

To see if the Town will vote to establish the salaries and compensation of all elected Town officials as follows for a sum totaling **\$97,325.00**, or a greater or lesser sum; or take any other action relative thereto:

SELECT BOARD:	Chair & Legitimate Expenses	\$ 1,500.00
SELECT BOARD:	Members & Legitimate Expenses	\$ 2,000.00
		(4@ \$500)
ASSESSORS:	Chair & Legitimate Expenses	\$ 1,200.00
ASSESSORS:	Members & Legitimate Expenses	\$ 800.00
		(2@ \$400)
TOWN CLERK:	Personal Services	\$91,825.00

Sponsored By: Select Board

MOTION ARTICLE 1. Compensation of Elected Officials

I move that the Town establish the salaries and compensation of all elected Town officials as follows for a sum totaling **\$97,325.00** as listed in the printed warrant.

ARTICLE 2. Reports of Boards and Committees

To see if the Town will vote to hear or act upon any reports from the Town officers or committees; or take any other action relative thereto.

Sponsored By: Select Board

MOTION ARTICLE 2. Reports of Boards and Committees

I move that the Town hear or act upon any reports from the Town officers or committees.

ARTICLE 5. Waterways Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of **\$973,102.00**, or a greater or lesser sum, for the purpose of funding the Waterways Enterprise operations and expenses for the ensuing fiscal year commencing July 1, 2024; or take any other action relative thereto.

Personal Services	\$	511,142
Other Expenses	\$	461,960
Total	\$	973,102

Sponsored By: Select Board

MOTION ARTICLE 5. Waterways Enterprise Fund

I move that the Town transfer from Waterways Enterprise Receipts the sum of **\$963,102.00** for the purpose of funding the Waterways Enterprise operations and expenses for the ensuing fiscal year commencing July 1, 2024.

Personal Services	\$	511,142
Other Expenses	\$	461,960
Total	\$	973,102

ARTICLE 6. Golf Course Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$1,434,479.00**, or a greater or lesser sum, for the purpose of funding the Widow's Walk Golf Course operations and expenses for the ensuing fiscal year commencing July 1, 2024; or take any other action relative thereto.

Personal Services	\$684,779
Other Expenses	\$749,700
Total	\$1,434,479

Sponsored By: Select Board

MOTION ARTICLE 6. Golf Course Enterprise Fund

I move that the Town transfer from Widows Walk Enterprise receipts the sum of **\$1,434,479.00** for the purpose of funding the Widow's Walk Golf Course operations and expenses for the ensuing fiscal year commencing July 1, 2024.

Personal Services	\$684,779
Other Expenses	\$749,700
Total	\$1,434,479

ARTICLE 7. Wastewater Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$4,102,450.00**, or a greater or lesser sum, for the purpose of funding Wastewater Treatment Plant operations and expenses, for the ensuing fiscal year commencing July 1, 2024; or take any other action relative thereto.

Personal Services	\$ 674,442
Other Expenses	\$ 3,428,008
Total	\$ 4,102,450

Sponsored By: Select Board

MOTION ARTICLE 7. Wastewater Enterprise Fund

I move that the Town transfer from the Wastewater Enterprise receipts the sum of **\$4,102,450.00** for the purpose of funding Wastewater Treatment Plant operations and expenses, for the ensuing fiscal year commencing July 1, 2024.

Personal Services	\$ 674,442
Other Expenses	\$ 3,428,008
Total	\$ 4,102,450

ARTICLE 8. Transfer Station Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$1,466,350.00**, or a greater or lesser sum, for the purpose of funding the Landfill and Transfer Station operations and expenses for the ensuing fiscal year commencing July 1, 2024; or take any other action relative thereto.

Personal Services	\$375,660
Other Expenses	\$1,090,690
Total	\$1,466,350

Sponsored By: Select Board

MOTION ARTICLE 8. Transfer Station Enterprise Fund

I move that the Town transfer from Transfer Station Enterprise receipts the sum of **\$1,466,350.00** for the purpose of funding the Landfill and Transfer Station operations and expenses for the ensuing fiscal year commencing July 1, 2024.

Personal Services	\$375,660
Other Expenses	\$1,090,690
Total	\$1,466,350

ARTICLE 9. Water Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of **\$7,276,454.00**, or a greater or lesser sum, for the purpose of funding Water Division operations and expenses for the ensuing fiscal year commencing July 1, 2024; or take any other action relative thereto.

Personal Services	\$1,363,826
Other Expenses	\$5,912,628
Total	\$7,276,454

Sponsored By: Select Board

MOTION ARTICLE 9. Water Enterprise Fund

I move that the Town transfer from Water Enterprise receipts, the sum of **\$7,276,454.00** for the purpose of funding Water Division operations and expenses for the ensuing fiscal year commencing July 1, 2024.

Personal Services	\$1,363,826
Other Expenses	\$5,912,628
Total	\$7,276,454

ARTICLE 10. Stabilization Fund Excess Levy

To see if the Town will vote to raise and appropriate the difference between the levy net and the levy limit to the Stabilization Fund, in accordance with M.G.L. c. 40, § 5B; or take any other action relative thereto.

Sponsored By: Select Board

MOTION ARTICLE 10. Stabilization Fund Excess Levy

I move that the Town raise and appropriate the difference between the levy net and the levy limit to the Stabilization Fund, in accordance with M.G.L. c. 40, § 5B.

ARTICLE 11. Revolving Fund Limits

To see if the Town will vote to set the annual spending limits for the revolving funds authorized under General Bylaw Section 10260 for Fiscal Year 2025, in accordance with M.G. L., c. 44, § 53E1/2 as follows; or take any other action relative thereto.

Revolving Fund	FY25 Expenditure Limit
Senior Center Revolving	\$150,000
Senior Center Food Service	\$45,000
Planning Board Application	\$15,000
Food Establishment Inspection	\$40,000
School Transportation	\$400,000
Beach Sticker	\$550,000
Public Health Vaccinations	\$50,000
Wind Turbine	\$750,000
Maintenance of Private Ways	\$10,000
GATRA Transport	\$130,000
Solar Array	\$485,000
Recreation Program	\$485,000
Athletic Fields	\$75,000
Maritime Center Rental	\$40,000
Scituate Harbor Community Building Rental	\$10,000
Aquaculture	\$5,000
Perc Witness Fees	\$50,000

Sponsored By: Select Board

MOTION ARTICLE 11. Revolving Fund Limits

I move that the Town set the annual spending limits for the revolving funds authorized under General Bylaw Section 10260 for Fiscal Year 2025, in accordance with M.G. L., c. 44, § 53E1/2 as printed in the warrant.

ARTICLE 13. Community Preservation Act Reconciliations

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee to rescind the balance of funds authorized but unexpended totaling **\$679,345.93**, or a greater or lesser sum, and to transfer said funds into the Reserve or General Fund Balance from which they were originally appropriated, in accordance with the provisions of the Community Preservation Act; or take any other action relative thereto.

Org	Object	Project	TM Authorization	Description	Balance
25177917	589000	O634B	STM 11/2017 Art 6-4	Mapping Trails & Signage	\$ 14.22
25177917	589000	R1110	ATM 04/2017 Art 11-10	Creation of Dog Park	\$ 571.08
25177919	589000	H121B	ATM 04/2019 Art 12-1B	STOCKBRIDGE GRAIN CHEST	\$ 5,557.77
25177920	589000	H8-02	STM 11/2020 Art 8-2	CLOSING COSTS M LINC ACQ	\$ 51.57
25177921	589000	H6-4	STM 10/2021 Art 6-4	ARCHIVES DOCUMENT PRESERVTN	\$ 2,841.23
25177921	589000	O6-7	STM 10/2021 Art 6-7	LAND ACQ-O BORDER ST	\$ 5,214.09
25177921	589000	R12-7	ATM 04/2021 Art 12-7	CEDAR POINT BENCH REPLACEMT	\$ 2,300.50
25177921	589000	R12-8	ATM 04/2021 Art 12-8	TRAIL PARKNG & ACCESS ADDTL	\$ 11,816.44
25177921	589000	R12-9	ATM 04/2021 Art 12-9	THOREAU'S WAYE LIB GREEN	\$ 5,413.13
25177922	589000	O65	STM 09/2022 Art 6-5	DAMON ACCESS & PICNIC AREA	\$ 4,158.92
25177922	589000	O66	STM 09/2022 Art 6-6	CROSBY & BATES PICNIC AREA	\$ 89,995.60
25177922	589000	H12-8	ATM 04/2022 Art 12-8	TOWN ARCHIVES WPA RECORDS	\$ 1,200.00
25177922	589000	R1209	ATM 04/2022 Art 12-9	FEASIBILITY HS TENNIS COURTS	\$ 1,235.00
25177922	589000	R63	STM 09/2022 Art 6-3	MOBI MATS	\$ 52.38
25177923	589000	A2311	ATM 04/2023 Art 12-11	WHEELER PARK WINDOWS	\$ 548,924.00
			Total		\$ 679,345.93

Sponsored By: Community Preservation Committee

MOTION ARTICLE 13. Community Preservation Act Reconciliations

I move that the Town hear and act on recommendations from the Community Preservation Committee to rescind the balance of funds authorized but unexpended totaling **\$679,345.93** as shown in the printed warrant and to transfer said funds into the Reserve or General Fund Balance from which they were originally appropriated, in accordance with the provisions of the Community Preservation Act.

ARTICLE 15. Massachusetts General Laws Chapter 91 Liability

To see if the Town will vote to assume liability in the manner provided by M.G.L. c. 91, § 29, as amended, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach in accordance with M.G.L. c. 91, §11 and to authorize the Select Board to execute and deliver a bond on indemnity therefor to the Commonwealth; or take any other action relative thereto.

Sponsored By: Select Board

MOTION ARTICLE 15. Massachusetts General Laws Chapter 91 Liability

I move that the Town assume liability in the manner provided by M.G.L. c. 91, § 29, as amended, for all damages that may be incurred by work to be performed by the Massachusetts

Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach in accordance with M.G.L. c. 91, §11 and authorize the Select Board to execute and deliver a bond on indemnity therefor to the Commonwealth.

APPENDIX C – Report of the Capital Planning Committee

Committee Members: Chris Carchia, Chair; Michael Gibson, Vice-Chair; Richard Taft; Tom O’Grady; P. Olly Forrer; Carey Borkoski, School Committee; Jim Boudreau, Town Administrator

Summary of Findings / Votes

- 1) **School Department - Superintendent of Schools William Burkhead, Director of School Finance and Business Tom Raab, Assistant Facilities Director Chris Cataldo**
 - a) Boys Locker Room, Phase 3 - \$ 1.05M – Value has been escalated from the 2019 value of \$869K. Using the same architectural firm that has proven to be reliable. Project is projected to be done on schedule.
 - (1) Funded by all borrowing, there is no free cash contribution.
 - b) HVAC Controllers – has been delayed and not part of current request.
 - c) Wampatuck ADA Compliance - \$650K, formal design and budget construction documentation to be completed. These are needed improvements to accommodate handicap students. Part of the plan to use the existing facility for the long term. This is intended to bring the entire school up to ADA compliance. ADA Compliance is seen as the minimum occupancy requirement. There are some additional measures above ADA minimum compliance. This investment has increased in priority due to new students planning to attend the school who require ADA compliance.
 - i) Having more than one bathroom complaint for ADA is in excess of the min requirement.
 - ii) Automatic door openers
 - iii) Ramp accessing the cafeteria.
 - iv) AE consultant may identify additional items which could be in excess of ADA requirement. There is nothing being considered that may have a large, expected increase in the future actual contracted expense.
 - d) HS Science Lab - \$75K – Many of the existing faucets do not work in the Science Lab. Improve the usable life of the laboratory. Items such as missing parts, handles and fixtures.
 - i) In general, these items should have been fixed under the maintenance budget which would have been an operating budget issue.
 - ii) There was a lingering concern that the current maintenance budget does not appear to be enough to cover ongoing and deferred maintenance expenses.
 - iii) By next year the School Committee and School will have a better estimate of whether the current maintenance budget is sufficient for the existing infrastructure.
 - e) Technology and Switch Replacement - \$ 400K. As Tom Raab did an investigation into technology capital investment, the previously approved budget of \$212K was not sufficient. Existing switches are older than the industry recommended life cycle. Federal Government has established a program that could rebate up to 40% of switch expense. The rebate from the Federal Government will be used for future technological improvements. The funds have been earmarked for Scituate.
 - i) Technology maintenance funds would be accounted for in an operating budget line item.
 - ii) The article will specify that future rebate money must go to Technology investments.

- f) School enrollment has plateaued and has not continued to decline. The administration will return some information on activities that they participate in which could increase out-of-town student enrollment.
- 2) **Fire Department – Chief Mark Donovan**
- a) Pumper Truck - \$840K
 - i) Replaces current 2006 truck.
 - ii) E1 is a targeted supplier. Custom truck designs are 25-35 months for potential trucks.
 - (1) A more standard design has a 12-month lead time. Slightly different performance profile on water capacity. Proposed truck budget is for the standard design.
 - iii) Existing equipment, like hoses, are moved to new trucks. Hose is normally part of operating budgets. If there is a larger need for hose replacement, it will be included in truck expenses.
- 3) **Facilities Department – Facilities Director Kevin Kelly**
- a) Public Safety Locker (Police) room \$ 200,000 estimated for drawings and actual renovation work.
 - i) Current locker 50 lockers are split 40 for men and 11 for women.
 - ii) The current facilities underserve women police officers. The plan is to convert some of the Men’s locker space to Women’s locker space.
 - b) Maritime Center Door Replacement \$30K
 - i) Five doors for replacement.
 - ii) An additional future expense will be needed to replace the carpet with hard flooring.
 - iii) The current user daily fee is \$500 resident / \$900 non-resident, one day event. With the strong user demand over the last year, there is consideration being made to increase fees in the future.
 - iv) Reimbursement for Maritime center projects will come from the revolving fund.
- 4) **Department of Public Works – DPW Director Kevin Cafferty**
- a) **Transfer Station Enterprise – Engineering Supervisor Sean McCarthy**
 - (1) Entrance Gate Key Card & Access - \$150,000
 - (a) Additional costs have increased over the past few years by new regulations, such as mattress disposal and trash disposal fees. Sewage grit has had more regulatory compliance.
 - b) **Engineering – Engineering Supervisor Sean McCarthy**
 - (1) Total Expense \$8M, part has been completed.
 - (2) Oceanside Seawall Phase 1-4, current grant has been approved for \$5.9M. Pick up at Kent Street and continue to head south for 1300 feet. Final permitting has not been completed which is holding up start of the project. As the progress is delayed, new requirements are being added to the project technical specifications, such as monitoring for water quality. Intent for easements has been accepted but can’t be executed until the project starts.
 - (3) Foreshore Protection, yearly maintenance allocation, \$200,000
 - (a) Covers instances when small portions of a seawall need repair and allows the department to execute in a timely fashion.
 - c) **Highway – Highway & Public Grounds Supervisor Mike Breen**
 - (1) General roadways, culverts, drainage - \$300K. – No specific projects have been identified.

- (2) In the last budget cycle, surplus auctions of vehicles resulted in about \$80K of funds raised.
- d) Public Grounds - Highway & Public Grounds Supervisor Mike Breen**
- (1) Sidewalk snow machine \$202K, estimated increased about 5% over from purchase of similar machine in previous budget cycle.
 - (2) Ride on mower, electric. \$38K, – more expensive than gas powered, more than double. No estimate on replacement battery costs. Low noise is an advantage when working around occupied spaces. It may qualify for a Mass Save Grant. Machines are heavier than gas machines. Expect 10 yr life span on battery. Engine and battery life span are about the same.
 - (3) Replace Truck \$82K, 2007 Chevy Dump truck – Reviewed photos and need for new truck.
 - (4) New Bucket Truck - \$540,000 – This is a purpose-built truck for tree removal. The current bucket truck was not purpose built for tree removal. Possible to mitigate some external contract tree removal expense. Yearly expenses are 80-100K per year. It is expected that a bucket truck would reduce or eliminate these expenses while allowing the town the ability to clear more areas that have become overgrown. External training is anticipated for employees.
 - (5) Turbovac Leaf Blower \$31K. – Replacing a 20-year-old machine that is not working correctly. The machine makes leaf removal more efficient. Scituate employees take a lot of pride in maintaining public grounds.
- e) Sewer Enterprise – Sewer Superintendent William Branton**
- (1) Design for N. Scituate Sewer Expansion \$2.2M – Design time may take up to 2 years and is required as part of any sewer expansion. Funds will be borrowed and supported by Enterprise Receipts. Additional debt service and capacity is meant to balance with capital expansions. Design is being done with flexibility to accommodate whether the service will be connected to Cohasset or part of the water facility expansion.
 - (2) Major Repairs \$250K – In use structures that need repair at the sewer treatment facility that were identified in an initial site 2022 study. Some of the concrete repairs would not begin until spring. An additional sewer facilities study will be done to provide a more comprehensive understanding of repairs or upgrades that will be needed.
 - (3) First Parish Pump Station Design Bid \$165K – Pump station is past its useful life and needs replacement. The pump station serves (3) schools and town hall.
- f) Water Enterprise – Water Superintendent Eric Langlan**
- (1) West End Investigation of Test Wells \$100K – test wells are used to find new areas for potential increase in water capacity.
 - (2) Well 17A Upgrades - \$100K. - work to increase capacity at this location.
 - (3) Replace Truck 33, \$89K – Oldest utility body truck in the fleet.
 - (4) Design and Construction of New Storage Tank \$3.3M - Engineering contract is out with the project in design phase. Current tanks need to be replaced. Tanks are used to level out the pressure for the water lines in the whole town. Different alternatives in the design are being considered. It is possible that the project could be replaced with the Humarock water main replacement.
 - (5) Replace Truck 39, \$74.8K – As a diesel truck, repair costs have been increasing. Replacement truck will be gas.

- (6) Water Main Replacement \$3.0M – Continuing project for waterline replacements.
- (7) 10-year water meter replacement project \$250K – More accurate radio linked meters.
- (8) Electronic upgrades to all wells \$190K

5) Waterways Enterprise – Harbormaster Stephen Mone

- (1) Working on a comprehensive dredging project for the main Scituate Harbor.
 - (a) Submitted a grant from state, approved for \$367,000 for the design and permitting of the project. Takes about 1-2 years to secure all permits from various state and federal agencies for dredging.
 - (b) Permits are time limited. Dredging is timed for when permits are approved. Gross cost is approximately \$2-3M. State can share up to 50% based on approval of grants which have been submitted.
 - (c) Time to dredge takes 1-2 years. This is a requirement for significant sample analysis of dredge material during the dredge process.
 - (i) Dredging considers commercial and business interest in navigable waterways. Commercial fishermen are susceptible to silting occurring in the harbor.
 - (ii) Consideration of out of district use by transient boaters is used by the state as part of project approvals.
 - (d) Funding is expected to be from borrowing. Average debt service has been \$360-400K per year. Project will add about \$170,000 per year in debt service. Debt service is expected to go down by \$200-\$250 in the short-term leaving sufficient borrowing capacity to fund dredge project.
 - (e) All boats pay approx. \$125 per year for waterways for maintenance.
 - (i) Fee covers all services provided by town of Scituate for waterways usage.
 - (ii) Some towns may not charge private boat users for waterways services.
 - (f) Waterways group is considering other fees to pay infrastructure support.
 - (i) Out of town rates were challenged by the Commonwealth of MA. There is a limited a max to out of town users.

Findings and Votes for FY 25 Capital Plan

- 1. Roll call on all capital items to determine what items may need additional discussion or vote.
- 2. Motion made to accept all but 4 items.
 - a. Approve town administration recommended plan except for 4 items 6-0
- 3. Items held for additional discussion that appear on FY25 capital plan.
 - a. Repairs to SHS Science Lab –
 - 1. It was generally agreed repairs to the science lab are not a capital expense.
 - 2. The need for replacing faucets is a symptom of school’s neglect of regular maintenance items, over a long period of time. Two years ago, the school intended to address neglected maintenance by adding a line item of \$250,000 to its operating budget for general maintenance.
 - 3. As part of this year’s capital planning review, the school administration recognized it has not increased its maintenance budget to account for general inflation over the past few years, nor had it endeavored to assess whether the maintenance budget was

adequate to address repairs associated with building operations.

4. The maintenance budget of \$250,000 represents 0.5% of the school budget.
 5. Prioritization of operating expenses to include repairs so that classrooms are fully functional for education is the responsibility of the school committee and school administration. It is not the responsibility of capital planning.
 6. Different individuals expressed that the current school administration should not be responsible or penalized for past neglect by requiring them to include these operating repairs in its estimated \$50M+ school operating budget.
 7. Rather than declining to recommend capital funds for the requested repairs, it was suggested that the funds be approved with a message to change current operating procedures relating to maintenance expenses.
 8. Informal discussions subsequent to the recent school administration's review of its capital budget were relayed to the Capital Planning Committee. In those discussions, there was a recognized desire to increase future maintenance budgets and to better quantify the level of maintenance funding in the school operating budget.
 9. Motion to recommend SHS Lab Upgrade request – 5 Yea – 1 No
- b. Electric Ride Mower
1. An electric mower is more expensive than a conventional mower. It will cost the town approximately \$20,000 more in first cost compared to a comparable gas-powered mower.
 2. The Public Grounds Department reviewed its experience when it attended a local demo day to understand some basic details on how electric mowers work and their potential advantages.
 3. Electric Mowers are quieter than gas powered mowers allowing them to minimize nuisance noise permeating into occupied building space. When grounds around buildings are mowed, they require several mowers to be used. It is expected that the single electric mower can be used for areas closer to buildings while gas powered motors are kept further away.
 4. Acquisition of an electric mower is viewed, in small part, as an experimental exercise to get more comprehensive knowledge of the technology. There was limited understanding of the long-term replacement or operating costs for high-cost items such as batteries. Electric mowers are much heavier than gas mowers and caution should be exercised on wet grounds or steep embankments.
 5. Motion to recommend an Electric Ride Mower request – 5 Yea – 1 No.
- c. Scituate Harbor dredging
1. The need to increase user fees managed by Waterways Enterprise is necessary to properly generate free cash to offset the depreciation expenses of extensive waterways infrastructure that

- are not fully captured in government cash accounting.
2. Boat slip fees are considered below market rates.
 3. Boat slips and moorings have had one price increase in the past 10 years.
 4. Membership has a very low turnover.
 5. A low membership turnover and below market rates has resulted in the exclusion of an unknown percentage of boating residents to this town enterprise.
 6. It is not unreasonable for the town to support below market rates for recreational activities provided that there is some recognition that membership turnover creates a reasonable chance for more resident boaters to have enjoy the below market rates for town boat slips or moorings.
 7. The need for dredging should be the overriding concern in approving this budget request over whether the town waterways enterprise is appropriately operating its facility.
 8. General consensus is that the waterways department could do more to increase user fees and rates for boaters.
 9. There are varied needs for town waterways that range from commercial users, and recreational town boat service. Commercial lobster fleets are affected by the need for dredging and their needs to be considered.
 10. Having a commercial fleet is a huge bonus to the town when applying for other seashore grants.
 11. Motion to approve dredging request – Yea – 5, No - 1

Scituate Community Preservation Committee

**Project Descriptions for Annual
Town Meeting, April 2024**

April 8, 2024 Annual Town Meeting Proposed CPC Projects

1. Bailey Ellis House Renovation Part II – \$22,884

[Historic]

The Scituate Arts Association (SAA) is requesting \$22,884.00 from Community Preservation funds to cover shortfalls from the 2022 funding request for the Bailey-Ellis Windows, Tower and Door Restoration Project.

This is a continuation of the 2022 project with updated expenses needed to finish the final phase. The door restoration has been completed and the window restoration is complete aside from the installation of the storm windows. The final element of the 2022 approved funding is the restoration of the tower. Since 2022, additional damage was found in the tower and the high cost of staging to access the tower and allow for its proper restoration has resulted in a funding shortfall. In addition, SAA has spent \$13,595.00 since June 2022 on a much needed second round of historic color painting on 3 sides of the Ellis house. Due to a) the historic nature of the house, b) the recommendations of the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, and c) the height of the tower and the complex nature of the work overall that is required to preserve the tower, the skills of specialized craftsmen are required which are beyond the SAA's existing budget.

SAA is requesting additional CPC funding of \$22,884.00 to cover the projected shortage for this 2022 funded project, and the funds will be appropriated from the CPC's historic fund. In addition, the Scituate Arts Association is pledging an additional \$15,000 to cover overages beyond this request as needed.

The Community Preservation Committee voted unanimously to approve this request.

2. High School Tennis Courts – \$1,957,123

[Undesignated]

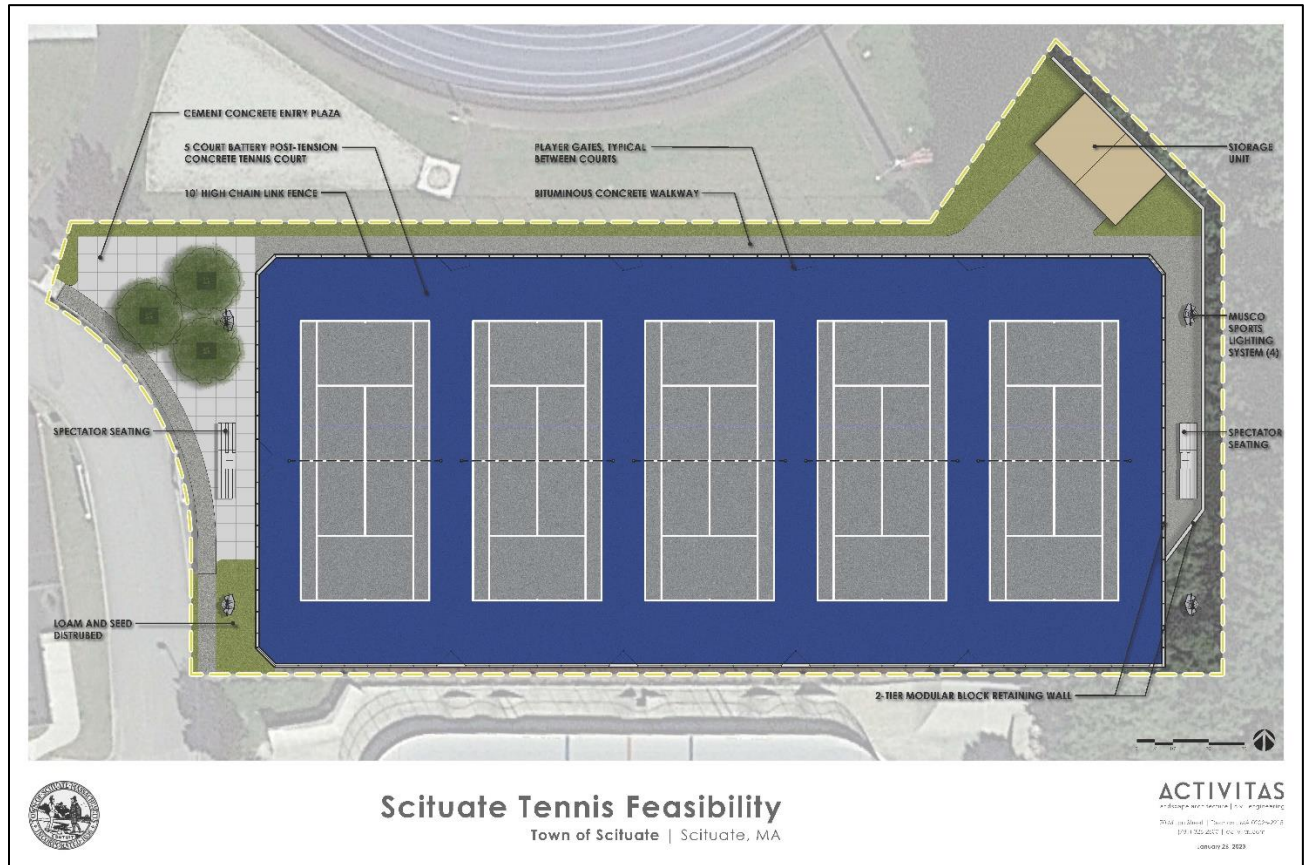
The Scituate Recreation Department is requesting funds for the construction of five (5) new tennis courts to replace the four existing tennis courts at Scituate High School. The high school currently has four courts that are in serious disrepair, are considered unsafe for play, and are not sufficient for hosting competition play, which currently occurs at the Old Gates School at the Recreation Department tennis courts. CPC provided funding in 2022 and 2023 for a feasibility study as well as the final design, engineering, permitting, and bid documents for this project. This request is to fund the construction.

This project would include demolition of the existing courts, fencing, and pavements and the full reconstruction of five new tennis courts in their place. The courts will include new high strength and long lasting post-tension concrete pavement, specialty surfacing, fencing, windscreens, tennis backboard, lighting, spectator seating, and universally accessible pathways. The design also includes a 20' x 10' storage unit.

The new courts would create more opportunities for youth, middle school, high school and adult tennis players as well as Recreation Department programming. The project would allow for the high

school to hold MIAA matches with the proposed five courts at the high school, and will also alleviate demand on the Recreation Department tennis courts at Old Gates, allowing for improved community use of those courts.

Below is the design plan for the new tennis courts at the high school.



The designer estimate for construction, including an approximately 10% contingency, is \$1,957,123.02. This is an estimate of the overall construction cost, and not reflective of actual construction bids which may be higher or lower. Construction bidding is expected this spring. If approved, and construction bids are within budget, construction is anticipated to begin in Summer 2024 with final completion by Spring 2025.

The Scituate Recreation Department is requesting \$1,957,123.02 in CPC funding which will be appropriated from the CPC's undesignated fund.

The Community Preservation Committee voted unanimously to approve this request.

3. SAIL Housing Project – \$1,000,000

[Community Housing]

SAIL Home (Supported Access to Independent Living) is requesting \$1,000,000 from Community Preservation Funds for a \$3.3 million project to create affordable housing at 809 Country Way in Scituate.

SAIL Home was formed by parents and supporters of adults with intellectual developmental disabilities (IDD) and/or autism with the vision of creating supported community-living that includes housing, employment, and socialization. SAIL Home Scituate is the first supported residential development of SAIL Home, a subsidiary of the non-profit South Shore Support Services which provides a wide range of services to over 900 individuals with disabilities on the South Shore of greater Boston.

The existing property at 809 Country Way consists of approximately 8,000 sq ft of current office and warehouse space that will be renovated and converted to house multiple uses to create a truly integrated community development.

The building will be repurposed to include:

- Four residential units configured into 1/2/3 bedrooms accommodating up to 8 individuals (aged 24 and up) with IDD and/or autism and in need of affordable housing.
- A Community Center with a kitchen, exercise studio, and media room. This space will allow for community inclusion opportunities for the residents. It is expected the community center will be available for classes and social gatherings to other local organizations.
- A Remote Support Monitoring (RSM) office that will house a 24/7 call center that will provide real-time support services to the individuals residing in the building and up to 50 individuals with disabilities in the surrounding community. If more assistance is needed, a support person will be dispatched to their location.
- Commercial space for rental purposes. It is expected there will be space for a local non-profit as a tenant. One of these non-profits might provide job training for the residents and other individuals with IDD and/or autism in the community.

SAIL Home will serve residents whose families will live within 30 minutes of the development including several from Scituate. This project not only assists adults with intellectual disabilities to live in supported, integrated housing but also helps aging caregivers in our town transition their sons and daughters to permanent, affordable homes in their community.

SAIL Home Inc purchased 809 Country Way on October 24, 2023 for \$1,595,000. The timeline for the project is to secure funding in 2024, start construction mid-2024 and have residences ready for occupation in March/April 2025. The team has been working with an architect and engineer and is currently working through the local approvals process.

SAIL Home is also in the process of securing the remaining \$2.3 million in funding via a variety of sources including:

- Private Donations and Fundraising
- Grants (2024-2025) \$250K
- DHCD Underutilized Building App in 2024 \$400K
- HUD 811 Disability application 2/2024 \$800K
- FHLB Boston AHP Application 3/2024 \$400K
- Fox Rock Foundation
- Disability Opportunity Fund
- Flatley Foundation
- EOHHS application in for startup of Call Center

SAIL Home is requesting CPC funds of \$1,000,000 which will be used to cover the construction and renovation costs of the affordable housing units within the building. Costs for the community space, call center, and rental office/commercial space will be funded through grants and other donations as the Community Preservation Act only allows funding for the affordable housing units. This request will be appropriated from the CPC's community housing fund.

The Community Preservation Committee voted unanimously to approve this request.

4. Remaining Project Funds for Rescinding

Please note all projects below are completed and the remainder of funds allocated are being rescinded with the exception of the Wheeler Park Windows project. Funding for that project was secured by the Housing Authority through another grant, eliminating the need for CPA funding.

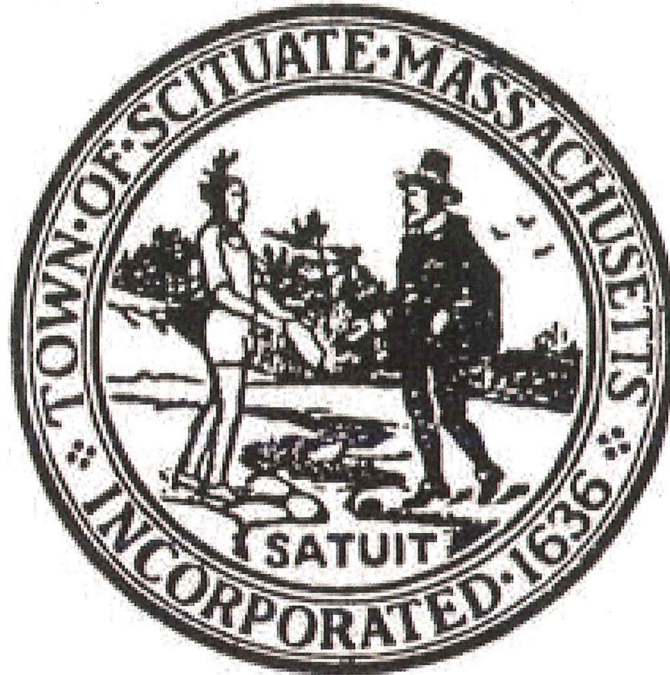
2017	25177917	589000	O634B Trail Mapping & Signage	\$	14.22
2017	25177917	589000	R1110 Creation of Senior Housing	\$	571.08
2019	25177919	589000	H121B Stockbridge Grain Chest & Misc Doc	\$	5,557.77
2020	25177920	589000	H8-02 Closing costs Mordecai Lincoln	\$	51.57
2021	25177921	589000	H6-4 Archives Documentation	\$	2,841.23
2021	25177921	589000	R12-9 Thoreau's Way	\$	5,413.13
2022	25177922	589000	H12-8 TOWN ARCHI	\$	1,200.00
2022	25177922	589000	O66 CROSBY & BAT	\$	89,995.60
2021	25177921	589000	R12-8 TRAIL PARK	\$	11,816.44
2022	25177922	589000	O65 DAMON ACCESS	\$	4,158.92
2022	25177922	589000	R63 MOBI MATS	\$	52.38
2021	25177921	589000	R12-7 Cedar Point Benches	\$	2,300.50
2021	25177921	589000	O6-7 LAND ACQ Border Street	\$	5,214.09
2022	25177922	589000	R1209 FEASIBILIT Study Tennis Courts	\$	1,235.00
2023	25177923	589000	A2311 WHEELER PARK WINDOWS	\$	548,924.00
					\$679,345.93

A total of \$679,345.93 in previously approved CPA funding will be rescinded and returned to the CPC accounts according to the project type (open space, historic, community housing, and undesignated funds). These funds will be available for future CPA project funding.

The Community Preservation Committee voted unanimously to approve this request.

ZONING BYLAWS

**REDLINE ZONING PUBLIC HEARING
1/11/2024 AND TOWN MEETING 4/2024**



Town of Scituate Massachusetts

Including changes approved by 4/10/23 Annual Town Meeting
Approved by the Attorney General on June 13, 2023

Posted: July 5, 2023
Printed: July 2023

RECEIVED
2023 DEC 21 AM 9:17
TOWN OF SCITUATE
TOWN CLERK

SECTION 100 - PURPOSE

110 OBJECTIVES

The purpose of this bylaw is to achieve the objectives of the Zoning Act, Massachusetts General Laws, Chapter 40A as amended, as presented in Section 2A of Chapter 808 of the Acts of 1975, which include the following:

- (1) to conserve health;
- (2) to secure safety from fire, flood, panic and other dangers;
- (3) to provide adequate light and air;
- (4) to prevent overcrowding of land;
- (5) to avoid undue concentration of population;
- (6) to conserve natural resources;
- (7) to prevent blight and pollution of the environment; and
- (8) to encourage the most appropriate use of land.

120 AUTHORITY

This bylaw is adopted for the above purpose under the authority provided by, and in accordance with the provisions of Massachusetts General Laws Chapter 40A.

SECTION 200 - DEFINITIONS

ACCESSORY DWELLING

An accessory dwelling is a separate housekeeping unit, complete with its own sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single-family dwelling, a structure accessory thereto, or a business structure, but functions as a separate unit.

ACCESSORY USE

Either a subordinate use of a structure or tract of land, or a subordinate structure:

- (1) Which use is customary in connection with the principal structure or use of land, and
- (2) Which use is clearly incidental to the use of the principal structure or use of land, and
- (3) Which is located on the same lot with the principal structure or use of land, or on a lot adjacent to such lot, if part of the same premises, and
- (4) Which does not constitute, in effect, a conversion of the principal use of the premises to one not permitted in the district.

AFFORDABLE ACCESSORY DWELLING

An accessory dwelling that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing under applicable state regulations and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

AFFORDABLE HOUSING

A dwelling unit that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing under applicable state regulations and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

AFFORDABLE UNIT

A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.

AGRICULTURAL USE

Agricultural use shall not include cultivation of marijuana for any purpose, with the exception of personal cultivation by qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, adopted May 8, 2013, or except as otherwise allowed under Massachusetts General Laws Chapter 40A, Section 3.

APPLICANT

A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

AREA MEDIAN INCOME (AMI)

The median family income for the metropolitan statistical region that includes the Town of Scituate as defined by the U.S. Department of Housing and Urban Development (HUD).

AS-OF-RIGHT SITING

As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the building commissioner. **(Definition voted Special Town Meeting November 8,2010)**

ASSISTED LIVING FACILITY

Independent residential dwelling units containing a combination of central cooking and dining facilities capable of providing three meals per day for residents, central recreational programs and facilities, and providing to all residents specified medical services which must include, but are not limited to, nursing and dietary assistance.

BED AND BREAKFAST ESTABLISHMENT

A dwelling which includes the renting of rooms at a daily rate (whether or not billed or paid daily), wherein the rental rate includes a breakfast meal in the daily rate, and wherein the owner or operator maintains a place of principal residence. Hotels, motels, inns and lodging houses (or boarding houses) are not classified as bed and breakfast establishments.

CIVIC AND COMMUNITY BUILDING

A building located and designed to accommodate public or civic uses such as a neighborhood center and similar public gathering facilities and spaces. Community Buildings may be privately owned and operated as an accessory building and amenity for residential and mixed use developments.

CLUB OR LODGE

Country club, yacht club, lodge building, or other nonprofit social, civic or recreational use (but not including any use the chief activity of which is one customarily conducted as a business).

CMR

Code of Massachusetts Regulations.

COMMERCIAL SERVICE ESTABLISHMENTS

Establishments that provide services primarily to residents as opposed to businesses, such as but not limited to barber or beauty shop, laundromat, bicycle repair and cleaning, dancing or music school, funeral home, medical or dental office, photographic studio, shoe repair shop, custom work by a dress maker, milliner or tailor, television or household appliance repair shop, typewriter or computer repair shop; dry cleaner.

COMMUTER RAIL STATION.

Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.

COMMERCIAL KENNEL

A single premises on which are kept four or more dogs over the age of three months which is maintained as a business for the boarding of dogs, the grooming of dogs, or one which sells dogs born and raised on the premises from four or more litters per year.

COTTAGE AND COTTAGE COURT

A cottage is a small single-family detached dwelling with narrow massing. Cottages are limited to a maximum unit size of 1,400 GFA; a maximum height of 1.5 stories and 20 feet; and one (1) dwelling unit per building. They are only permitted on separate lots or part of a Cottage Court where the front elevation of each unit is positioned along and oriented to a common open space. Each unit in a Cottage Court shall be included in a homeowners association and shall be responsible for common parking areas, gardens, open space, buildings, and other shared amenities. Cottages are not allowed accessory dwelling units.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The agency of the Commonwealth of Massachusetts charged with regulating water quality, allocation, and drinking water supply management. Also referred to herein as "DEP" and "the Department".

DISCHARGE

In connection with toxic or hazardous materials or hazardous waste, the accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or groundwaters.

DWELLING

Any building or part thereof erected or used for occupancy as a place of continuous residence for an individual or family or designed for such occupancy, on a site intended as the permanent location of such building. This definition does not include a trailer, however mounted.

EOHLC

The Executive Office of Housing and Livable Communities, or any successor agency.

EXISTING STRUCTURE (OR USE)

A structure (or use) which exists in fact on the date of application for review under this bylaw.

FAST FOOD ESTABLISHMENT

An establishment in which 40% or more of its annual sales (projected or actual) are derived from the sale of food and beverages in a ready-to-consume state directly to a customer from a servicing counter for consumption off the premises or for consumption on premises if said food or beverage is served in single service or disposable containers.

FLEX SPACE/FABRICATION BUILDING

A building located and designed to accommodate a small to medium footprint for fabrication and light industrial uses. Flex buildings are also used to provide affordable space to small and creative business enterprises.

GAS BACKWARDS BUILDING

This building type reverses the conventional site layout for gas stations with convenience stores by placing the storefront along the street line and the gas pumps and canopy behind. This reverse layout orients the building to the street and sidewalk, screens glare from the gas pumps and canopy, and pulls the curb-cuts away from the intersection, creating safer access for drivers and pedestrians.

GENERAL COMMERCIAL BUILDING

A variable floor plate building type that typically accommodates a variety of ground floor commercial uses and upper office uses at the scale that is compatible and complementary to its given district. Residential uses are not permitted in General Commercial Buildings.

GROSS FLOOR AREA

The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

HABITABLE ATTIC

An attic in which the ceiling area at a height of 7 1/3 feet above the attic floor is not less than 1/3 the area of the floor next below. A habitable attic constitutes a story for the purposes of this bylaw.

HAZARDOUS MATERIAL

Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste or oil. 3, 4

HAZARDOUS WASTE

A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an

increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

HEIGHT

The distance measured vertically from the average finished grade of the ground adjoining a building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs except that in residential zoning districts, there shall also be a maximum height measured from the average finished grade to the ridge for a building with a gable, hip or gambrel roof.

In connection with elevation of an existing structure above the Base Flood Elevation as determined by the current National Flood Insurance Rate Maps, the vertical distance between the sill and the ridge of the roof shall not be increased, but the height of the structure as measured from the average surrounding grade may exceed the maximum building height as defined in this bylaw as long as there is no increase in the number of bedrooms or net floor area, and as long as the height of the structure does not exceed fifty feet.

HOTEL OR MOTEL

A building or group of buildings containing more than ten guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, dining room, or related consumer and retail services may be provided within the building or buildings.

IMPERVIOUS SURFACE

Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, driveways), roof tops, swimming pools, patios, and paved, gravel and compacted dirt surfaced roads.

INN

A dwelling whose use includes the renting of rooms at a transient daily rate (whether or not billed or paid daily), and wherein a dining room serving meals in addition to breakfast, only to registered guests, is operated on the premises, and wherein the owner or operator may or may not maintain a place of principal residence.

LARGE SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION

A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. **(Definition voted Special Town Meeting November 8, 2010)**

LIGHT MANUFACTURING

Manufacturing, processing or assembly provided that such use is not dangerous to the neighborhood through fire, explosion, emission of wastes or other cause, and provided further that such use is not likely to create excessive noise, vibration, dust, heat, smoke, fumes, odor or glare.

LIVE/WORK BUILDING

A small floor plate attached residential building type with one (1) dwelling unit and one (1) ground floor commercial unit. Live/Work units shall be occupied by the owner of the building and the commercial operation.

LOCAL INITIATIVE PROGRAM

A program administered by the Massachusetts ~~Department of Housing and Community Development (DHCD) Executive Office of Housing and Livable Communities (EOHLC)~~ to develop and implement local housing initiatives that produce low- and moderate-income housing.

LODGING HOUSE (OR BOARDING HOUSE)

A dwelling whose use includes the renting of rooms at a prearranged or contractual weekly, monthly or annual rate, whether or not meals are included in the rate, and wherein the owner or operator maintains a place of principal residence. Hotels, motels, inns and bed and breakfast establishments are not classified as lodging or boarding houses.

LOT

A single or continuous parcel of land with definite boundaries, held in the same ownership throughout and not divided by a street.

LOT FRONTAGE

That portion of a lot fronting upon and having rights of access to a way providing legally sufficient frontage for a division of land under the requirements of Massachusetts General Laws Chapter 41, Section 81L, to be measured continuously along a single street line.

LOT LINE, FRONT

The dividing line between a street and an adjacent lot.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line. In the case of a corner lot, the determination as to the rear yard depth shall be calculated as provided in Section 620.4. For other irregularly shaped lots, the rear lot line is composed of all lot lines that are parallel to, or closely parallel to, the front lot line.

LOT LINE SIDE

Any lot line that is not a front or a rear lot line.

MARIJUANA

Shall include all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana-Infused Products except where the context clearly indicates otherwise.

MARINA

A facility which provides dockage, berthing, or mooring for more than five vessels and may also provide the services of a vessel service area.

MAXIMUM AFFORDABLE RENT

Monthly rent, exclusive of utilities, that does not exceed 30% of the monthly income of a household earning 70% of area median income based on household size, except that if the dwelling unit receives a state, federal or local subsidy, the maximum rent may be as allowed by the subsidy program so long as the tenant share of rent does not exceed 30% of the monthly income.

MANDATORY MIXED-USE DISTRICT

A district where development is required to contain a mix of residential uses and non-residential uses, including commercial, institutional, or other uses.

MBTA

Massachusetts Bay Transportation Authority.

MICROBREWERY

An entity where up to 15,000 barrels (1 barrel=31 gallons) of beer is made annually and prepared for sale, both on premise and wholesale to other establishments. Microbreweries are licensed by the United States Alcohol and Tobacco Tax and Trade Bureau (TTB) as well as the Commonwealth of Massachusetts Alcoholic Beverages Control Commission (ABCC) to produce and sell beer and/or ale. A Microbrewery sells to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tap-room sales. (Definition voted Special Town Meeting November 2, 2015)

MIXED USE DEVELOPMENT

An existing or proposed structure or group of structures containing retail, office and/or residential uses, and including one or more mixed use buildings. A mixed use development may include buildings containing only multiple dwellings as long as there is an existing or proposed mixed use building on the same lot.

MIXED USE BUILDING

A building that typically accommodates a variety of ground floor commercial uses and upper residential and office uses at a scale that is compatible and complimentary to its given district.

MULTI-FAMILY DWELLING/MULTI-FAMILY BUILDING

A building containing more than two dwelling units, exclusive of accessory dwellings, and not classified as a one or two-family dwelling, and containing only residential uses and uses accessory to them.

NON-SANITARY WASTEWATER

Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).

ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION

A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur. (Definition voted Special Town Meeting November 8,2010)

PARKING SPACE

An area for the parking of one motor vehicle, with free and unimpeded access to a street over unobstructed passageways or driveways.

PAVING

A uniform, hard, smooth covering which will bear travel by vehicles or by pedestrians in all seasons, or which is used in conjunction with certain sports or recreational activities. It includes concrete, bituminous concrete, oil-penetrated gravel, brick and paving stone, but shall not include such materials as gravel, crushed clamshells or any other similar material

PERSONAL WIRELESS SERVICE FACILITY

Any facility for the provision of personal wireless services, such as an antenna, dish, tower, monopole or similar equipment.

PERSONAL WIRELESS SERVICES

All forms of wireless communication included in this definition in the federal Telecommunications Act of 1996, including commercial mobile radio services, unlicensed wireless services, common carrier wireless exchange services and other forms of wireless communication of a similar nature. Common carrier wireless exchange services include cellular telephone services, personal communications systems and paging services, wireless computer networking, wireless Internet access and wireless communication services of a similar nature.

PRE-EXISTING NONCONFORMING STRUCTURE (OR USE)

An existing structure (or use) which also existed on the effective date of the original amendment to the bylaw which made the existing structure (or use) nonconforming.

PRIVATE GARAGE

A building or building appendage that is accessory to a main building, providing for the storage of automobiles and in which no occupation or business for profit is carried on and which is enclosed on all four sides.

QUALIFIED RENTER

A household with income at or below 80% of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Scituate as determined annually by the U. S. Department of Housing and Urban Development (HUD) that rents and occupies an affordable accessory dwelling unit.

RADIOFREQUENCY ENGINEER

An engineer specializing in electrical or microwave engineering, especially the study of radiofrequencies.

RADIOFREQUENCY RADIATION

A form of energy emitted in the course of wireless communications.

RATED NAMEPLATE CAPACITY

The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC). **(Definition voted Special Town Meeting November 8,2010)**

REGISTERED MARIJUANA DISPENSARY

Any registered marijuana dispensary, defined under state law as a not-for-profit entity (as defined by Massachusetts law only), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers,

transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

REST, NURSING OR CONVALESCENT HOME

An institution licensed and regulated by the State and Federal government which provides for its residents three meals per day, assistance with daily living activities, social, psychological and educational programs, twenty-four hour supervision, and nursing and other medical care as appropriate. Other support and rehabilitation services may include, but are not limited to, an adult day care or respite facility to provide short-term custodial care to individuals with special needs.

RESTAURANT

A building or portion thereof containing a kitchen and tables and/or booths which is used for the preparation, sale and consumption of food on the premises, and which may include outdoor seating for patrons.

RETIREMENT LIVING FACILITY

A residential housing facility which contains independent, private living accommodations which are restricted to persons fifty-five years of age or older.

SCIENTIFIC ACCESSORY USE

Uses, accessory to activities permitted as a matter of right, which are accessory in connection with scientific research or scientific development or related production, whether or not on the same parcel as the activities to which said uses are accessory.

SIGN

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, or trade names or trademarks by which anything is made known, either attached to the exterior of a building or freestanding, used to identify the building, use of land or services sold or conducted within the confines of the lot on which it is located, and which is visible from a public street or right-of-way. For the purposes of this bylaw, this definition shall not include the display of street numbers.

SINGLE-FAMILY DETACHED DWELLING

A building containing one dwelling unit and allowed accessory uses.

SINGLE-FAMILY ATTACHED DWELLING

A small footprint attached single family residential building having narrow massing, which may be located on individual or common lots. Each unit is separated horizontally by a common wall and groups of buildings may be separated by a common driveway or community space. Townhouses and Rowhouses are common types of Single-Family Attached Dwellings.

STORY

That part of a building between any floor and the next higher floor or lower roof line. Where a building is not divided into stories, a story shall be considered fifteen feet in height. The first story for the purposes of determining building height shall be the lowermost story with more than 60% of the wall surfaces enclosing that story above the natural grade. A habitable attic constitutes a story for the purposes of this bylaw.

STREET OR WAY

Any street or way providing legally sufficient frontage for a division of land under the requirements of General Laws Chapter 41, Section 81L.

SUBSIDIZED HOUSING INVENTORY

The ~~Department of Housing and Community Development~~ Executive Office of Housing and Livable Communities Subsidized Housing Inventory provided in state regulations.

SUB-DISTRICT

An area within a broader zoning district that is geographically smaller than the overall zoning district and differentiated from the rest of the district by use, dimensional standards, or development standards.

SUBSTANTIAL IMPROVEMENT

External alteration or enlargement of a building or structure which does not change its use to a nonconforming use and which will impact an area of the structure greater than twenty-five percent of the existing gross square feet or twenty-five percent of the existing footprint. This definition shall exclude repairs or improvements to a structure to comply with existing state or local health, safety or sanitary code specifications which are necessary to assure safe living conditions. The determination of substantial improvement shall be made by the Building Commissioner.

TEMPORARY OUTDOOR SALES

Any outdoor sales activity which by its nature will begin and end within a period of 180 days or less, including but not limited to festivals, seasonal and holiday sales and sidewalk sales.

TRAILER

A structure built on a chassis to be moved from site to site, whether used with or without a permanent foundation.

TREATMENT WORKS

Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

TRIBUTARY

Tributary means any body of running, or intermittently running, water which moves in a definite channel, naturally or artificially created, in the ground due to a hydraulic gradient, and which ultimately flows into a Class A water source, as defined in 314 CMR 4.05(3)(a).

TWO-FAMILY DWELLING

A building containing two dwelling units and allowed accessory uses per unit.

UTILITY WORKS

Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance activities. This term shall include the installation of detention and retention basins for the purpose of controlling storm water.

WIND ENERGY CONVERSION SYSTEM (WECS)

A mechanical or electro-mechanical system for the conversion of wind power into useful energy. It includes both horizontal and vertical rotating mechanisms, the supporting tower and energy transmitting conductor or shaft.

WIRELESS COMMUNICATION

A form of communication by a signal sent through the air which does not use wires for transmission. Wireless communications include radio, television and personal wireless services.

WIRELESS COMMUNICATION ANTENNA

An antenna installed for the primary purpose of transmitting and receiving wireless communication signals, including all surfaces from which wireless communications are sent or received.

WIRELESS COMMUNICATION TOWER

A structure such as a lattice tower, guyed tower or monopole, designed and constructed for the primary purpose of supporting wireless communication antennas.

ZONE A

a) The land between a surface water source and the upper boundary of the bank; b) The land area within a 400 foot lateral distance from the upper boundary of a Class A surface water source, as defined in 314 CMR 4.05(3)(a) or c) The land area within a 200 foot lateral distance from the upper boundary of the bank of a tributary or associated water body.

ZONE II

The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.7

210 INTERPRETATION

Terms not defined in this Section or elsewhere in this bylaw but defined in the State Building Code shall have the meanings given in the State Building Code.

SECTION 300 - ESTABLISHMENT OF DISTRICTS

310 TYPES OF DISTRICTS

For the purpose of this bylaw, the Town of Scituate is hereby divided into the following designated districts:

"R-1"	Residence 40,000 sq. ft.
"R-2"	Residence 20,000 sq. ft.
"R-3"	Residence 10,000 sq. ft.
"B"	Business
"D"	Saltmarsh and Tideland Conservation
"F"	Flood Plain and Watershed Protection (overlay)
"WRPD"	Water Resources Protection District (overlay)
"RC"	Residential Cluster District (overlay)
"WCD"	Wireless Communication District (overlay)
"VBOD"	Village Business Overlay District (overlay)
"HVROD"	Humarock Village Residential Overlay District (overlay)
"VCN"	Village Center & Neighborhood District

Mandatory Mixed-use Districts include GDG-NDTV and NSV-VC

Greenbush-Driftway Gateway District (GDG)

Gateway Business Subdistrict (GDG-GWB)
Greenbush Village Center Subdistrict (GDG-GVC)
New Driftway Transit Village Subdistrict (GDG-NDTV)
Driftway Business Park Subdistrict (GDG-DBP)
North River Residential Neighborhood (GDG-NRN)
Driftway Conservation & Recreation District (GDG-DCR)
North River Conservation & Recreation Subdistrict (GDG-NRCR)

North Scituate Village (NSV)

Village Center (NSV-VC)
Outer Village (NSV-OV)

320 LOCATION OF DISTRICTS

All districts now existing except the Flood Plain and Watershed Protection District, Water Resources Protection District including its Zone A and Zone II Subdistricts, Residential Cluster District, Wireless Communication District, Village Business Overlay District, Humarock Village Residential Overlay District, and Village Center and Neighborhood District, which are further described below, now existing or hereafter adopted shall be located and bounded as shown on a map entitled Zoning District Map, Town of Scituate, Massachusetts, by Amory Engineers P.C. with revisions by Dodson & Flinker, Inc. and dated April 8, 2019 approved by Town Meeting on April 9, 2019 and filed in the office of the Town Clerk, which map, together with all explanatory matter thereon and all subsequent amendments adopted by Town Meeting is hereby

RESIDENTIAL CLUSTER DISTRICT

The district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 510.

WIRELESS COMMUNICATION DISTRICT

This district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 540.

VILLAGE BUSINESS OVERLAY DISTRICT

This district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 560.

HUMAROCK VILLAGE RESIDENTIAL OVERLAY DISTRICT

This district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 570.

VILLAGE CENTER & NEIGHBORHOOD DISTRICT

This is a base district with the primary purpose of allowing traditional patterns of development with mixed use and pedestrian oriented buildings and streetscapes. Its applicability and definition are outlined in Section 580.

350 DISTRICT BOUNDARIES

Whenever a road, way, right-of-way, any pond, stream, river, swamp, bog, marsh or other body of water or comparable natural or quasi-natural geographic features are shown on the Zoning Map as the boundary between districts of different zoning, the geographic district boundary shall be on the center line of such feature. Any such feature lying totally within a designated zone shall be zoned as the other land around it. No part of the land or water area within the town shall be unzoned.

SECTION 400 - USE REGULATIONS

410 APPLICATION OF REGULATIONS

Except as provided in Sections 800, 810, 820, and 830 herein, no structure, and no alteration, enlargement or extension of an existing structure shall be designed, arranged or constructed, and no land, structure or part thereof shall be used for any purpose or in any manner other than for one or more of the uses specifically permitted herein.

In the following Table of Use Regulations, uses which are permitted as of right are designated "Y", uses allowed by special permit from the Board of Appeals are designated "SP" for all districts except the VCN where the Planning Board shall be the Special Permit Granting Authority, and uses that are prohibited are designated "N".

USE CATEGORY	RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹									
	R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY							NORTH SCITUATE		
					GVC	GWB	NDTV	NRN	DBP	NR CR	DCR	VC	OV	
1. Residential and Institutional Uses														
A.	Single-family detached dwelling	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
A.1	Single-family attached dwelling					Y	Y	Y	Y	Y	N	N	N	Y
A.2	Single-family/Cottage and Cottage Court					Y	N	N	Y	N	N	N	N	Y
B.	Two-family dwelling, subject to §430.1	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
C.	Residential Accessory use	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	Y	Y
D.	Accessory dwelling, subject to Section 530	SP	SP	SP	SP	Y	N	N	N	N	N	N	SP	SP
E.	Affordable accessory dwelling, subject to Section 530	See Section 530				Y	N	N	N	N	N	N	SP	SP
F.	Multi-family Dwelling/ Muilt-family Building	N	N	N	Y	Y	SP Y	Y	Y	N	N	N	N	Y
G.	Multifamily dwelling complex, subject to Section 430.3	N	N	N	N	SP	SP	Y	Y	N	N	N	N	N
H	Private garage for more than 3 automobiles	SP	SP	SP	Y	Y	N	N	N	N	N	N	SP	N
I-H.	Garage for commercial vehicles subject to Section 440.32	SP	SP	SP	Y	Y	N	N	N	Y	N	N	N	N
J.I.	Religious use pursuant to G.L. c.40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
K-J.	Educational use pursuant to G.L. c. 40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
L	Town administration or utility building or public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
M	Town recreation or water supply use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
N	Child care facility pursuant to G.L. c.40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
O	Live/Work Building					Y	Y	Y	Y	SP	N	N	Y	Y
P	Mixed-Use Building					Y	Y	Y	Y	SP	N	N	Y	Y
O.														
2. Agricultural, Horticultural, Floricultural Uses														
A.	Agriculture, horticulture, viticulture, aquaculture or floriculture pursuant to G.L. c. 40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
B.	Commercial dairy, poultry or livestock farm on a lot containing three acres or more (but not including a piggery, commercial kennel, or fur farm) provided that any building in which poultry or livestock are housed is not less than fifty feet from side and rear lot lines and the	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N

¹ Refer to 580.3 and 580.9 for allowed buildings and associated standards within the Village Center Neighborhoods.

USE CATEGORY	RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹									
	R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY							NORTH SCITUATE		
					GVC	GWB	NDTV	NRN	DBP	NRRCR	DCR	VC	OV	
	exterior line of any street.													
C.	Commercial greenhouse on lot of less than 5 acres; provided that such building and any heating plant accessory thereto is not less than fifty feet from side and rear lot lines and from the exterior of any street.	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N
D.	Salesroom or stand for the display and sale of agricultural or horticultural products the major portion of which are grown on the premises on lots less than 5 acres; provided that no such products are displayed within thirty feet of any street or lot line.	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N
E.	Commercial riding academy on a lot containing three acres or more, provided any building in which horses are housed and any riding rings not less than fifty feet from side and rear lot lines and from the exterior line of any street	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N
3. Commercial Uses														
A.	Private organized camp	SP	SP	SP	Y	N	N	N	N	N	N	N	N	N
B.	Rest, convalescent, nursing home or assisted living facility	SP	SP	SP	Y	Y	Y	SP	Y	N	N	N	SP	SP
C.	Cemetery	SP	SP	SP	Y	SP	N	N	N	N	N	N	N	N
D.	Hospital	SP	SP	SP	Y	N	N	SP	N	SP	N	N	N	N
E.	Philanthropic or charitable institution	SP	SP	SP	Y	Y	Y	Y	SP	SP	SP	SP	Y	Y
F.	Public or nonprofit library, museum, art gallery, civic center	Y	Y	Y	Y	Y	Y	Y	SP	Y	SP	SP	Y	Y
G.	Commercial livery or mooring for marine pleasure craft with no fueling or repair services	SP	SP	SP	Y	SP	SP	N	SP	SP	N	N	N	N
H.	Commercial golf course	SP	SP	SP	Y	N	N	N	N	N	N	Y	N	N
I.	Golf range/miniature golf	N	N	N	Y	N	N	N	N	N	N	N	N	N
J.	Boarding House or Lodging House for more than three persons	SP	SP	SP	Y	SP	SP	N	N	N	N	N	SP	SP
K.	Bed and Breakfast Establishment of more than two guest bedrooms	SP	SP	SP	Y	Y	Y	Y	SP	SP	N	SP	Y	Y
L.	Inn	SP	SP	SP	Y	Y	Y	Y	SP	SP	N	SP	Y	Y
M.	Hotel or motel	N	N	N	SP	SP	Y	SP	SP	SP	N	SP	SP	SP
N.	Club or lodge	SP	SP	SP	Y	Y	Y	Y	N	Y	N	SP	Y	Y
O.	Scientific accessory uses	SP	SP	SP	Y	Y	Y	SP	N	Y	N	N	Y	Y
P.	Retail business (not including any use specifically listed in this table)	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y
Q.	Showroom for building supplies, including plumbing, heating and ventilating equipment	N	N	N	Y	Y	Y	N	N	Y	N	N	Y	Y
S.	Shop of a carpenter, cabinetmaker,	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹								
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY						NORTH SCITUATE		
						GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV
	electrician, job printer, painter paperhanger, plumber, sign painter or upholsterer.													
T.	Restaurant	N	N	N	Y	Y	Y	Y	N	Y	N	SP	Y	Y
U.	Office building, bank or other monetary institution	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y
V.	Salesroom for automobiles, boats, trailers, trucks, machinery or farm implements and their accessories.	N	N	N	SP	SP	SP	N	N	SP	N	N	N	N
W.	Indoor Tennis Facility	N	N	N	SP	SP	SP	N	N	SP	N	SP	SP	SP
X.	Animal or veterinary hospital	N	N	N	N	SP	Y	SP	N	Y	N	N	SP	SP
Y.	Meeting hall for hire, indoor theatre	N	N	N	N	Y	Y	Y	N	Y	N	SP	Y	Y
Z.	Health club, swimming pool tennis court, skating rink, bowling alley	N	N	N	N	SP	Y	SP	N	Y	N	SP	Y	Y
AA.	Business Accessory Use subject to Section 440.3	N	N	N	Y	Y	Y	N	N	Y	N	N	Y	Y
BB.	Commercial kennel	N	N	N	N	N	SP	N	N	SP	N	N	N	N
CC.	Fast food establishment	N	N	N	SP	N	SP	SP	N	SP	N	N	Y	Y
DD.	Temporary outdoor sales approved by Select Board	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
EE.	Registered marijuana dispensary	N	N	N	N	N	N	N	N	SP	N	N	N	N
FF.	Microbrewery	N	N	N	SP	SP	SP	SP	N	Y	N	N	SP	SP
GG.	Marijuana Establishment	N	N	N	N	N	N	N	N	N	N	N	N	N
4. Industrial Uses														
A.	Establishment for the sale of lumber or other building supplies, heating fuel, livestock feed, ice, fertilizer, or similar materials stored in bulk on the premises (but not including the storage of used or salvaged materials).	N	N	N	N	N	N	N	N	Y	N	N	N	N
B.	Establishment for repair of trailers, trucks, machinery or farm implements.	N	N	N	N	N	N	N	N	Y	N	N	N	N
C.	Auto body shop, provided that all work is conducted within a completely enclosed building.	N	N	N	N	N	N	N	N	Y	N	N	SP	SP
D.	Yard for custom building or repair of boats under one hundred feet in length, boat storage yard.	N	N	N	N	N	N	Y	N	Y	N	N	N	N
E.	Storage yard or plant for contractor's equipment, storage garage or trucks, trucking yard or terminal.	N	N	N	N	N	N	N	N	Y	N	N	N	N
F.	Wholesale distribution plant, cold storage plant, material storage yard, or warehouse (but not including the storage of used or salvaged materials or explosives, or the wholesale products, or other inflammables.)	N	N	N	N	N	N	N	N	Y	N	N	N	N

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹								
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY						NORTH SCITUATE		
						GVC	GWB	NDTV	NRN	DBP	NR C R	DCR	VC	OV
G.	Soldering or welding shop, shop for light metal fabrication or blacksmith shop, provided that all work is conducted within a completely enclosed building.	N	N	N	N	N	N	N	N	Y	N	N	N	N
H.	Woodworking mill	N	N	N	N	N	N	N	N	Y	N	N	N	N
I.	Commercial bakery or dairy products plant	N	N	N	N	N	N	N	N	Y	N	N	N	N
J.	Light manufacturing	N	N	N	N	N	N	N	N	Y	N	N	N	N
K.	Use accessory to allowed industrial use	N	N	N	N	N	N	N	N	Y	N	N	N	N
L.	Large scale ground mounted solar photovoltaic installation and appurtenant structures	N	N	N	N	N	N	N	N	Y	N	N	N	N
M.	Flex Space/ Fabrication Building	N	N	N	Y	Y	Y	Y	N	Y	Y	N	Y	SP

430.1 RESIDENTIAL USES

Not more than one single family dwelling shall be located on any lot except where provided for single-family attached dwellings and cottage courts in Section 580 and accessory dwellings in Section 530. Two family dwellings must be located on a lot containing an area not less than two times that required for the erection of a single-family dwelling in the same district except where provided for under Section 580.

430.2 RESIDENTIAL ACCESSORY USE

A. Residential Accessory Use is defined and limited as follows:

1. Private garage for not more than three automobiles, not more than one of which shall be a commercial vehicle.
2. Private greenhouse, stable, tool shed, playhouse, tennis court, boat house, or other similar structure for domestic storage or use.
3. The keeping of animals, livestock or poultry for personal enjoyment or household use.
4.
 - a. The operation of a lodging house or boarding house (but not a hotel, motel, inn or bed and breakfast establishment) for not more than three persons, regardless of the number of rooms.
 - b. The operation of a bed and breakfast establishment (but not a hotel, motel or inn) of not more than two guest bedrooms.
5. The use of room or rooms in a dwelling or building accessory thereto by a person resident on the premises as an office, studio or workroom for a home occupation, provided that
 - a. Such use is clearly incidental and secondary to the use of the premises for dwelling purposes.
 - b. Not more than one person other than residents of the premises is regularly employed thereon in connection with such use.
 - c. No stock in trade is regularly maintained.
 - d. No offensive noise, vibration, smoke, dust, odor, heat or glare is produced.
 - e. There is no exterior display and no exterior sign, except as hereinafter permitted.
 - f. There is no exterior storage of material or equipment (including the exterior parking of commercial vehicles, except as, otherwise permitted herein) and no other exterior indication of such use or variation from the residential character of the premises.

6. The storage or parking of one ungaraged commercial vehicle of not more than one ton capacity.

~~430.3 MULTI-FAMILY DWELLING COMPLEX~~

- ~~A. Multi-family dwelling complex shall be subject to the following conditions and regulations:—~~
 - ~~1. Each project will be subject to the provisions of Section 770, Site Plan Review.~~
 - ~~2. The minimum lot area for each multifamily dwelling complex shall be forty thousand square feet.~~
 - ~~3. The minimum lot frontage shall be one hundred and fifty feet on a public street, or a private street, approved by the Planning Board under the subdivision control law. Minimum width of each lot throughout its depth shall be not less than one hundred and fifty feet measured at its narrowest.~~
 - ~~4. The minimum lot area for each dwelling unit shall be five thousand square feet plus one thousand square feet for each bedroom in excess of two for each dwelling unit. In no case shall there be more than eighteen bedrooms or eight dwelling units per forty thousand square feet. Dwelling units with more than two bedrooms shall not exceed one in each eight dwelling units to be constructed on each lot. Surplus areas of water bodies, wetlands and marshes shall not be included in the calculation of lot area to determine the allowable number of dwelling units.~~
 - ~~5. The shortest distance between any two multifamily dwellings shall be not less than thirty-five feet. Courts shall be completely open on one side and the depth of the court shall not exceed the width.~~
 - ~~6. Each multifamily dwelling shall contain no more than twelve dwelling units. No exterior face of any building shall exceed fifty feet in any plane (measured horizontally) without an offset of at least eighteen inches.~~
 - ~~7. All utility service lines shall be underground.~~
 - ~~8. No more than twenty-five percent of the lot may be covered by the multifamily dwellings, including accessory buildings.~~
 - ~~9. The front yard setback requirements shall be fifty feet. The side and rear yard setback requirement shall be permitted in the front yard setback areas; said setback areas (other than access drives) shall be appropriately landscaped.~~
 - ~~10. There shall be set aside on each lot an area equal to fifteen hundred square feet per dwelling unit, not to be built upon, unpaved, landscaped, and/or left natural with an acceptable balance of trees, shrubs and grass, except that three hundred square feet of the above fifteen hundred square feet per dwelling unit shall be developed for recreational purposes.~~

- ~~11. In addition to the open space required in (10) above, there shall be provided landscaped side and rear yard buffer areas of at least ten feet in width each adjacent to each property line of the lot and being part of the yard requirement in (9) above. For each additional forty thousand square feet, two feet shall be added up to a maximum of thirty feet. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of six feet~~
- ~~12. Two off-street parking spaces shall be provided for each dwelling unit. No more than ten spaces shall be provided in any one continuous row. The minimum size of a parking space, including aisles and maneuvering areas, shall be within three hundred and fifty square feet and spaces shall be within two hundred feet of the intended user. Parking spaces shall be lighted but shielded from direct glare on a public street and adjoining premises.~~
- ~~13. No building shall exceed two stories in height. No building shall exceed thirty feet in height.~~
- ~~14. No interior floor space below ground level shall be used for living purposes.~~
- ~~15. No building shall exceed one dwelling unit in depth front to back.~~
- ~~16. No building shall have an overall length of more than two hundred feet.~~

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SPECIAL PROVISIONS FOR COMMERCIAL USES

440.1 SCREENING OF COMMERCIAL USES

Any business or commercial use conducted outside a completely enclosed building (including storage, accessory parking of commercial vehicles, and service of manufacturing operations) shall, if visible at normal eye level from any point within the R-1, R-2, or R-3 Districts and less than one hundred and fifty feet distant shall be completely screened from such view except where separated from said districts by a railroad, or by a public or private way having a width of forty feet or more. Screening required under this paragraph shall be by an evergreen planting, fence, or other suitable visual barrier.

440.2 REGISTERED MARIJUANA DISPENSARIES

The zoning of Registered Marijuana Dispensaries in the Town of Scituate shall be governed in accordance with this section.

- A. Purpose. The purpose of this section is to regulate the locations for Registered Marijuana Dispensaries which serve a legitimate need for human health, in order to minimize any potential adverse impacts on residents of the Town, including impacts on residential neighborhoods and incompatible land uses, children and vulnerable populations.
- B. Applicability. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited except as permitted under this Section, except for personal cultivation by registered qualifying patients or cultivation by personal caregivers

on behalf of qualifying patients or others as provided by 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, adopted May 8, 2013.

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Registered Marijuana Dispensary.

In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any other use, other than personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000.

C. Procedures.

1. Applications. Applicants for special permits under this section shall include the following information with the application:
 - a. All requirements for a Major Site Plan Review, as described in Section 770.5;
 - b. A deed, purchase and sale agreement or lease as evidence of the Applicant's right to use the site;
 - c. A copy of the license from the Mass. Dept. of Public Health (MDPH) for the Registered Marijuana Dispensary, including the detailed written operating procedures submitted to MDPH and any conditions of operation specific to the proposed operation;
 - d. A labeled, dimensioned floor plan by a licensed architect showing the different functions within the building in which the Registered Marijuana Dispensary will be located, and the area to be occupied by the Registered Marijuana Dispensary, with square footage;
 - e. The proposed hours of operation, number of employees and number of vehicles used for regular operations;
 - f. A description of the proposed system of fire protection;
 - g. A detailed description of proposed security measures to ensure the safety of customers, employees and property, and to protect the premises from theft including lighting, fencing, gates and alarms, etc. as required to meet the standards of 105 CMR 125.000.
 - h. Identification of any of the following facilities within five hundred (500') linear feet of the proposed location, with stated distance to any of the following as applicable:
 - i. Any school, library, park, ballfield or other recreation facility typically used by children;
 - ii. Any other Registered Marijuana Dispensary or related activity including but not limited to an independent testing laboratory;
 - iii. Any drug or alcohol rehabilitation facility;

3. **Minimization of Impervious Surface.** Impervious surface shall be minimized by providing only as much parking as required by the Zoning Bylaw; using short driveways, permeable paving, green rooftop systems, and low impact development techniques as described in references such as the Massachusetts Executive Office of Environmental Affairs LID homepage (<http://www.mass.gov/envir/lid/default.htm>) in current versions, wherever possible. The total area of impervious surface shall not exceed the area of impervious surface that existed on the lot at the time the application is submitted.
- G. **Trash storage and mechanical equipment.** All dumpsters, trash storage areas and mechanical equipment such as air conditioning units shall be completely screened from view of adjacent properties and public rights of way with fencing, walls or vegetation. All mechanical equipment, including that attached to the side or roof of a building, shall be designed to be an integral part of the building. The location of all mechanical equipment shall be shown on plans submitted with the special permit.
 - H. **Septic systems.** In order to provide the maximum protection for the South River, all septic systems shall incorporate nitrogen removal.
 - I. **Open space area.** In order to preserve open space, conserve natural resources, maintain unobstructed overwash areas, enhance the general appearance of the area, avoid adverse impact of overcrowding and provide visual access to open space, 30 % of the total area of any project site shall be dedicated to landscaped open space. This open space area shall be free of buildings except 2nd or 3rd floor balcony overhangs, structures, driveways or parking. The open space shall be subject to a deed restriction prohibiting construction on this area and providing for maintenance to ensure its attractive appearance and cleanliness.

570.8 HOUSING AFFORDABILITY STANDARDS

All requirements of Section 560.7 for affordable dwelling units in the Village Business Overlay District shall apply to multi-family developments of ten or more units in the Humarock Village Residential Overlay District, except that the minimum number of affordable units shall be ten percent of the total dwelling units, rounded to the nearest whole number.

570.9 SPECIAL PERMIT REVIEW PROCEDURES

- A. **Pre-Application Meeting.** A pre-application meeting with the Town Planner and an informal discussion with the Planning Board prior to the submittal of a Special Permit application are strongly encouraged. A preliminary concept plan should be provided at this meeting. The preliminary concept plans shall be at a scale of 1" = 40', unless the applicant and Town Planner agree on a more appropriate scale.
- B. **Review Process.** The application requirements, standard of review, project completion requirements and applicability of approval requirements described in Section 770 Site Plan Review shall also apply to this Section. A landscape plan stamped and signed by a Registered Landscape Architect will be required as part of all applications for a special permit. All applications shall be subject to the Design Review process described in Section 750 of this bylaw.

580.1 PURPOSE AND INTENT

The purpose of Section 580 is to facilitate building renovation and new development that is compatible with the historic character and settlement patterns of Scituate's traditional village centers and neighborhoods. The standards set forth herein are intended to:

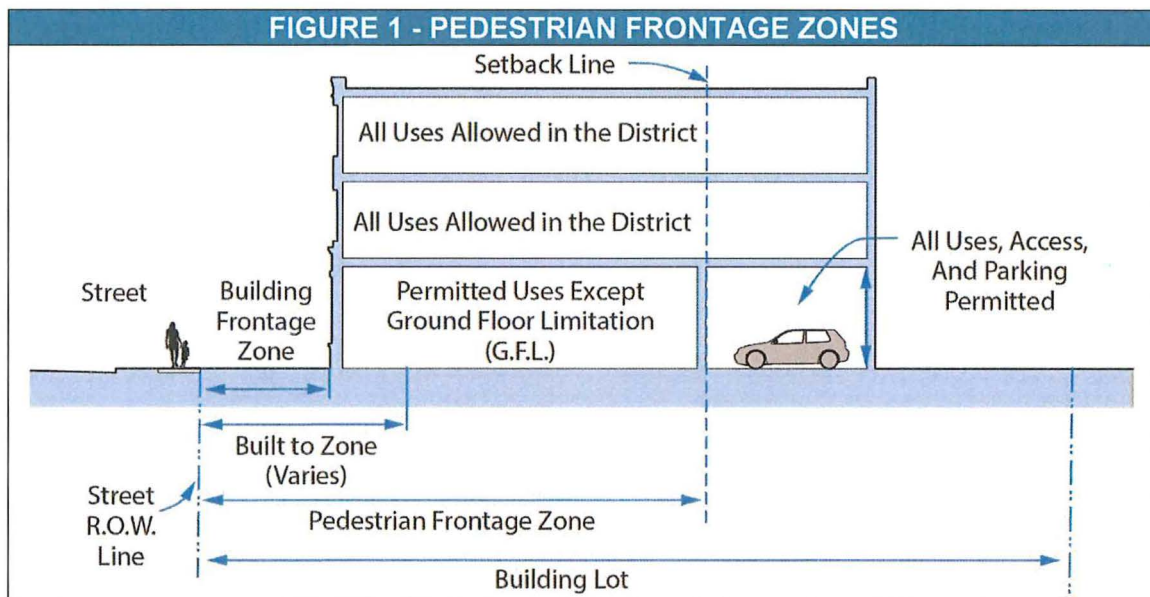
- A. Promote development that is consistent with the Town's vision to facilitate reinvestment and create a vibrant, authentic, diverse, connected and resilient district.
- B. Guide the physical character of development by providing context-based building and site development standards that reflect scale, design characteristics, and settlement patterns existing or envisioned for the district.
- C. Create a public realm with high quality streetscape, enhanced outdoor recreation areas, and active public and publicly-oriented gathering spaces that enhance development and reinforce pedestrian orientation and multi-modal transportation in the district.
- D. Encourage high quality housing production for a variety of age groups, household types, and income ranges.
- E. Encourage a range of business development opportunities as well as food, entertainment, cultural, educational, and civic venues.

580.2 ZONING MAP AND REGULATING PLAN

- A. **Zoning Districts and Boundaries:** The Village Center & Neighborhoods (VCN) are Form-Based Zoning Districts located and bounded as shown on a map entitled "Town of Scituate Zoning Map", copies of which are on file in the offices of the Town Clerk and Planning Departments. There are also zoning map inserts of the Village Center & Neighborhood Districts which are part of the Town of Scituate Zoning Map. Village Center & Neighborhoods (VCN) include the following:
 - 1. Greenbush-Driftway Gateway District (GDG)
 - 2. North Scituate Village (NSV)
- B. **Civic Overlay Zones:** The Village Center & Neighborhood Zoning Map inserts identify Civic Overlay Zones which include properties within the district that are owned by the Town of Scituate and currently utilized or intended to be used as a Public Outdoor Amenity Space under Section 752.
- C. **Street Types:** The Regulating Plan identifies Street Types which correspond the required design standards for existing and new public and private streets in the District under Section 753 - Public Realm Standards.

D. Pedestrian Frontage Overlay Zones

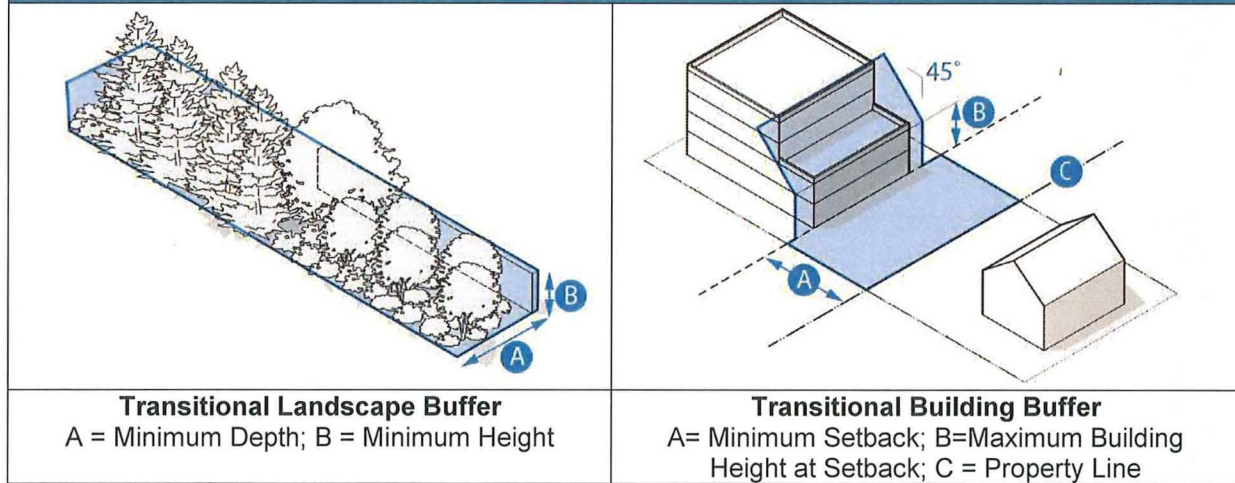
1. Purpose: The Pedestrian Frontage Overlay Zones identify properties along certain public streets in the VCN Districts North Scituate Village-Village Center and the Greenbush -Drifway Gateway District-New Driftway Transit Village Subdistrict as places prioritized for pedestrian-oriented and active ground floor uses. Pedestrian Frontage Overlay Zones are identified on the VCN Zoning District Insert Maps as a subset of the Town of Scituate Zoning Map.
2. Requirements: Buildings fronting on the designated street segments shall be subject to the following ground floor limitations:
 - a) Ground floor areas shall be reserved for retail, restaurant, and publicly-oriented personal service, office, repair, and municipal uses.
 - b) Residential and other non-residential uses not oriented to public access shall be allowed to have access at the street line by an entrance that leads to the upper floors of the building or the rear of the building.
 - c) Residential and other non-residential uses not oriented to public access shall be allowed on ground floors where:
 - 1) The use is within a building with frontage on the street and set back a minimum of 60 feet from the street line; or
 - 2) Where the Planning Board determines that street-front residential and other non-public uses will not have an adverse impact on the continuity and vitality of the pedestrian-oriented street-front uses.



E. Transitional Buffer Overlay Zones

1. Purpose: The Transitional Buffer Overlay Zones identify certain street segments or subdistrict boundaries where certain buildings and uses may need to be buffered to create a compatible transition with the surrounding neighborhoods. Transitional Buffer Overlay Zones are identified on the VCN Zoning District Map.
2. Landscaped Buffers: Where required, buffers may include a combination of natural or landscaped screening and fencing that provides an opaque visual barrier to a minimum depth of 20 feet and height of eight (8) feet above the ground.
3. Building Buffers: Buildings and associated property use shall be setback a minimum of 50 feet from the designated zoning boundary on which the Transitional Buffer Zone is located. The maximum building height at the setback line shall be 25 feet with increasing height permitted on a 45 degree plane further setback from the VCN zoning boundary to the maximum height allowed in the district.
4. Waivers: The Planning Board may waive the buffering requirements in part or in whole if they determine that such application is not necessary to create a compatible transition with the surrounding neighborhood.

FIGURE 2 – TRANSITIONAL BUFFERS



580.3 ALLOWED BUILDINGS AND LOT USES

- A. Allowable Uses:** Buildings, structures, and land within the VCN shall comply with the use regulations set forth in Section 400 – Use Regulations. The Planning Board shall be the Special Permit Granting Authority (SPGA) for all applications requiring a Special Use Permit in the VCN.

- B. Allowed Building Types:** The building types allowed in the Village Center & Neighborhood Districts are identified in Table 1 below. Uses identified on the Table of Use Regulations in Section 420 must be located in allowed building types and subject to the development and standards for each VCN district in Section 580.9 and those under Section 750 as applicable.

TABLE 1 – ALLOWED BUILDING TYPES IN THE VCN DISTRICT

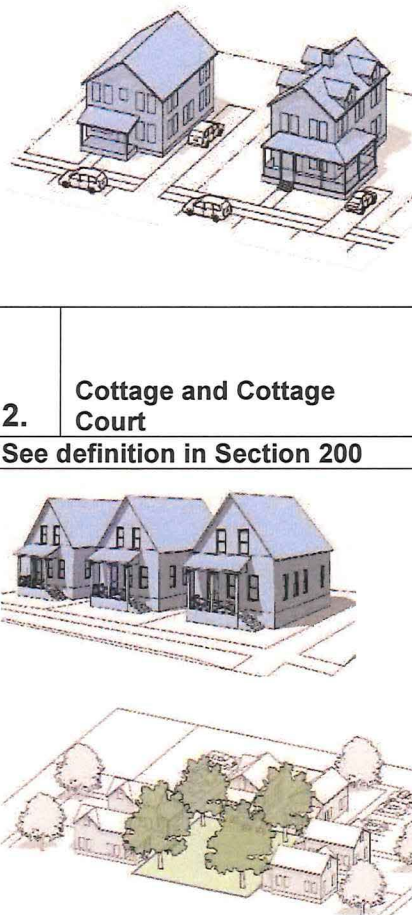
Building Type		Development and Design Standards	Permitted by District								
			Greenbush-Driftway						North Scituate		
			GWB	GVC	NDTV	DBP	NRN	DCR	NRCR	VC	OV
1.	Single-Family Detached Dwelling	<p>Dimensional Standards: 10,000 SF minimum lot size; 50 feet minimum frontage on a public street; and 10 feet minimum front, side and rear setback.</p>	N	Y	N	N	N	N	N	N	N
	See definition in Section 200	<p>Design Standard: Single-Family detached dwellings should generally be placed in a traditional development pattern and built with traditional residential architectural themes.</p> <p>Building mass should be articulated to reduce the overall scale and the primary building façade should be oriented to the street with appropriate secondary building elements such as porches and bay windows. Landscaping should be used to define the street edge, buffer parking areas and add interest to open spaces.</p>									
2.	Cottage and Cottage Court	<p>Dimensional and Design Standards: Individual cottages that are not part of a Cottage Court are only permitted on separate lots of 5,000 SF minimum and 10 feet minimum front, side, and rear setbacks. Two or more cottages can be assembled as a Cottage Court where the front elevation of each unit is positioned along and oriented to a common open space.</p>	N	Y	Y	N	Y	N	N	N	Y
	See definition in Section 200										

TABLE 1 – ALLOWED BUILDING TYPES IN THE VCN DISTRICT

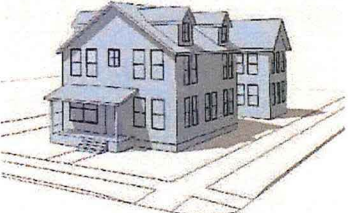
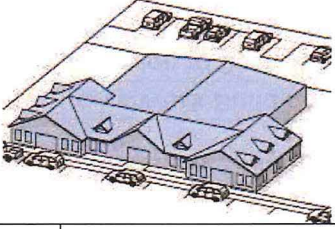
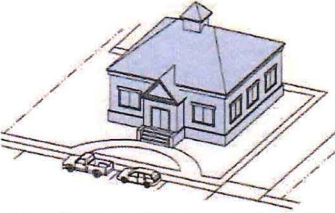
Building Type		Development and Design Standards	Permitted by District								
			Greenbush-Driftway						North Scituate		
			GWB	GVC	NDTV	DBP	NRN	DCR	NRCR	VC	OV
3.	Two-Family Dwelling	<p>Dimensional Standards: 10,000 SF minimum lot size; 50 feet minimum frontage on a public street; and 10 feet minimum front, side and rear setback. Accessory units are not permitted in addition to the Two-Family Dwelling units.</p>	N	Y	N	N	Y	N	N	N	N
See definition in Section 200		<p>Design Standards: These building types may be horizontally or vertically attached with at least one unit generally perpendicular and oriented to the front lot line. These buildings may be semi-detached and designed to resemble large farmhouses with carriage houses.</p>									
											
4.	Single-Family Attached Dwelling (Townhouse or Rowhouse)	See Section 750 for specific development and design standards.	Y	Y	Y	N	Y	N	N	N	Y
See definition in Section 200											
5.	Multi-Family Building	See Section 750 for specific development and design standards.	Y	Y	Y	N	Y	N	N	N	Y
See definition in Section 200											
6.	Live/Work Building	See Section 750 for specific development and design standards.	Y	Y	Y	SP	N	N	N	Y	Y
See definition in Section 200											
7.	Mixed Use Building	See Section 750 for specific development and design standards.	Y	Y	Y	SP	N	N	N	Y	Y
See definition in Section 200											
8.	General Commercial Building	See Section 750 for specific development and design standards.	Y	Y	Y	Y	N	SP	Y	Y	Y
See definition in Section 200											
9.	Gas Backwards Building	See Section 750 for specific development and design standards.	SP	N	SP	SP	N	N	N	N	SP
See definition in Section 200											

TABLE 1 – ALLOWED BUILDING TYPES IN THE VCN DISTRICT

Building Type		Development and Design Standards	Permitted by District								
			Greenbush-Driftway						North Scituate		
			GWB	GVC	NDTV	DBP	NRN	DCR	NRCR	VC	OV
10.	Flex Space/Fabrication Building See definition in Section 200	Dimensional Standards: No required minimum lot size; 50 feet minimum frontage on a public street; 20 feet minimum front, side and rear setback; Maximum of 50% building coverage of lot.	Y	Y	Y	Y	N	N	N	Y	SP
											
11.	Civic and Community Building See definition in Section 200	Dimensional Standards: No required minimum lot size; 50 feet minimum frontage on a public street; and 20 feet minimum front, side and rear setback.	Y	Y	Y	Y	Y	SP	SP	Y	Y
											
12.	Other Principal Building Types	See Section 580.3.D below	SP	SP	SP	SP	SP	SP	SP	SP	SP

C. Commercial, Mixed Use, and Multi-Family Building Design Standards: The list of commercial, mixed use, and multi-family building types below are subject to the requirements of Section 750 – Design Review for Business, Commercial, Multi-Family, and Mixed Use Development.

1. Single-Family Attached Dwelling (Townhouse or Rowhouse)
2. Multi-Family Building
3. Live/Work Building
4. Mixed Use Building
5. General Commercial Building
6. Gas Backwards

D. Determination of Building Type

1. Classification: The Zoning Enforcement Officer shall classify new principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types for the zoning district where the structure is located. The Zoning Enforcement Officer shall also classify existing structures that are being substantially expanded or converted to new uses under this section.
2. Alternative Building Types: If a new building is proposed that cannot be classify as one of the allowed building types of this section by the Zoning Enforcement Officer, the building is subject to Special Permit review and approval by the Planning Board. ~~or Board of Appeals.~~

580.4 DENSITY AND BULK STANDARDS

A. Base Residential Density: Buildings and Developments within a VCN District shall be subject to the following density standards:

TABLE 2 - VCN RESIDENTIAL DENSITY BY BUILDING TYPE & DISTRICT								
RESIDENTIAL/MIXED USE BUILDINGS		D.U.s PER ACRE (BY RIGHT/BY SPECIAL PERMIT)						
		Greenbush-Driftway Gateway					North Scituate Village	
		GWB	NRN	GVC	DBP/NRCR/DCR	NDTV	VC	OV
		Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP
1.	Single-Family Detached Dwelling Units	NA	NA	4/8 ⁴	NA	NA	NA	NA
2.	Single-Family Attached Dwelling Units ¹	8/16	8/16	8/16	NA	12/20	NA	12/20
3.	Two-Family Dwelling and Cottage Courts ²	NA	8/16	8/16 ⁴	NA	NA	NA	12/20
4.	Mixed Use Buildings	12/24	12/24 ³	12/24	NA	16/36	12/24	12/24
5.	Multi-Family Buildings	152/24	152/24 ³	152/24	NA	16/36	NA	15/24

- NA Not Allowed
- P Permitted By Right
- Y Permitted By Special Permit from the Planning Board
- 1 Single-Family Attached Dwelling Units includes Rowhouses, Townhouses, and Live/Work Units
- 2 Two-Family Dwelling Units are permitted on a 10,000 S.F. lot with no accessory dwelling units. Where more than one Two-Family dwelling unit is being built they must meet the density per acre requirements above for the additional units.
- 3 Mixed Use Buildings are not permitted in the NRN District
- 4 Where Single-Family Detached Dwellings and Two-Family Dwellings are permitted, the minimum lot size for an individual lot is 10,000 S.F. Where more than one single-family detached dwelling unit is being built they must meet the density per acre requirements above for the additional units.

B. Bulk Standards

1. Dwelling Unit Size:

- a) Dwelling units must have a minimum useable floor area as specified on the table below for all buildings providing more than one (1) dwelling unit.
- b) The useable floor area of a half story is calculated as seventy-five percent (75%) of the total floor area of the half-story.

TABLE 3 - MINIMUM DWELLING UNIT SIZE	
Unit Type	Useable Floor Area (Min.)
Studio	400 sq. ft.
1 Bedroom	600 sq. ft.
2+ Bedrooms	900 sq. ft.

C. Density Bonus Requirements

- 1. General Requirement: The Planning Board may, by Special Permit, allow higher density up to the maximum established on Table 2 above if certain Public Realm Improvements are made by the applicant that provide benefits to residents and businesses in the Development Project as well as to the VCN District, and surrounding area. If sufficient Public Realm Improvements are made, the Planning Board shall make a written finding that the applicant will provide significant improvements providing a public benefit, in addition to those improvements necessary to meet the base density requirements of this bylaw. In addition to the Public Realm Improvements the applicant must also adhere to the density bonus requirement under Section 754.1.B.3.
- 2. Eligible Public Benefit Improvements: These improvements shall include on-site or off-site infrastructure improvements, streetscape improvements, open space or other amenities not otherwise required in Section 752 or by any town board or agency, serving a public purpose, to be constructed in an attractive, context-

sensitive, or pedestrian-oriented manner. Some eligible improvements include the following:

- a) Improvements to designated Civic Overlay Zones for the purpose of enhancing publicly controlled active or passive recreation in desirable locations within the VCN District, in addition to the Outdoor Amenity Space required in Section 752.
 - b) Land acquisition or donation to the Town or a designated non-profit agency for the purpose of publicly accessible active or passive recreation in desirable locations within the VCN District or surrounding area, in addition to the Outdoor Amenity Space required in Section 752.
 - c) Sidewalks and pathways.
 - d) Streetscape improvements such as street trees and furnishings on public streets or contribution of land suitable for a public way or public streetscape improvements.
 - e) Public parking spaces and publicly-accessible parking facilities.
 - f) Additional affordable housing units above the number required by this Section.
3. Approval of Density Bonus Improvements: All public benefit improvements used for the density bonus shall have been recommended in planning documents approved or used by the Town of Scituate Select Board, Department of Public Works, Board of Health, Conservation Commission, Community Preservation Committee, or Planning Board. In order to make this determination, the following are required:
- a) The applicant shall provide the Planning Board with a written description of the intended improvements, the public benefit provided, significance to the Town, provision for maintenance if required, applicant's cost estimates, and a sketch plan showing the location and type, size and extent of improvements.
 - b) The Planning Board may require a bond to cover the cost of any improvements that will be constructed, or a binding agreement approved by Town Counsel, to remain in place until the improvements are completed to the satisfaction of the Town.
 - c) A specific time frame for the completion of all required off-site improvements shall be incorporated as a condition of approval of the Planning Board.
 - d) The applicant shall provide a list of all permits and approvals required relating to any proposed public benefit(s) with the application. These approvals shall be obtained prior to approval of the development, unless an exception for good cause is explicitly authorized by the Planning Board.
 - e) The Planning Board shall be under no obligation to grant such density bonus and may determine, in its sole discretion, whether the offered improvements are sufficient in nature, scope, cost or otherwise, to justify such bonus. The offer and commitment by an applicant to provide all or any number of the

above enumerated examples does not, in and of itself, justify or require the Planning Board to grant such density bonus.

580.5 DEVELOPMENT SITE STANDARDS

- A. Parking Requirements:** See Section 750.8 Development Site Standards and 760 Parking Requirements.
- B. Sustainable Site Design Standards:** See Section 751 – Low Impact Design Standards

580.6 OUTDOOR AMENITY SPACE

See Section 752 – Open Space Standards

580.7 PUBLIC REALM STANDARDS

See Section 753 – Public Realm Standards

580.8 AFFORDABLE HOUSING REQUIREMENTS

See Section 754 – Fair Housing and Affordability Standards

580.9 VCN DISTRICTS AND DEVELOPMENT STANDARDS

The following districts are included in the Village Center & Neighborhood (VCN) zoning district. Where there is a conflict between the design and development standards in Section 580 or 750, the standards below shall apply.

A. Greenbush-Driftway Gateway District (GDG)

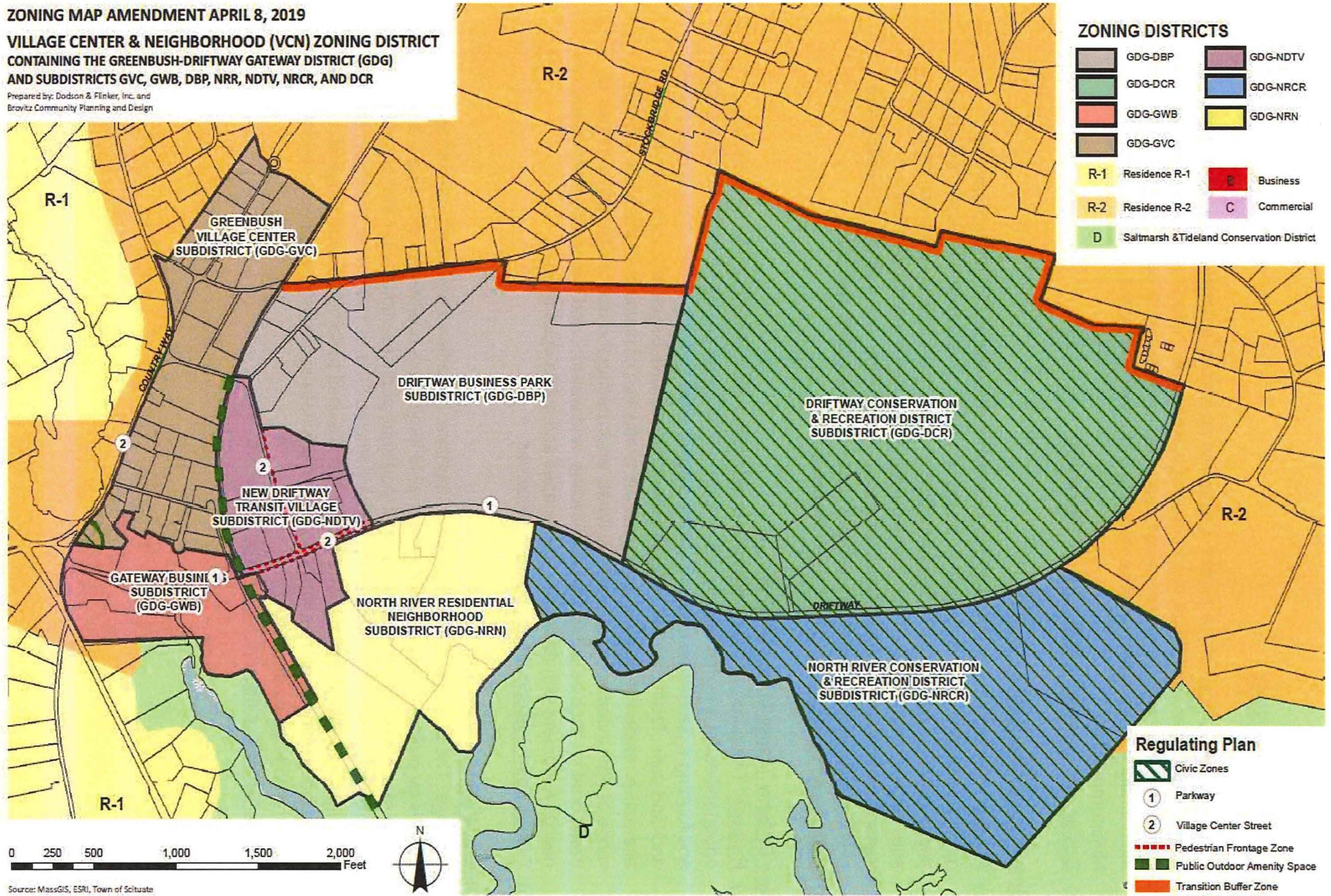
The Greenbush-Driftway Gateway District is a base zoning district comprised of seven (7) subdistricts located and bounded as shown on a map entitled “Town of Scituate Zoning Map,” copies of which are on file in the offices of the Town Clerk and Planning Departments. Greenbush Village & Neighborhood District is intended to fulfill the opportunities for residential, commercial, light industrial, civic, and mixed uses along the Driftway and New Driftway. This district forms one of the major gateways in Scituate with access between Route 3A, Route 123, and Scituate Harbor; access between Scituate and Boston as well as other South Shore communities via MBTA commuter rail; and access to significant public recreational areas including the North River and Widows Walk golf course.

The Greenbush-Driftway Gateway District contains seven (7) subdistricts. The Zoning Map/Regulating Plan for the GDG District and development and design standards for the seven (7) subdistricts are identified below.

ZONING MAP AMENDMENT APRIL 8, 2019

**VILLAGE CENTER & NEIGHBORHOOD (VCN) ZONING DISTRICT
CONTAINING THE GREENBUSH-DRIFTWAY GATEWAY DISTRICT (GDG)
AND SUBDISTRICTS GVC, GWB, DBP, NRR, NDTV, NRRC, AND DCR**

Prepared by: Dodson & Flinker, Inc. and
Brovitz Community Planning and Design



ZONING DISTRICTS			
	GDG-DBP		GDG-NDTV
	GDG-DCR		GDG-NRCR
	GDG-GWB		GDG-NRN
	GDG-GVC		
	R-1 Residence R-1		Business
	R-2 Residence R-2		Commercial
	D Saltmarsh & Tideland Conservation District		

Regulating Plan	
	Civic Zones
	Parkway
	Village Center Street
	Pedestrian Frontage Zone
	Public Outdoor Amenity Space
	Transition Buffer Zone

Source: MassGIS, ESRI, Town of Scituate

1. Gateway Business (GWB):
 - a) Purpose: The purpose of this district is to create an attractive gateway along the Driftway by encouraging a broad range of commercial uses and a ~~limited amount of~~ residential and institutional uses at moderate densities supported by attractive streetscape treatments and multi-modal transportation facilities including bus transit, sidewalks, and the Driftway Multipurpose Trail.
 - b) Design and Development Standards: Reserved.

2. Greenbush Village Center (VC-G):
 - a) Purpose: The purpose of this district is to enhance the Village Center by promoting opportunities for local, small-scale businesses; providing for moderate density mixed use and residential uses including the production of housing affordable to a broad range of age, income, and household types; encouraging the use of alternative modes of transportation such as public transit, bicycling, and walking; and supporting existing and new development with attractive streetscapes and active open spaces.
 - b) Design and Development Standards: Reserved.

3. New Driftway Transit Village (NDTV):
 - a) Purpose: The purpose of this district is to establish a new Village Center by providing opportunities for a higher density mix of uses anchored by the MBTA commuter rail station and forming a pedestrian-oriented and traditional development pattern of buildings, streets and land uses; facilitating the redevelopment of underutilized parcels; providing for alternative residential building forms and the production of housing affordable to a broad range of age, income, and household types; encouraging the use of alternative modes of transportation such as public transit, bicycling, and walking; and supporting existing and new development with attractive streetscapes and active open spaces.
 - b) Design and Development Standards: Reserved.

4. Driftway Business Park (DBP):
 - a) Purpose: The purpose of this district is to facilitate the redevelopment of underutilized parcels by promoting opportunities for small to large-scale businesses including a broad range of commercial office, service, light industrial, and institutional uses that benefit from proximity to the MBTA commuter rail station, Routes 3A and 123, and surrounding natural amenities and village centers. The district is envisioned to service a wide range of economic development from an incubator for business start-ups and entrepreneurial activities to large corporations.
 - b) Design and Development Standards: Reserved.

5. North River Residential Neighborhood (NRN):
 - a) Purpose: The purpose of this district is to facilitate the redevelopment of a limited number of underutilized parcels by promoting opportunities for alternative residential housing forms and patterns that take advantage of the unique aesthetic attributes of the North River plain and proximity to the MBTA commuter rail station and nearby village centers; to include in any residential development the production of housing affordable to a broad range of age, income, and household types; and to protect natural resources through sustainable development best practices.
 - b) Design and Development Standards: Reserved.

6. Driftway Conservation & Recreation District (DCR):
 - a) Purpose: The purpose of this district is to protect the conservation and recreational activities associated with Widows Walk golf course and to enhance this public facility with uses and buildings associated with the golf course as well as limited commercial uses providing for food and entertainment, accommodations, and events and function space benefiting by the natural and recreational resources along the Driftway and proximity to Scituate Harbor.
 - b) Design and Development Standards: Reserved.

7. North River Conservation & Recreation District (NRCR):
 - a) Purpose: The purpose of this district is to protect the saltmarsh and tideland natural resources of the North River and its tributaries while providing limited opportunities for recreational activities and facilities.
 - b) Design and Development Standards: Reserved.

B. North Scituate Village District (NSV)

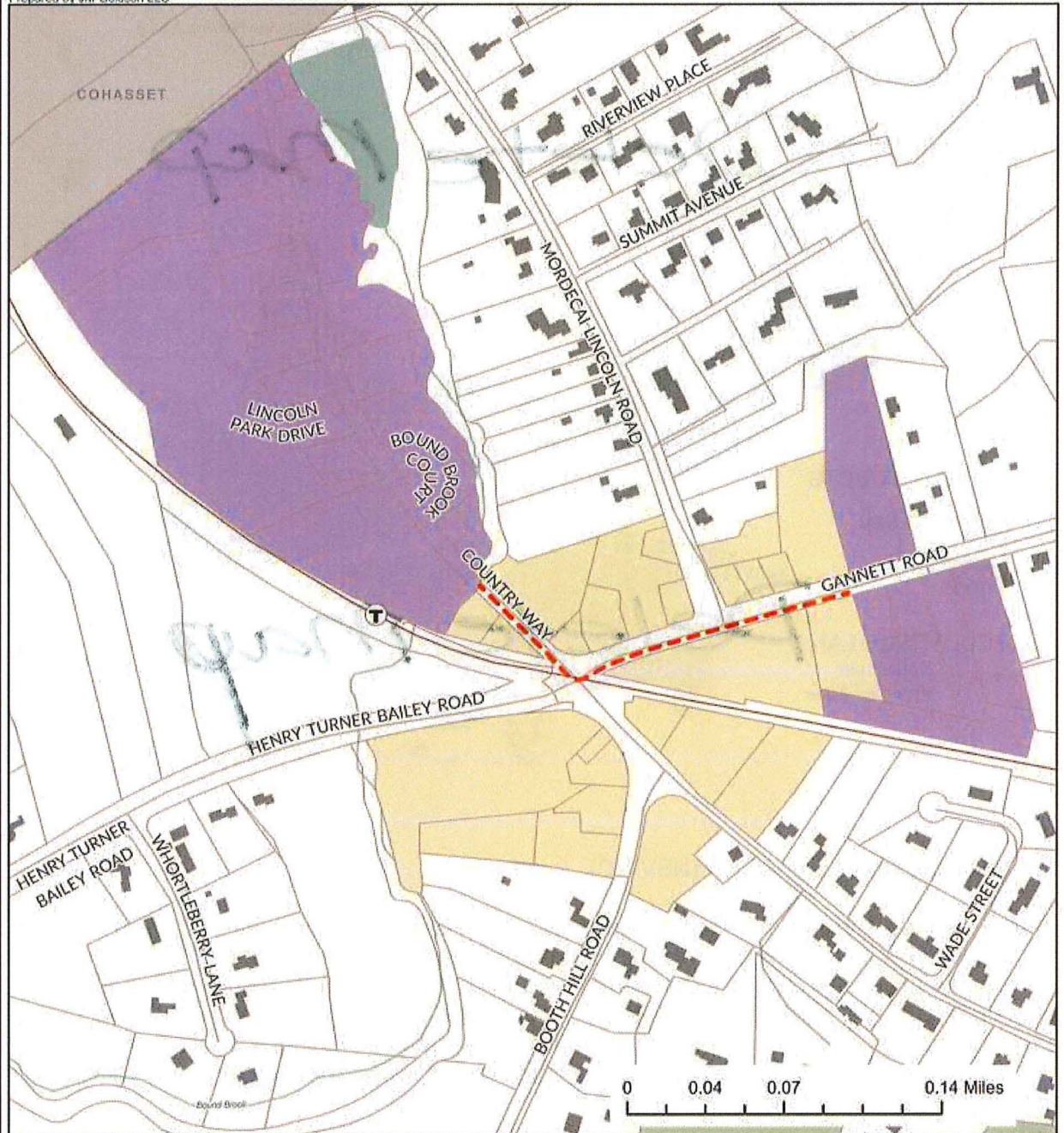
The North Scituate Village District is a base zoning district comprised of two (2) subdistricts located and bounded as shown on a map entitled “Town of Scituate Zoning Map,” copies of which are on file in the offices of the Town Clerk and Planning Departments, **dated November 30, 2023 by JM Goldson LLC**. The District is intended to be an active, vibrant neighborhood center, achieved through redevelopment based upon historic New England town village principles, streetscape and civic space improvements, parking and access enhancements, and business development.

The North Scituate Village contains two (2) subdistricts. The Zoning Map/Regulating Plan for the NSV District and development and design standards for the subdistricts are identified below. Where there is a conflict between the building placement, form, and lot occupation standards for each of the NSV Districts in Section 580.9.B below, this section shall apply.

TOWN OF SCITUATE - NORTH SCITUATE ZONING

J M GOLDSON

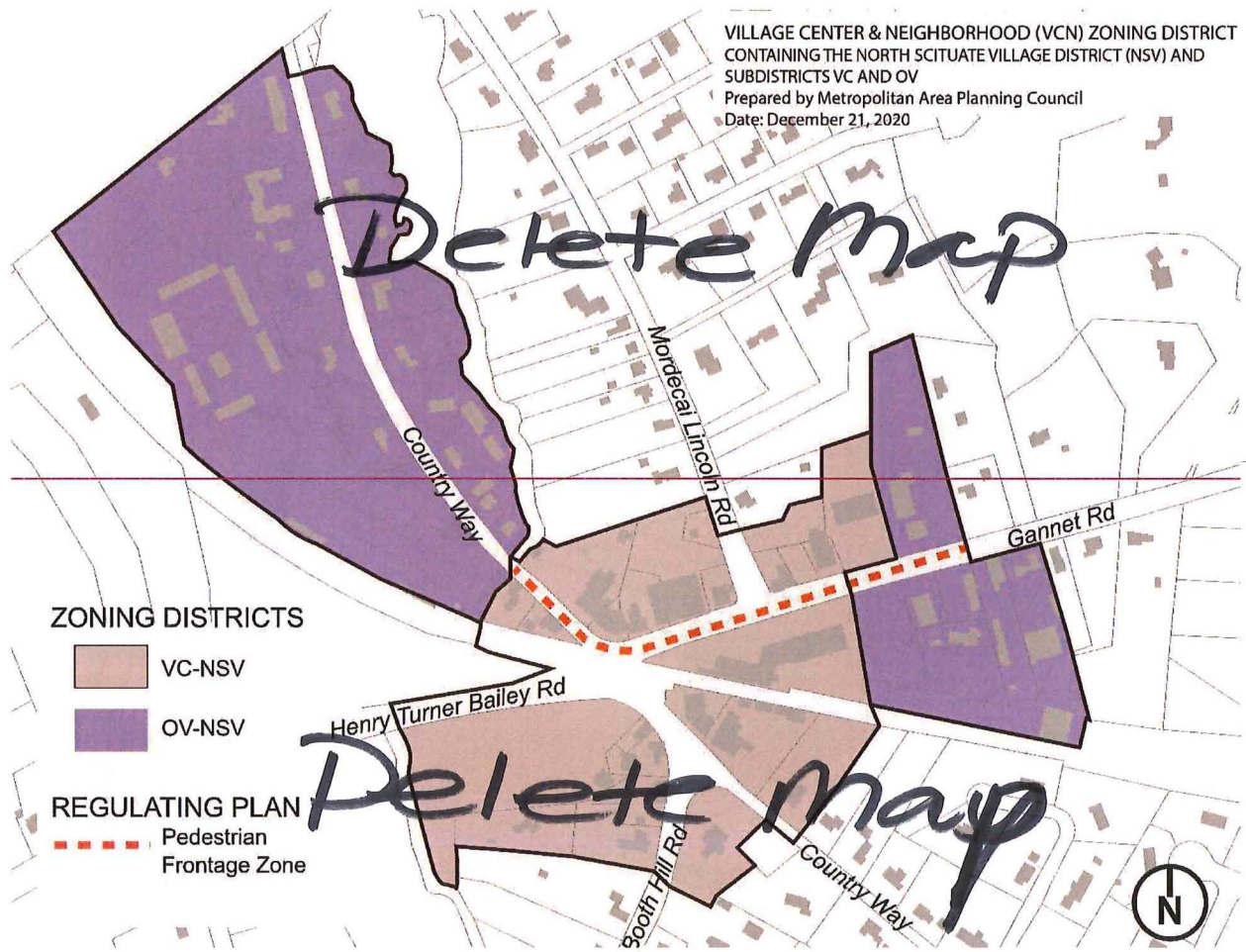
Prepared by JM Goldson LLC



- Schools
- Buildings
- Parcels
- Trails
- Water bodies
- Open space
- Commuter Rail Station
- North Scituate Village Center
- North Scituate Outer Village
- Pedestrian Frontage Zone

Date Created: November 30, 2023

Sources: MassGIS, MassDEP, MAPC Trailmap



1. North Scituate Village Center (NSV-VC)

- a) Purpose: The purpose of this subdistrict is to enhance North Scituate Village by promoting opportunities for local, small-scale businesses and other commercial opportunities; providing for moderate density mixed-use development, including the production of housing affordable to a broad range of age, income, and household types; encouraging the use of alternative modes of transportation such as public transit, bicycling, and walking; and supporting existing and new development with attractive streetscapes and active open spaces.
- b) Design and Development Standards: As listed below.

Where there is a conflict between this Section 580.9 and Sections 580.3 or 750.6, the standards below shall apply.

- 1. Minimum outdoor amenity space coverage is 10% for all building types. The Planning Board may allow a further reduction in required outdoor amenity space in exchange for payments toward public benefits improvements.

2. North Scituate Village Outer Village District (NSV-OV)

- a) Purpose: The purpose of this subdistrict is to enhance North Scituate Village by promoting opportunities for local, small-scale businesses and other commercial opportunities; to expand additional and alternative forms of housing that will contribute to the vibrancy of North Scituate Village and support local businesses; to facilitate the production of housing affordable to a broad range of age, income, and household types; encouraging the use of alternative modes of transportation such as public transit, bicycling, and walking; and supporting existing and new development with attractive streetscapes and active open spaces.
- b) Design and Development Standards: As listed below.

Where there is a conflict between this Section 580.9 and Sections 580.3 or 750.6, the standards below shall apply.

1. Minimum outdoor amenity space coverage is 15% for all building types. The Planning Board may allow a further reduction in required outdoor amenity space in exchange for payments toward public benefits improvements.
2. Front yard minimum build-to-zone is 0 feet for all building types.
3. Minimum side setbacks for all building types except Gas Backwards is 0 feet if a common wall with adjacent building.
4. Minimum street frontage for Multi-Family Building is 40 feet.
5. Minimum street facing wall width for Multi-Family, Live-Work, Mixed-Use, and Commercial Buildings is 40 feet.
6. Maximum building footprint for all building types except Gas Backwards is not applicable.

580.10 APPLICABILITY

The provisions of Section 580, Village Center and Neighborhood District, shall not apply to any application filed with the Planning Board and Town Clerk pursuant to Section 560, Village Business Overlay District of the Scituate Zoning Bylaw for the Greenbush-Driftway area prior to April 1, 2019.

2. Front yard minimum build-to-zone is 0 feet for all building types.
3. Minimum side setbacks for all building types except Gas Backwards is 0 feet if a common wall with adjacent building.
4. Minimum street facing wall width for Multifamily, Live-Work, Mixed-Use, and Commercial Buildings is 40 feet.
5. Maximum building footprint for all building types except Gas Backwards is not applicable.

SECTION 700 - GENERAL PROVISIONS AFFECTING ALL DISTRICTS

754

FAIR HOUSING AND AFFORDABILITY STANDARDS

754.1 APPLICABILITY

A. General. 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 five or fewer dwelling units are exempt from this requirement. By right development in the VCN subdistricts GDG-GWB, GDG-NRN, GDG-GVC, and NSV-OV nine or fewer 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

By right development of ten units or more in the VCN subdistricts GDG-GWB, GDG-NRN, GDG-GVC, and NSV-OV are required to provide 10 percent affordable units at not less than 80 percent of the Area Median Income.

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.

754. LOCATION OF UNITS

- A. **Distribution.** All affordable housing units shall be distributed throughout the remaining proposed housing units. The number of one-, two- and three-bedroom units shall be in the same proportion as that of the market rate units. The affordable units shall be designed so the exteriors are comparable in general design and appearance to those of the market rate units.
- B. **Off-Site Units.** At the discretion of the Planning Board, the applicant may substitute off-site affordable housing units which are priced and deed-restricted as required under this Section. The number of affordable units provided must be at least the number required by this Section. In considering whether to accept these units, the Planning Board shall consider the geographic distribution of affordable housing throughout the town and avoid concentration in any one particular area of Scituate.

754.3 MONITORING AGENT

A Monitoring Agent which may be the local housing authority or other qualified housing entity (the "Monitoring Agent") shall be designated by the ~~Applicant in conjunction with the Planning Board Select Board.~~ In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by ~~DHGDEOHLC~~ such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official or, in the absence of such timely designation, by an entity designated by the ~~DHGDEOHLC~~. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a building permit for a project, and on a continuing basis thereafter, as the case may be:

- A. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- B. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
- C. The housing marketing and resident selection plan conform to all requirements, comply with ~~DHGDEOHLC~~'s Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines and are properly administered;
- D. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- E. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

754.4 SUBMISSION REQUIREMENTS

As part of any application for site plan approval for a project including affordable housing units, the applicant must submit the following documents to the Planning Board and the Monitoring Agent:

- A. Evidence that the Project complies with the cost and eligibility requirements of this Section.
- B. Project plans that demonstrate compliance with the requirements of this Section.
- C. A form of Affordable Housing Restriction that satisfies the requirements of this Section.

These documents in combination, to be submitted with an application for site plan approval (or, for projects not requiring site plan approval, prior to submission of any application for a building permit), shall include details about construction related to the provision, within the development project, of units that are accessible to the disabled and appropriate for diverse populations, including, as applicable, households with children, other households, individuals, and the elderly.

754.5 COST AND ELIGIBILITY REQUIREMENTS

- A. **Rental or Sales Price.** The initial rental or sales price shall be affordable to low- and moderate-income households with income at or below eighty (80) percent of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Scituate as determined annually by the U.S. Department of Housing and Urban Development (HUD).
- B. **Eligibility.** Affordable Housing shall comply with the following requirements:
 1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
 2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the **DHGDEOHL**C shall apply.
 3. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner’s association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the **DHGDEOHL**C shall apply.
 4. Prior to the granting of any building permit or Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to Scituate.

754.6 DESIGN AND CONSTRUCTION

Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed proportionately throughout the Project of which they are part, across all unit types and be comparable in initial construction quality and exterior design to the other housing units in the project.

754.7 AFFORDABLE HOUSING RESTRICTION

- A. Deed Restriction.** The subsequent rent or sales prices or rents shall be controlled through a deed rider or an affordable housing restriction as defined by Massachusetts General Laws Chapter 184, Section 31, recorded at the Plymouth County Registry of Deeds and/or Land Court as applicable, and shall be in force in perpetuity or as long a period as legally possible.
- B. Compliance with LIP Program.** As required for affordable housing to count towards the Town of Scituate's Housing Inventory, the applicant must comply with low- or moderate-income housing regulations and guidelines of the Local Initiative Program (LIP), 760 CMR 5645.00, or another similar state-approved program in effect on the date of application. Evidence must be provided to the Planning Board of a recorded deed restriction on resale, designation of a monitoring agent acceptable to the Planning Board, and an affirmative marketing plan prior to issuance of the first occupancy permit.
- C. Filing.** Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate Registry of Deeds or District Registry of the Land Court and which contains the following:
1. Specification of the term of the Affordable Housing Restriction which shall be no less than thirty years;
 2. The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
 3. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project with the initially designated Affordable Rental Units identified in, and able to float subject to approval by **DHCDEOHLIC** in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and **DHCDEOHLIC's** AFHMP guidelines.
 4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

5. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
7. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
8. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Administering Agency;
9. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;
10. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
11. Provision that the restriction on Affordable Rental Units in a rental project or rental portion of a project shall run with the rental project or rental portion of a project and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
12. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
13. A requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

754.8 COSTS OF HOUSING MARKETING AND SELECTION PLAN

The housing marketing and selection plan may make provision for payment by the Project Applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half (1/2%) percent of the amount of rents of Affordable Rental Units (payable annually) or one (1%) percent of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

754.9 AGE RESTRICTIONS

Nothing in this Section shall permit the imposition of restrictions on age upon Projects unless proposed or agreed to voluntarily by the Applicant. However, the Planning Board may, in its review of a submission under this Section, allow a specific projects or units designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted project shall be restricted as Affordable Housing units. Any project which includes age restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

754.10 PHASING

For any project that is approved and developed in phases in accordance with this Section, unless otherwise expressly approved in writing by **DHGDEOHLIC**, the proportion of Affordable Housing Units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under this Section.

754.11 NO WAIVER

Notwithstanding anything to the contrary herein, the Affordability provisions in this Section shall not be waived unless otherwise expressly approved in writing by **DHGDEOHLIC**.

760

PARKING REQUIREMENTS

760.1 PURPOSE

The purpose of these requirements is to ensure that adequate quantity of well-designed off-street parking is provided to service all parking demands.

760.2 APPLICABILITY

Off-street parking shall be provided to service the net increase in parking demand created by new construction, additions, or change of use. Structures and land uses in existence on January 1, 1988, are not subject to these requirements so long as they are not enlarged or changed in a manner that increases their parking needs. All parking required by this Section shall be provided on-site except as provided in Section 760.8.

760.3 DESIGN REQUIREMENTS

Each parking space shall contain no less than one hundred sixty-two square feet of area [typically nine feet by eighteen feet] and shall have adequate back-up room. All required parking spaces and driveways, except those serving single or two-family residences, shall be paved, unless the Planning Board determines that the intensity of use does not merit paving or that an alternative surface is in the public interest.

760.4 PARKING LOT PLANTING

Parking lots shall have at least one tree per eight parking spaces to be located in planting areas inside of the lot or within ten feet of paved area. Existing trees may fulfill

this requirement, provided the trees are distributed throughout the lot. Such trees shall be at least two inches trunk diameter with not less than forty square feet of unpaved soil or other permeable surface area per tree. At least five percent of the interior of any parking lot having twenty-five or more parking spaces shall be maintained with landscaping, including trees, on plots of at least four feet in width. Trees and soil plots shall be so located as to provide visual relief and sun and wind interruption within the parking area and to assure safe patterns of internal circulation.

760.5 CONSTRUCTION EXEMPTION

The Planning Board may grant a special permit under this section to temporarily waive the construction of a portion of an approved parking plan if the applicant can show that special circumstances exist, such as shared use of a parking lot by activities having different peak demand times. Such special permit shall expire two years after its approval date. The area of the approved parking plan that will not be constructed shall remain open or shall be landscaped according to a plan approved by the Planning Board. At least 120 days prior to the expiration of the two year term of the special permit, a special permit application may be filed to for a permanent construction waiver in accordance with this section. The Planning Board shall consider, among other relevant evidence, the adequacy of the parking during the two-year temporary waiver period. The Planning Board may impose reasonable conditions on any permanent parking waiver granted by special permit under this section.

760.6 TABLE OF MINIMUM REQUIREMENTS – TABLE 1

Use	Number of Spaces Required
Single family residential	2
Two-family residential	4
Accessory Dwelling (Section 530).....	1 space per bedroom
Residential..... (except single or two-family dwellings)	1 space per bedroom
Retail or service uses (other than automotive service station)	1 space per 200 square feet gross floor area
Automotive service or body shop	1 space per service bay
Professional or other office, bank.....	1 space per 300 square feet of gross floor area
Restaurant, bar.....	1 space per 4 seats
Industrial, light manufacturing	1 space per 400 square feet of gross floor area
Warehouse	1 space per 600 square feet of gross floor area
Places of public assembly, including auditoriums, theaters, clubs, houses of worship and recreational facilities	1 space for every 3 occupants as determined by State Building Code
Marina.....	1 space per boat capacity
Rest, nursing or convalescent home or hospital.....	1 space per 3 beds
Laundromat	1 space per 2 washing machines
Bowling alley.....	1 space per 2 lanes
Commercial Golf Course.....	1.6 spaces for every acre of land in the property
Hotels and motels	1.25 spaces/guest unit plus spaces required for other commercial uses
Inns.....	1.25 per guest unit
Bed and breakfast.....	1 per bedroom

Clubs and lodges	1 space for every four occupants as determined by the Building Code
Religious exempt uses other than houses of worship	1 space for every four occupants as determined by the Building Code
Educational exempt uses	1 space for every 200 square feet of gross floor area
All other uses	Parking spaces adequate to accommodate normal demand as determined by the Planning Board

760.7 BUSINESS AND COMMERCIAL PARKING REQUIREMENTS

Whenever off-street parking in the Village Center & Neighborhood and Business Districts is required in accordance with this Section 760, the following provisions shall apply:

- A. Buffer Area.** Each lot shall contain a buffer area, at least six feet deep, between the street line and the balance of the lot. This buffer area, which shall be separated from the street and the balance of the lot by a curb, shall be seeded and landscaped except along a driveway entrance or where a pedestrian walkway and/or bicycle parking is being provided. This requirement shall not apply to the Village Center & Neighborhood District.
- B. Access.** In all areas not subject to egress controls as specified under Section 610.2.C of this bylaw, driveway entries shall be at least twenty feet wide and if there is more than one driveway entry on a lot, these entries shall be located at least one hundred and twenty feet apart, center to center.
- C. Number of Driveways.** If the street frontage of a lot is two hundred feet or less, only one driveway entrance shall be permitted. If the street frontage exceeds two hundred feet, additional driveway entries shall be permitted in the ratio of one additional entry for each additional two hundred feet or portion thereof of frontage.
- D. Pedestrian Access.** Safe and continuous pedestrian access must be provided to and within a parking area, preferably in connection with interior landscaping, and connecting to current or anticipated adjacent pedestrian facilities and to adjoining transit facilities.
- E. Bicycle Racks.** A bicycle parking rack must be provided in all cases where five or more automobile parking spaces are required, with the location convenient to, and when practical provided weather protection by, the building it serves. The number and location of bicycle parking spaces is at the discretion of the Planning Board, but shall be not less than 10% (rounded to the nearest whole number) of automobile spaces required; provided that, if in the opinion of the Planning Board such bicycle parking spaces will compromise public health, safety or welfare, the Planning Board may allow fewer than the minimum 10% bicycle parking spaces.

760.8 BUSINESS AND MIXED-USE DISTRICT PARKING REQUIREMENTS AND WAIVERS

The Planning Board may waive the parking requirements of this Section for commercial, mixed use, and residential uses in the Village Center & Neighborhood (VCN) and Business Districts if the applicant can demonstrate that sufficient off-street and on-street parking (public or private) exists that may adequately fulfill, in part or in whole, the parking needs of the applicant, or that special circumstances exist, such as the shared use of a parking lot by activities having different peak demand times as determined by the standards below. No commercial parking is required in the VCN-GDG-NDTV and NSV-VC districts for by-right projects only.

A. Purpose.

1. To establish parking policies that support human-scaled environments.
2. To minimize the impact of sidewalk interruptions and conflict points on the walkability of the public realm.
3. To minimize excessive and inefficient off-street parking lots that result in lost opportunities to develop new buildings that expand business and the tax base.
4. To encourage the use of public transportation, bicycling, and walking in lieu of motor vehicle use when a choice of travel mode exists.

B. Off-Street Parking Requirements. The minimum number of off-street parking spaces required for residential, commercial, and mixed uses in the VCN and B shall be consistent with the requirements on Table 2 below. Where a use is not addressed on Table 2, then such use will be consistent with the requirements of Table 1 in Section 760.6. Outdoor seating cafes and accessory buildings are exempt from off-street parking requirements at the discretion of the Planning Board. The VCN-GDG-NDTV and NSV-VC districts do not require any off-street parking for the ground floor commercial uses for by-right projects only.

TABLE 2 - OFF-STREET PARKING STANDARDS FOR MIXED USE DISTRICTS	
Commercial and Mixed Use	Required Parking Spaces
Retail Business, Commercial or Personal Service Establishment	1 space per 400 square feet
General Office or Retail in Mixed Use Buildings	1 space per 500 square feet
Medical or Dental Office or Clinic	5 spaces/doctor or dentist within a single office or suite
Restaurant	1 space for each 4 seats
Residential Use	
S.F. Attached Unit or Cottage Unit	1.5/DU with 2 bedrooms or less; and 2/DU with 3 bedrooms or more located within 300 feet of the Dwelling Unit
1-bedroom unit in Mixed-Use or Multi-Family Building	1 space
2-bedroom unit in Mixed Use or Multi-Family Building	1.5 spaces
3 or more bedroom unit in Mixed Use or Multi-Family Building	2 spaces

C. Parking Reduction Methods. By Special Permit, the Planning Board may decrease off-street parking requirements in Table 2 under the following conditions:

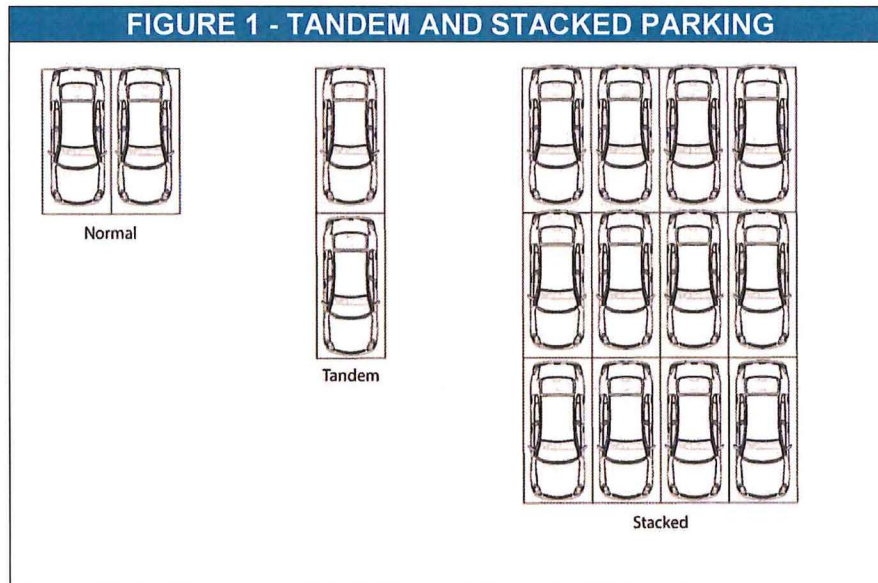
1. On-Street Parking Off-Set. Parking spaces required to meet the minimum off-street parking requirements of Table 2 may include publicly available on-street parking spaces along the building lot frontage on the same side of the street.
2. Shared Parking and Mixed Use.
 - a) When there is a combination of uses on-site using shared parking lots with offset peak demand times under one or more of the following-conditions: a shared parking agreement with proximate properties where uses have offset peak demand times; uses have a high rate of parking turnover; or evidence of similar uses and location situations operating successfully with lower amounts of parking.
 - b) In Commercial or Mixed-Use Buildings or Developments where shared parking is proposed, the Planning Board may require an evaluation prepared by the applicant following the procedures of the Urban Land Institute (ULI) Shared Parking Manual (latest edition) or the Institute of Transportation Engineers (ITE) Shared Parking Guidelines (latest addition), or other approved procedures determined by the Planning Board.
 - c) A formal parking evaluation may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal.
3. Car-Sharing Program. The Planning Board may approve a parking reduction where an active car-sharing program is made available to residents and/or employees of a Development Site; and where cars for the car-share program are available on the site or within a 700-foot walking distance of the site.
4. Off-Site Parking. The Planning Board may allow required parking to be provided off-site, except for any required handicapped parking, as permitted according to the provisions of and when conforming to the following:
 - a) A lot featuring the off-site parking must be located within seven hundred (700) feet in walking distance, measured from the nearest point of the off-site parking along walkways to the principal building entrance served;
 - b) Pedestrian access between the use and the off-site parking area must be via paved sidewalk or walkways; and
 - c) A lease, recorded covenant, or other comparable legal instrument, executed and filed with the Town of Scituate, guaranteeing long term use of the site containing the off-site parking area is provided to the Planning Board.

D. Special Parking Types and Standards.

1. Stacked and Valet Parking. By Special Permit, the Planning Board may allow valet or stacked parking if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, a written guarantee must be filed with the Town ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces continue to apply

for stacked parking. Valet and stacked parking spaces do not require individual striping and may be permitted on-site or off-site as a means of satisfying the applicable off-street parking requirements where:

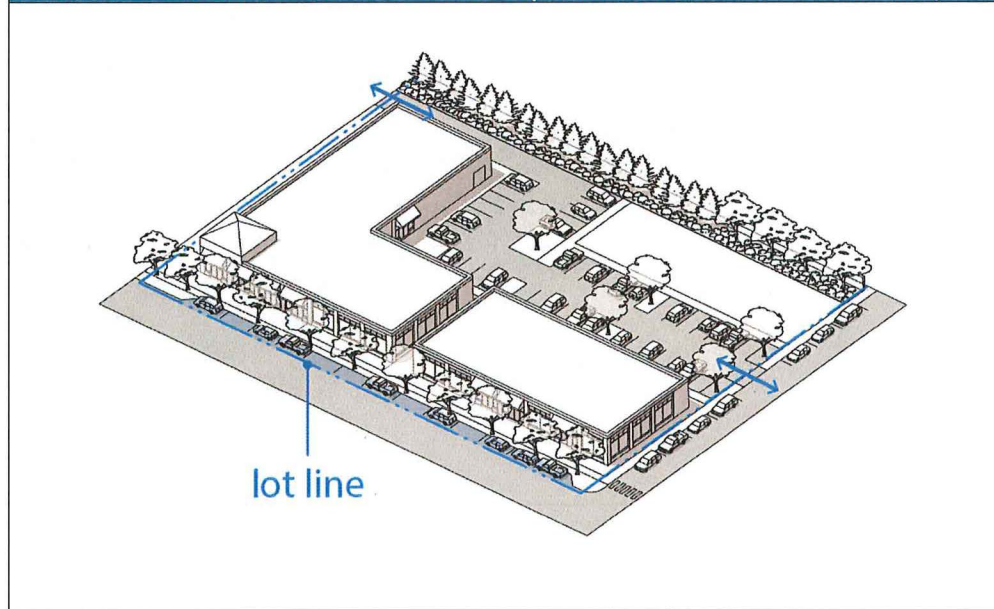
- a) Adequate assurance of the continued operation of the valet parking is provided.
 - b) An equivalent number of valet spaces are available to replace the number of required off-street parking spaces.
 - c) The design of the valet parking area will not cause queuing in a vehicular travel lane.
 - d) An attendant is provided to park vehicles during business hours.
2. Tandem Parking. By Special Permit, the Planning Board may allow tandem parking under the following conditions:
- a) To be used to meet parking requirements for residential units only.
 - b) Tandem spaces shall be assigned to the same dwelling unit.
 - c) Tandem parking shall not be used to provide guest parking.
 - d) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 30 feet in length.
 - e) Up to 75% of the total off-street parking spaces provided may incorporate tandem parking.



3. Street Side Parking. By Special Permit, the Planning Board may allow parallel or angled parking provided on a privately-owned lot directly adjacent to the public street right-of-way in combination with a minimum five (5) foot wide planting strip with street trees planted 40 feet on center, and a five (5) foot minimum concrete sidewalk connecting to public sidewalks on abutting lots and to the primary

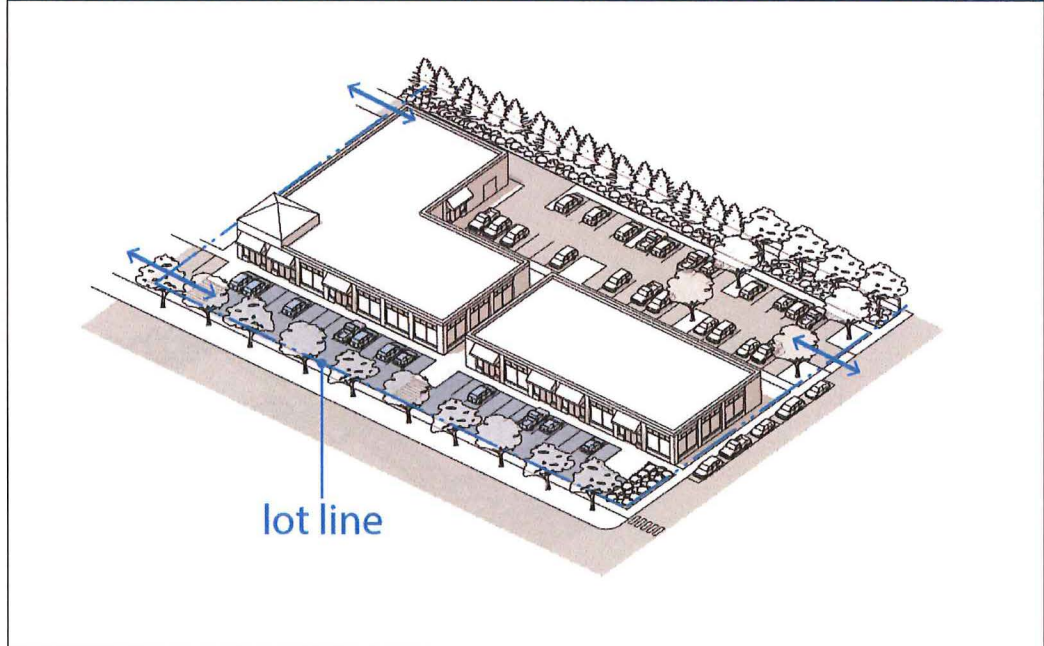
building on-site. These parking spaces shall be privately owned but accessible to the public. These parking spaces were effectively function as on-street parking.

FIGURE 2 - STREET SIDE PARKING (ON FRONT PROPERTY LINE)



4. Teaser Parking. By Special Permit, the Planning Board may allow a limited amount of off-street surface parking to be placed between a public street and the street facing façade of a primary building. Where this is permitted by the Planning Board, the parking area will be setback a minimum of twenty (20) feet from the street line and streetscape treatments including street trees, landscaping, and a minimum 5-foot sidewalk will be placed adjacent to the street line. The sidewalk shall also be connected to the front door of the primary building by a dedicated pedestrian connection. The portion of the parking lot located in front of the primary building shall be limited to one (1) double row of vehicles and associated parking aisle.

FIGURE 3 – TEASER PARKING (IN FRONT OF PRIMARY BUILDING)



E. Structured Parking.

1. Permitted Types. Off-street parking structures may include a private garage or carport, an above-ground parking structure, or an underground parking structure.
2. Access. Pedestrian access to structured parking shall be made directly to the primary building and may be made to a public sidewalk as applicable. Structured parking may also be attached directly to the primary building allowing pedestrians to enter directly into the building.
3. Design and Construction. Where a structured parking facility is visible from a public way, the façade design of the visible façade(s) must be designed as follows:
 - a) Fenestration and facade openings must be vertically and horizontally aligned and all floors fronting on the facade must be level (not inclined).
 - b) The facade must include windows of transparent or translucent, but non-reflective, glass or openings designed to appear as windows for between twenty percent (20%) and fifty percent (50%) of the wall area of each floor.
 - c) Windows must be back-lit during evening hours and internal light sources must be concealed from view from public sidewalks.
 - d) The facade area masking the floors occupied by motor vehicle parking must be seamlessly integrated into the architectural design of the building's facade.

F. Parking Design Standards. In addition to the parking standards in Section 760, the following standards apply:

1. Parking Setbacks.
 - a) In the VCN all off-street parking, except underground structured parking, shall be located at or behind the required parking setback as indicated in Section 580.

imposed by the Planning Board be secured by a type and amount of security satisfactory to the Planning Board.

770.9 APPLICABILITY OF APPROVAL REQUIREMENTS

For the purpose of this section, the following uses shall be considered as business or commercial uses, and all buildings designed, arranged or constructed for or occupied by, one or more such uses shall be considered as business or commercial buildings:

- A. Any of the uses permitted in B or VCN District, but not permitted in R-1, R-2, or R-3 Districts (with or without Board of Appeals authorization).
- B. Any of the following R-1, R-2, or R-3 District uses, when located in a B or VCN District:
 - 1. Nursery school or other agency for day care of children, or private organized camp.
 - 2. Rest home, convalescent home, nursing home or assisted living facility.
 - 3. Commercial livery or mooring for marine pleasure craft.
 - 4. Commercial golf course
 - 5. Riding academy on lots of less than five acres of land
 - 6. Boarding or Lodging House, Inn or Bed and Breakfast Establishment
 - 7. Salesroom or stand for the display and sale of agricultural and horticultural products, or commercial greenhouse on lots of less than five acres of land.
- ~~C. An apartment house, garden apartment building or other multiple dwelling for residential use by more than two families.~~
- C. Multi-family dwellings are subject to Site Plan Administrative Review and Major Site Plan Review as would be required for business and commercial uses.

SECTION 800 - NON CONFORMING STRUCTURES AND USES

810

STRUCTURES AND USES ALREADY IN EXISTENCE

810.1 EXISTING USES AND STRUCTURES

Any lawful structure or any lawful use of land or structure, existing in whole or in substantial part as of the effective date of this bylaw or any amendment thereto, subject to the limitations established in Massachusetts General Laws, Chapter 40A, Section 6, as amended, or any construction or operation for which a building or other permit has been issued prior to the effective date of this bylaw or any amendment thereto may be continued, although not in conformity with the provisions thereof, unless or until abandoned or not used for a period of four years or more, except that this time limit may

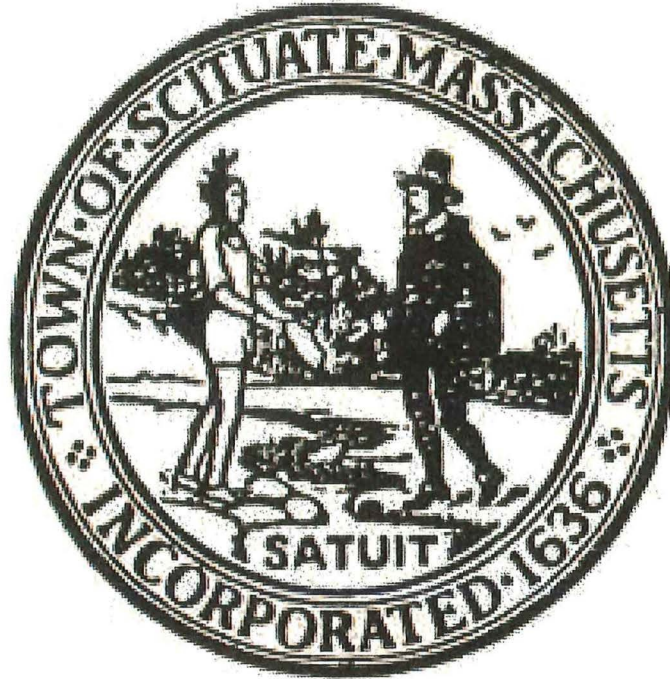
be waived by the Zoning Board of Appeals by means of a special permit and/or finding. Modifications to structures or uses of land or structures lawfully existing as of the effective date of this by law, April 11, 2022, shall be governed by the following subsections with the further provisions that no 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 shall, if changed to a conforming use, revert to a nonconforming use.

810.2 ALTERATION OF NONCONFORMING STRUCTURES

The Building Commissioner may permit the repair, alteration, reconstruction, extension or structural change of a lawful, dimensionally nonconforming structure, or a portion thereof, or accessory structures thereto, provided the proposed repair, alteration, reconstruction, extension or structural change meets the following conditions:

- A. In the case of a structure which is nonconforming solely because of insufficient lot frontage or lot area, or both, the proposed repair, alteration, reconstruction, extension or structural change shall meet all dimensional requirements for front, side and rear yard setbacks, and maximum height; provided, that any repair, alteration, reconstruction, extension or structural change which by itself or in the aggregate with other repairs, alterations, reconstructions, extensions or structural changes would increase the gross floor area of the nonconforming structure which existed on the date that the structure became nonconforming by more than 20% may not be permitted by the Building Commissioner pursuant to this paragraph.
- B. In the case of a dimensionally nonconforming structure with sufficient lot frontage and lot area, where said structure or a portion thereof is nonconforming as to one or more of the dimensional requirements for front, side or rear yard setbacks or maximum height, the proposed repair, alteration, reconstruction, extension or structural change shall meet all dimensional requirements for front, side, or rear yard setbacks or maximum height; provided, that any repair, alteration, reconstruction, extension or structural change which by itself or in the aggregate with other repairs, alterations, reconstructions, extensions or structural changes would increase the gross floor area of the nonconforming structure which existed on the date that the structure became nonconforming by more than 20% may not be permitted by the Building Commissioner pursuant to this paragraph.
- C. In all other instances of alteration, reconstruction, extension or structural change to structures governed by this bylaw, the applicant may petition the Board of Appeals for a finding under General Laws Chapter 40A, Section 6 to allow the proposed repair, alteration, reconstruction, extension or structural change, which the Board may grant if the Board finds the proposed repair, alteration, reconstruction, extension or structural change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The repair, alteration, reconstruction, extension or structural change of such nonconforming structure so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard setback, shall require the issuance of a variance from the Board of Appeals.

ZONING BYLAWS



Town of Scituate Massachusetts

Including changes approved by XXXX Annual Town Meeting
Approved by the Attorney General on XXXX

RECEIVED
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SECTION 100 - PURPOSE

110 OBJECTIVES

The purpose of this bylaw is to achieve the objectives of the Zoning Act, Massachusetts General Laws, Chapter 40A as amended, as presented in Section 2A of Chapter 808 of the Acts of 1975, which include the following:

- (1) to conserve health;
- (2) to secure safety from fire, flood, panic and other dangers;
- (3) to provide adequate light and air;
- (4) to prevent overcrowding of land;
- (5) to avoid undue concentration of population;
- (6) to conserve natural resources;
- (7) to prevent blight and pollution of the environment; and
- (8) to encourage the most appropriate use of land.

120 AUTHORITY

This bylaw is adopted for the above purpose under the authority provided by, and in accordance with the provisions of Massachusetts General Laws Chapter 40A.

SECTION 200 - DEFINITIONS

ACCESSORY DWELLING

An accessory dwelling is a separate housekeeping unit, complete with its own sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single-family dwelling, a structure accessory thereto, or a business structure, but functions as a separate unit.

ACCESSORY USE

Either a subordinate use of a structure or tract of land, or a subordinate structure:

- (1) Which use is customary in connection with the principal structure or use of land, and
- (2) Which use is clearly incidental to the use of the principal structure or use of land, and
- (3) Which is located on the same lot with the principal structure or use of land, or on a lot adjacent to such lot, if part of the same premises, and
- (4) Which does not constitute, in effect, a conversion of the principal use of the premises to one not permitted in the district.

AFFORDABLE ACCESSORY DWELLING

An accessory dwelling that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing under applicable state regulations and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

AFFORDABLE HOUSING

A dwelling unit that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing under applicable state regulations and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

AFFORDABLE UNIT

A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.

AGRICULTURAL USE

Agricultural use shall not include cultivation of marijuana for any purpose, with the exception of personal cultivation by qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, adopted May 8, 2013, or except as otherwise allowed under Massachusetts General Laws Chapter 40A, Section 3.

APPLICANT

A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

AREA MEDIAN INCOME (AMI)

The median family income for the metropolitan statistical region that includes the Town of Scituate as defined by the U.S. Department of Housing and Urban Development (HUD).

AS-OF-RIGHT SITING

As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the building commissioner. **(Definition voted Special Town Meeting November 8,2010)**

ASSISTED LIVING FACILITY

Independent residential dwelling units containing a combination of central cooking and dining facilities capable of providing three meals per day for residents, central recreational programs and facilities, and providing to all residents specified medical services which must include, but are not limited to, nursing and dietary assistance.

BED AND BREAKFAST ESTABLISHMENT

A dwelling which includes the renting of rooms at a daily rate (whether or not billed or paid daily), wherein the rental rate includes a breakfast meal in the daily rate, and wherein the owner or operator maintains a place of principal residence. Hotels, motels, inns and lodging houses (or boarding houses) are not classified as bed and breakfast establishments.

CIVIC AND COMMUNITY BUILDING

A building located and designed to accommodate public or civic uses such as a neighborhood center and similar public gathering facilities and spaces. Community Buildings may be privately owned and operated as an accessory building and amenity for residential and mixed use developments.

CLUB OR LODGE

Country club, yacht club, lodge building, or other nonprofit social, civic or recreational use (but not including any use the chief activity of which is one customarily conducted as a business).

CMR

Code of Massachusetts Regulations.

COMMERCIAL SERVICE ESTABLISHMENTS

Establishments that provide services primarily to residents as opposed to businesses, such as but not limited to barber or beauty shop, laundromat, bicycle repair and cleaning, dancing or music school, funeral home, medical or dental office, photographic studio, shoe repair shop, custom work by a dress maker, milliner or tailor, television or household appliance repair shop, typewriter or computer repair shop; dry cleaner.

COMMUTER RAIL STATION.

Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.

COMMERCIAL KENNEL

A single premises on which are kept four or more dogs over the age of three months which is maintained as a business for the boarding of dogs, the grooming of dogs, or one which sells dogs born and raised on the premises from four or more litters per year.

COTTAGE AND COTTAGE COURT

A cottage is a small single-family detached dwelling with narrow massing. Cottages are limited to a maximum unit size of 1,400 GFA; a maximum height of 1.5 stories and 20 feet; and one (1) dwelling unit per building. They are only permitted on separate lots or part of a Cottage Court where the front elevation of each unit is positioned along and oriented to a common open space. Each unit in a Cottage Court shall be included in a homeowners association and shall be responsible for common parking areas, gardens, open space, buildings, and other shared amenities. Cottages are not allowed accessory dwelling units.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The agency of the Commonwealth of Massachusetts charged with regulating water quality, allocation, and drinking water supply management. Also referred to herein as "DEP" and "the Department".

DISCHARGE

In connection with toxic or hazardous materials or hazardous waste, the accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or groundwaters.

DWELLING

Any building or part thereof erected or used for occupancy as a place of continuous residence for an individual or family or designed for such occupancy, on a site intended as the permanent location of such building. This definition does not include a trailer, however mounted.

EOHLC

The Executive Office of Housing and Livable Communities, or any successor agency.

EXISTING STRUCTURE (OR USE)

A structure (or use) which exists in fact on the date of application for review under this bylaw.

FAST FOOD ESTABLISHMENT

An establishment in which 40% or more of its annual sales (projected or actual) are derived from the sale of food and beverages in a ready-to-consume state directly to a customer from a servicing counter for consumption off the premises or for consumption on premises if said food or beverage is served in single service or disposable containers.

FLEX SPACE/FABRICATION BUILDING

A building located and designed to accommodate a small to medium footprint for fabrication and light industrial uses. Flex buildings are also used to provide affordable space to small and creative business enterprises.

GAS BACKWARDS BUILDING

This building type reverses the conventional site layout for gas stations with convenience stores by placing the storefront along the street line and the gas pumps and canopy behind. This reverse layout orients the building to the street and sidewalk, screens glare from the gas pumps and canopy, and pulls the curb-cuts away from the intersection, creating safer access for drivers and pedestrians.

GENERAL COMMERCIAL BUILDING

A variable floor plate building type that typically accommodates a variety of ground floor commercial uses and upper office uses at the scale that is compatible and complementary to its given district. Residential uses are not permitted in General Commercial Buildings.

GROSS FLOOR AREA

The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

HABITABLE ATTIC

An attic in which the ceiling area at a height of 7 1/3 feet above the attic floor is not less than 1/3 the area of the floor next below. A habitable attic constitutes a story for the purposes of this bylaw.

HAZARDOUS MATERIAL

Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste or oil. 3, 4

HAZARDOUS WASTE

A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an

increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

HEIGHT

The distance measured vertically from the average finished grade of the ground adjoining a building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs except that in residential zoning districts, there shall also be a maximum height measured from the average finished grade to the ridge for a building with a gable, hip or gambrel roof.

In connection with elevation of an existing structure above the Base Flood Elevation as determined by the current National Flood Insurance Rate Maps, the vertical distance between the sill and the ridge of the roof shall not be increased, but the height of the structure as measured from the average surrounding grade may exceed the maximum building height as defined in this bylaw as long as there is no increase in the number of bedrooms or net floor area, and as long as the height of the structure does not exceed fifty feet.

HOTEL OR MOTEL

A building or group of buildings containing more than ten guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, dining room, or related consumer and retail services may be provided within the building or buildings.

IMPERVIOUS SURFACE

Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, driveways), roof tops, swimming pools, patios, and paved, gravel and compacted dirt surfaced roads.

INN

A dwelling whose use includes the renting of rooms at a transient daily rate (whether or not billed or paid daily), and wherein a dining room serving meals in addition to breakfast, only to registered guests, is operated on the premises, and wherein the owner or operator may or may not maintain a place of principal residence.

LARGE SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION

A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. **(Definition voted Special Town Meeting November 8, 2010)**

LIGHT MANUFACTURING

Manufacturing, processing or assembly provided that such use is not dangerous to the neighborhood through fire, explosion, emission of wastes or other cause, and provided further that such use is not likely to create excessive noise, vibration, dust, heat, smoke, fumes, odor or glare.

LIVE/WORK BUILDING

A small floor plate attached residential building type with one (1) dwelling unit and one (1) ground floor commercial unit. Live/Work units shall be occupied by the owner of the building and the commercial operation.

LOCAL INITIATIVE PROGRAM

A program administered by the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) to develop and implement local housing initiatives that produce low- and moderate-income housing.

LODGING HOUSE (OR BOARDING HOUSE)

A dwelling whose use includes the renting of rooms at a prearranged or contractual weekly, monthly or annual rate, whether or not meals are included in the rate, and wherein the owner or operator maintains a place of principal residence. Hotels, motels, inns and bed and breakfast establishments are not classified as lodging or boarding houses.

LOT

A single or continuous parcel of land with definite boundaries, held in the same ownership throughout and not divided by a street.

LOT FRONTAGE

That portion of a lot fronting upon and having rights of access to a way providing legally sufficient frontage for a division of land under the requirements of Massachusetts General Laws Chapter 41, Section 81L, to be measured continuously along a single street line.

LOT LINE, FRONT

The dividing line between a street and an adjacent lot.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line. In the case of a corner lot, the determination as to the rear yard depth shall be calculated as provided in Section 620.4. For other irregularly shaped lots, the rear lot line is composed of all lot lines that are parallel to, or closely parallel to, the front lot line.

LOT LINE SIDE

Any lot line that is not a front or a rear lot line.

MARIJUANA

Shall include all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana-Infused Products except where the context clearly indicates otherwise.

MARINA

A facility which provides dockage, berthing, or mooring for more than five vessels and may also provide the services of a vessel service area.

MAXIMUM AFFORDABLE RENT

Monthly rent, exclusive of utilities, that does not exceed 30% of the monthly income of a household earning 70% of area median income based on household size, except that if the dwelling unit receives a state, federal or local subsidy, the maximum rent may be as allowed by the subsidy program so long as the tenant share of rent does not exceed 30% of the monthly income.

MANDATORY MIXED-USE DISTRICT

A district where development is required to contain a mix of residential uses and non-residential uses, including commercial, institutional, or other uses.

MBTA

Massachusetts Bay Transportation Authority.

MICROBREWERY

An entity where up to 15,000 barrels (1 barrel=31 gallons) of beer is made annually and prepared for sale, both on premise and wholesale to other establishments. Microbreweries are licensed by the United States Alcohol and Tobacco Tax and Trade Bureau (TTB) as well as the Commonwealth of Massachusetts Alcoholic Beverages Control Commission (ABCC) to produce and sell beer and/or ale. A Microbrewery sells to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tap-room sales. (Definition voted Special Town Meeting November 2, 2015)

MIXED USE DEVELOPMENT

An existing or proposed structure or group of structures containing retail, office and/or residential uses, and including one or more mixed use buildings. A mixed use development may include buildings containing only multiple dwellings as long as there is an existing or proposed mixed use building on the same lot.

MIXED USE BUILDING

A building that typically accommodates a variety of ground floor commercial uses and upper residential and office uses at a scale that is compatible and complimentary to its given district.

MULTI-FAMILY DWELLING/MULTI-FAMILY BUILDING

A building containing more than two dwelling units, exclusive of accessory dwellings, and not classified as a one or two-family dwelling, and containing only residential uses and uses accessory to them.

NON-SANITARY WASTEWATER

Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).

ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION

A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur. **(Definition voted Special Town Meeting November 8,2010)**

PARKING SPACE

An area for the parking of one motor vehicle, with free and unimpeded access to a street over unobstructed passageways or driveways.

PAVING

A uniform, hard, smooth covering which will bear travel by vehicles or by pedestrians in all seasons, or which is used in conjunction with certain sports or recreational activities. It includes concrete, bituminous concrete, oil-penetrated gravel, brick and paving stone, but shall not include such materials as gravel, crushed clamshells or any other similar material

PERSONAL WIRELESS SERVICE FACILITY

Any facility for the provision of personal wireless services, such as an antenna, dish, tower, monopole or similar equipment.

PERSONAL WIRELESS SERVICES

All forms of wireless communication included in this definition in the federal Telecommunications Act of 1996, including commercial mobile radio services, unlicensed wireless services, common carrier wireless exchange services and other forms of wireless communication of a similar nature. Common carrier wireless exchange services include cellular telephone services, personal communications systems and paging services, wireless computer networking, wireless Internet access and wireless communication services of a similar nature.

PRE-EXISTING NONCONFORMING STRUCTURE (OR USE)

An existing structure (or use) which also existed on the effective date of the original amendment to the bylaw which made the existing structure (or use) nonconforming.

PRIVATE GARAGE

A building or building appendage that is accessory to a main building, providing for the storage of automobiles and in which no occupation or business for profit is carried on and which is enclosed on all four sides.

QUALIFIED RENTER

A household with income at or below 80% of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Scituate as determined annually by the U. S. Department of Housing and Urban Development (HUD) that rents and occupies an affordable accessory dwelling unit.

RADIOFREQUENCY ENGINEER

An engineer specializing in electrical or microwave engineering, especially the study of radiofrequencies.

RADIOFREQUENCY RADIATION

A form of energy emitted in the course of wireless communications.

RATED NAMEPLATE CAPACITY

The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC). **(Definition voted Special Town Meeting November 8,2010)**

REGISTERED MARIJUANA DISPENSARY

Any registered marijuana dispensary, defined under state law as a not-for-profit entity (as defined by Massachusetts law only), that acquires, cultivates, possesses, processes (including

development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

REST, NURSING OR CONVALESCENT HOME

An institution licensed and regulated by the State and Federal government which provides for its residents three meals per day, assistance with daily living activities, social, psychological and educational programs, twenty-four hour supervision, and nursing and other medical care as appropriate. Other support and rehabilitation services may include, but are not limited to, an adult day care or respite facility to provide short-term custodial care to individuals with special needs.

RESTAURANT

A building or portion thereof containing a kitchen and tables and/or booths which is used for the preparation, sale and consumption of food on the premises, and which may include outdoor seating for patrons.

RETIREMENT LIVING FACILITY

A residential housing facility which contains independent, private living accommodations which are restricted to persons fifty-five years of age or older.

SCIENTIFIC ACCESSORY USE

Uses, accessory to activities permitted as a matter of right, which are accessory in connection with scientific research or scientific development or related production, whether or not on the same parcel as the activities to which said uses are accessory.

SIGN

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, or trade names or trademarks by which anything is made known, either attached to the exterior of a building or freestanding, used to identify the building, use of land or services sold or conducted within the confines of the lot on which it is located, and which is visible from a public street or right-of-way. For the purposes of this bylaw, this definition shall not include the display of street numbers.

SINGLE-FAMILY DETACHED DWELLING

A building containing one dwelling unit and allowed accessory uses.

SINGLE-FAMILY ATTACHED DWELLING

A small footprint attached single family residential building having narrow massing, which may be located on individual or common lots. Each unit is separated horizontally by a common wall and groups of buildings may be separated by a common driveway or community space. Townhouses and Rowhouses are common types of Single-Family Attached Dwellings.

STORY

That part of a building between any floor and the next higher floor or lower roof line. Where a building is not divided into stories, a story shall be considered fifteen feet in height. The first story for the purposes of determining building height shall be the lowermost story with more than 60% of the wall surfaces enclosing that story above the natural grade. A habitable attic constitutes a story for the purposes of this bylaw.

STREET OR WAY

Any street or way providing legally sufficient frontage for a division of land under the requirements of General Laws Chapter 41, Section 81L.

SUBSIDIZED HOUSING INVENTORY

The Executive Office of Housing and Livable Communities Subsidized Housing Inventory provided in state regulations.

SUB-DISTRICT

An area within a broader zoning district that is geographically smaller than the overall zoning district and differentiated from the rest of the district by use, dimensional standards, or development standards.

SUBSTANTIAL IMPROVEMENT

External alteration or enlargement of a building or structure which does not change its use to a nonconforming use and which will impact an area of the structure greater than twenty-five percent of the existing gross square feet or twenty-five percent of the existing footprint. This definition shall exclude repairs or improvements to a structure to comply with existing state or local health, safety or sanitary code specifications which are necessary to assure safe living conditions. The determination of substantial improvement shall be made by the Building Commissioner.

TEMPORARY OUTDOOR SALES

Any outdoor sales activity which by its nature will begin and end within a period of 180 days or less, including but not limited to festivals, seasonal and holiday sales and sidewalk sales.

TRAILER

A structure built on a chassis to be moved from site to site, whether used with or without a permanent foundation.

TREATMENT WORKS

Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

TRIBUTARY

Tributary means any body of running, or intermittently running, water which moves in a definite channel, naturally or artificially created, in the ground due to a hydraulic gradient, and which ultimately flows into a Class A water source, as defined in 314 CMR 4.05(3)(a).

TWO-FAMILY DWELLING

A building containing two dwelling units and allowed accessory uses per unit.

UTILITY WORKS

Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance activities. This term shall include the installation of detention and retention basins for the purpose of controlling storm water.

WIND ENERGY CONVERSION SYSTEM (WECS)

A mechanical or electro-mechanical system for the conversion of wind power into useful energy. It includes both horizontal and vertical rotating mechanisms, the supporting tower and energy transmitting conductor or shaft.

WIRELESS COMMUNICATION

A form of communication by a signal sent through the air which does not use wires for transmission. Wireless communications include radio, television and personal wireless services.

WIRELESS COMMUNICATION ANTENNA

An antenna installed for the primary purpose of transmitting and receiving wireless communication signals, including all surfaces from which wireless communications are sent or received.

WIRELESS COMMUNICATION TOWER

A structure such as a lattice tower, guyed tower or monopole, designed and constructed for the primary purpose of supporting wireless communication antennas.

ZONE A

a) The land between a surface water source and the upper boundary of the bank; b) The land area within a 400 foot lateral distance from the upper boundary of a Class A surface water source, as defined in 314 CMR 4.05(3)(a) or c) The land area within a 200 foot lateral distance from the upper boundary of the bank of a tributary or associated water body.

ZONE II

The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.7

210 INTERPRETATION

Terms not defined in this Section or elsewhere in this bylaw but defined in the State Building Code shall have the meanings given in the State Building Code.

SECTION 300 - ESTABLISHMENT OF DISTRICTS

310 TYPES OF DISTRICTS

For the purpose of this bylaw, the Town of Scituate is hereby divided into the following designated districts:

"R-1"	Residence 40,000 sq. ft.
"R-2"	Residence 20,000 sq. ft.
"R-3"	Residence 10,000 sq. ft.
"B"	Business
"D"	Saltmarsh and Tideland Conservation
"F"	Flood Plain and Watershed Protection (overlay)
"WRPD"	Water Resources Protection District (overlay)
"RC"	Residential Cluster District (overlay)
"WCD"	Wireless Communication District (overlay)
"VBOD"	Village Business Overlay District (overlay)
"HVRD"	Humarock Village Residential Overlay District (overlay)
"VCN"	Village Center & Neighborhood District

Mandatory Mixed-use Districts include GDG-NDTV and NSV-VC

Greenbush-Driftway Gateway District (GDG)

Gateway Business Subdistrict (GDG-GWB)
Greenbush Village Center Subdistrict (GDG-GVC)
New Driftway Transit Village Subdistrict (GDG-NDTV)
Driftway Business Park Subdistrict (GDG-DBP)
North River Residential Neighborhood (GDG-NRN)
Driftway Conservation & Recreation District (GDG-DCR)
North River Conservation & Recreation Subdistrict (GDG-NRCR)

North Scituate Village (NSV)

Village Center (NSV-VC)
Outer Village (NSV-OV)

320 LOCATION OF DISTRICTS

All districts now existing except the Flood Plain and Watershed Protection District, Water Resources Protection District including its Zone A and Zone II Subdistricts, Residential Cluster District, Wireless Communication District, Village Business Overlay District, Humarock Village Residential Overlay District, and Village Center and Neighborhood District, which are further described below, now existing or hereafter adopted shall be located and bounded as shown on a map entitled Zoning District Map, Town of Scituate, Massachusetts, by Amory Engineers P.C. with revisions by Dodson & Flinker, Inc. and dated April 8, 2019 approved by Town Meeting on April 9, 2019 and filed in the office of the Town Clerk, which map, together with all explanatory matter thereon and all subsequent amendments adopted by Town Meeting is hereby

RESIDENTIAL CLUSTER DISTRICT

The district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 510.

WIRELESS COMMUNICATION DISTRICT

This district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 540.

VILLAGE BUSINESS OVERLAY DISTRICT

This district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 560.

HUMAROCK VILLAGE RESIDENTIAL OVERLAY DISTRICT

This district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 570.

VILLAGE CENTER & NEIGHBORHOOD DISTRICT

This is a base district with the primary purpose of allowing traditional patterns of development with mixed use and pedestrian oriented buildings and streetscapes. Its applicability and definition are outlined in Section 580.

350 DISTRICT BOUNDARIES

Whenever a road, way, right-of-way, any pond, stream, river, swamp, bog, marsh or other body of water or comparable natural or quasi-natural geographic features are shown on the Zoning Map as the boundary between districts of different zoning, the geographic district boundary shall be on the center line of such feature. Any such feature lying totally within a designated zone shall be zoned as the other land around it. No part of the land or water area within the town shall be unzoned.

SECTION 400 - USE REGULATIONS

410 APPLICATION OF REGULATIONS

Except as provided in Sections 800, 810, 820, and 830 herein, no structure, and no alteration, enlargement or extension of an existing structure shall be designed, arranged or constructed, and no land, structure or part thereof shall be used for any purpose or in any manner other than for one or more of the uses specifically permitted herein.

In the following Table of Use Regulations, uses which are permitted as of right are designated "Y", uses allowed by special permit from the Board of Appeals are designated "SP" for all districts except the VCN where the Planning Board shall be the Special Permit Granting Authority, and uses that are prohibited are designated "N".

USE CATEGORY	RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹									
	R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY							NORTH SCITUATE		
					GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV	
1. Residential and Institutional Uses														
A.	Single-family detached dwelling	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N
A.1	Single-family attached dwelling					Y	Y	Y	Y	Y	N	N	N	Y
A.2	Single-family/Cottage and Cottage Court					Y	N	N	Y	N	N	N	N	Y
B.	Two-family dwelling, subject to §430.1	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
C.	Residential Accessory use	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	Y	Y
D.	Accessory dwelling, subject to Section 530	SP	SP	SP	SP	Y	N	N	N	N	N	N	SP	SP
E.	Affordable accessory dwelling, subject to Section 530	See Section 530				Y	N	N	N	N	N	N	SP	SP
F.	Multi-family Dwelling/Multi-family Building	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	Y
G.	Private garage for more than 3 automobiles	SP	SP	SP	Y	Y	N	N	N	N	N	N	SP	N
H.	Garage for commercial vehicles subject to Section 440.2	SP	SP	SP	Y	Y	N	N	N	Y	N	N	N	N
I.	Religious use pursuant to G.L. c.40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
J.	Educational use pursuant to G.L. c. 40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
K.	Town administration or utility building or public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
L.	Town recreation or water supply use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
M.	Child care facility pursuant to G.L. c.40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
N.	Live/Work Building					Y	Y	Y	Y	SP	N	N	Y	Y
O.	Mixed-Use Building					Y	Y	Y	Y	SP	N	N	Y	Y
2. Agricultural, Horticultural, Floricultural Uses														
A.	Agriculture, horticulture, viticulture, aquaculture or floriculture pursuant to G.L. c. 40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
B.	Commercial dairy, poultry or livestock farm on a lot containing three acres or more (but not including a piggery, commercial kennel, or fur farm) provided that any building in which poultry or livestock are housed is not less than fifty feet from side and rear lot lines and the exterior line of any street.	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N
C.	Commercial greenhouse on lot of less than 5 acres; provided that such building and any heating plant accessory thereto is not less than fifty feet from side and rear lot lines and from the exterior of any	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N

¹ Refer to 580.3 and 580.9 for allowed buildings and associated standards within the Village Center Neighborhoods.

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹									
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY							NORTH SCITUATE		
						GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV	
	street.														
D.	Salesroom or stand for the display and sale of agricultural or horticultural products the major portion of which are grown on the premises on lots less than 5 acres; provided that no such products are displayed within thirty feet of any street or lot line.	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N	
E.	Commercial riding academy on a lot containing three acres or more, provided any building in which horses are housed and any riding rings not less than fifty feet from side and rear lot lines and from the exterior line of any street	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N	
3. Commercial Uses															
A.	Private organized camp	SP	SP	SP	Y	N	N	N	N	N	N	N	N	N	
B.	Rest, convalescent, nursing home or assisted living facility	SP	SP	SP	Y	Y	Y	SP	Y	N	N	N	SP	SP	
C.	Cemetery	SP	SP	SP	Y	SP	N	N	N	N	N	N	N	N	
D.	Hospital	SP	SP	SP	Y	N	N	SP	N	SP	N	N	N	N	
E.	Philanthropic or charitable institution	SP	SP	SP	Y	Y	Y	Y	SP	SP	SP	SP	Y	Y	
F.	Public or nonprofit library, museum, art gallery, civic center	Y	Y	Y	Y	Y	Y	Y	SP	Y	SP	SP	Y	Y	
G.	Commercial livery or mooring for marine pleasure craft with no fueling or repair services	SP	SP	SP	Y	SP	SP	N	SP	SP	N	N	N	N	
H.	Commercial golf course	SP	SP	SP	Y	N	N	N	N	N	N	Y	N	N	
I.	Golf range/miniature golf	N	N	N	Y	N	N	N	N	N	N	N	N	N	
J.	Boarding House or Lodging House for more than three persons	SP	SP	SP	Y	SP	SP	N	N	N	N	N	SP	SP	
K.	Bed and Breakfast Establishment of more than two guest bedrooms	SP	SP	SP	Y	Y	Y	Y	SP	SP	N	SP	Y	Y	
L.	Inn	SP	SP	SP	Y	Y	Y	Y	SP	SP	N	SP	Y	Y	
M.	Hotel or motel	N	N	N	SP	SP	Y	SP	SP	SP	N	SP	SP	SP	
N.	Club or lodge	SP	SP	SP	Y	Y	Y	Y	N	Y	N	SP	Y	Y	
O.	Scientific accessory uses	SP	SP	SP	Y	Y	Y	SP	N	Y	N	N	Y	Y	
P.	Retail business (not including any use specifically listed in this table)	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y	
Q.	Showroom for building supplies, including plumbing, heating and ventilating equipment	N	N	N	Y	Y	Y	N	N	Y	N	N	Y	Y	
S.	Shop of a carpenter, cabinetmaker, electrician, job printer, painter paperhanger, plumber, sign painter or upholsterer.	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y	
T.	Restaurant	N	N	N	Y	Y	Y	Y	N	Y	N	SP	Y	Y	
U.	Office building, bank or other monetary institution	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y	

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹									
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY							NORTH SCITUATE		
						GVC	GWB	NDTV	NRN	DBP	NRGR	DCR	VC	OV	
V.	Salesroom for automobiles, boats, trailers, trucks, machinery or farm implements and their accessories.	N	N	N	SP	SP	SP	N	N	SP	N	N	N	N	
W.	Indoor Tennis Facility	N	N	N	SP	SP	SP	N	N	SP	N	SP	SP	SP	
X.	Animal or veterinary hospital	N	N	N	N	SP	Y	SP	N	Y	N	N	SP	SP	
Y.	Meeting hall for hire, indoor theatre	N	N	N	N	Y	Y	Y	N	Y	N	SP	Y	Y	
Z.	Health club, swimming pool tennis court, skating rink, bowling alley	N	N	N	N	SP	Y	SP	N	Y	N	SP	Y	Y	
AA.	Business Accessory Use subject to Section 440.3	N	N	N	Y	Y	Y	N	N	Y	N	N	Y	Y	
BB.	Commercial kennel	N	N	N	N	N	SP	N	N	SP	N	N	N	N	
CC.	Fast food establishment	N	N	N	SP	N	SP	SP	N	SP	N	N	Y	Y	
DD.	Temporary outdoor sales approved by Select Board	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
EE.	Registered marijuana dispensary	N	N	N	N	N	N	N	N	SP	N	N	N	N	
FF.	Microbrewery	N	N	N	SP	SP	SP	SP	N	Y	N	N	SP	SP	
GG.	Marijuana Establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	
4. Industrial Uses															
A.	Establishment for the sale of lumber or other building supplies, heating fuel, livestock feed, ice, fertilizer, or similar materials stored in bulk on the premises (but not including the storage of used or salvaged materials).	N	N	N	N	N	N	N	N	Y	N	N	N	N	
B.	Establishment for repair of trailers, trucks, machinery or farm implements.	N	N	N	N	N	N	N	N	Y	N	N	N	N	
C.	Auto body shop, provided that all work is conducted within a completely enclosed building.	N	N	N	N	N	N	N	N	Y	N	N	SP	SP	
D.	Yard for custom building or repair of boats under one hundred feet in length, boat storage yard.	N	N	N	N	N	N	Y	N	Y	N	N	N	N	
E.	Storage yard or plant for contractor's equipment, storage garage or trucks, trucking yard or terminal.	N	N	N	N	N	N	N	N	Y	N	N	N	N	
F.	Wholesale distribution plant, cold storage plant, material storage yard, or warehouse (but not including the storage of used or salvaged materials or explosives, or the wholesale products, or other inflammables.)	N	N	N	N	N	N	N	N	Y	N	N	N	N	
G.	Soldering or welding shop, shop for light metal fabrication or blacksmith shop, provided that all work is conducted within a completely enclosed building.	N	N	N	N	N	N	N	N	Y	N	N	N	N	
H.	Woodworking mill	N	N	N	N	N	N	N	N	Y	N	N	N	N	

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹								
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY						NORTH SCITUATE		
						GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV
I.	Commercial bakery or dairy products plant	N	N	N	N	N	N	N	N	Y	N	N	N	N
J.	Light manufacturing	N	N	N	N	N	N	N	N	Y	N	N	N	N
K.	Use accessory to allowed industrial use	N	N	N	N	N	N	N	N	Y	N	N	N	N
L.	Large scale ground mounted solar photovoltaic installation and appurtenant structures	N	N	N	N	N	N	N	N	Y	N	N	N	N
M.	Flex Space/ Fabrication Building	N	N	N	Y	Y	Y	Y	N	Y	Y	N	Y	SP

430.1 RESIDENTIAL USES

Not more than one single family dwelling shall be located on any lot except where provided for single-family attached dwellings and cottage courts in Section 580 and accessory dwellings in Section 530. Two family dwellings must be located on a lot containing an area not less than two times that required for the erection of a single-family dwelling in the same district except where provided for under Section 580.

430.2 RESIDENTIAL ACCESSORY USE

A. Residential Accessory Use is defined and limited as follows:

1. Private garage for not more than three automobiles, not more than one of which shall be a commercial vehicle.
2. Private greenhouse, stable, tool shed, playhouse, tennis court, boat house, or other similar structure for domestic storage or use.
3. The keeping of animals, livestock or poultry for personal enjoyment or household use.
4.
 - a. The operation of a lodging house or boarding house (but not a hotel, motel, inn or bed and breakfast establishment) for not more than three persons, regardless of the number of rooms.
 - b. The operation of a bed and breakfast establishment (but not a hotel, motel or inn) of not more than two guest bedrooms.
5. The use of room or rooms in a dwelling or building accessory thereto by a person resident on the premises as an office, studio or workroom for a home occupation, provided that
 - a. Such use is clearly incidental and secondary to the use of the premises for dwelling purposes.
 - b. Not more than one person other than residents of the premises is regularly employed thereon in connection with such use.
 - c. No stock in trade is regularly maintained.
 - d. No offensive noise, vibration, smoke, dust, odor, heat or glare is produced.
 - e. There is no exterior display and no exterior sign, except as hereinafter permitted.
 - f. There is no exterior storage of material or equipment (including the exterior parking of commercial vehicles, except as, otherwise permitted herein) and no other exterior indication of such use or variation from the residential character of the premises.

6. The storage or parking of one ungaraged commercial vehicle of not more than one ton capacity.

440.1 SCREENING OF COMMERCIAL USES

Any business or commercial use conducted outside a completely enclosed building (including storage, accessory parking of commercial vehicles, and service of manufacturing operations) shall, if visible at normal eye level from any point within the R-1, R-2, or R-3 Districts and less than one hundred and fifty feet distant shall be completely screened from such view except where separated from said districts by a railroad, or by a public or private way having a width of forty feet or more. Screening required under this paragraph shall be by an evergreen planting, fence, or other suitable visual barrier.

440.2 REGISTERED MARIJUANA DISPENSARIES

The zoning of Registered Marijuana Dispensaries in the Town of Scituate shall be governed in accordance with this section.

- A. Purpose. The purpose of this section is to regulate the locations for Registered Marijuana Dispensaries which serve a legitimate need for human health, in order to minimize any potential adverse impacts on residents of the Town, including impacts on residential neighborhoods and incompatible land uses, children and vulnerable populations.
- B. Applicability. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited except as permitted under this Section, except for personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, adopted May 8, 2013.

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Registered Marijuana Dispensary.

In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any other use, other than personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000.

- C. Procedures.
 1. Applications. Applicants for special permits under this section shall include the following information with the application:

580.1 PURPOSE AND INTENT

The purpose of Section 580 is to facilitate building renovation and new development that is compatible with the historic character and settlement patterns of Scituate's traditional village centers and neighborhoods. The standards set forth herein are intended to:

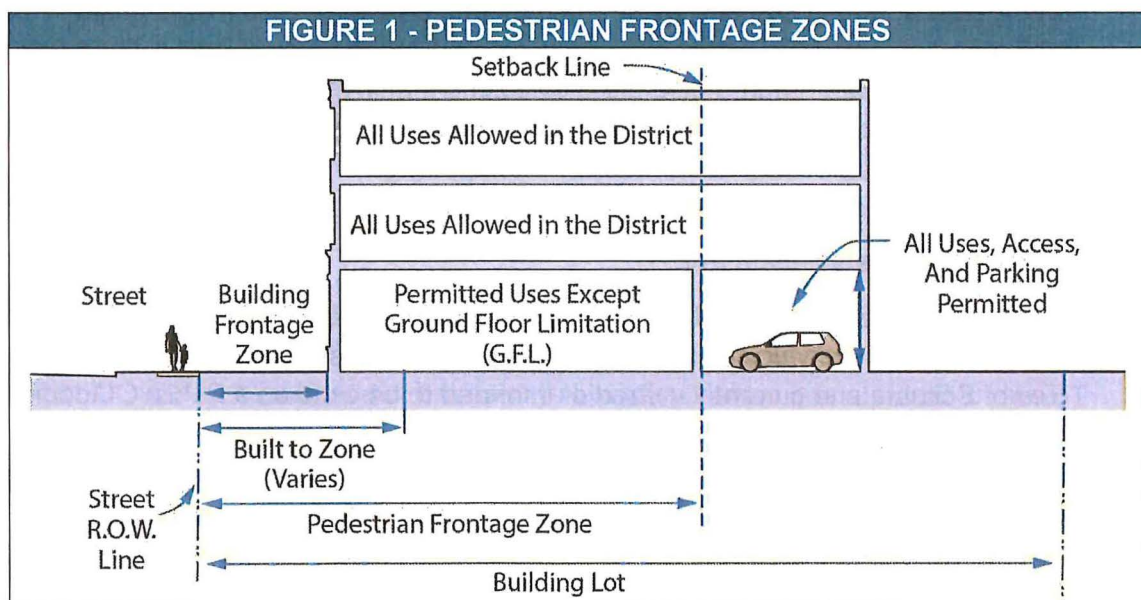
- A. Promote development that is consistent with the Town's vision to facilitate reinvestment and create a vibrant, authentic, diverse, connected and resilient district.
- B. Guide the physical character of development by providing context-based building and site development standards that reflect scale, design characteristics, and settlement patterns existing or envisioned for the district.
- C. Create a public realm with high quality streetscape, enhanced outdoor recreation areas, and active public and publicly-oriented gathering spaces that enhance development and reinforce pedestrian orientation and multi-modal transportation in the district.
- D. Encourage high quality housing production for a variety of age groups, household types, and income ranges.
- E. Encourage a range of business development opportunities as well as food, entertainment, cultural, educational, and civic venues.

580.2 ZONING MAP AND REGULATING PLAN

- A. Zoning Districts and Boundaries:** The Village Center & Neighborhoods (VCN) are Form-Based Zoning Districts located and bounded as shown on a map entitled "Town of Scituate Zoning Map", copies of which are on file in the offices of the Town Clerk and Planning Departments. There are also zoning map inserts of the Village Center & Neighborhood Districts which are part of the Town of Scituate Zoning Map. Village Center & Neighborhoods (VCN) include the following:
 - 1. Greenbush-Driftway Gateway District (GDG)
 - 2. North Scituate Village (NSV)
- B. Civic Overlay Zones:** The Village Center & Neighborhood Zoning Map inserts identify Civic Overlay Zones which include properties within the district that are owned by the Town of Scituate and currently utilized or intended to be used as a Public Outdoor Amenity Space under Section 752.
- C. Street Types:** The Regulating Plan identifies Street Types which correspond the required design standards for existing and new public and private streets in the District under Section 753 - Public Realm Standards.

D. Pedestrian Frontage Overlay Zones

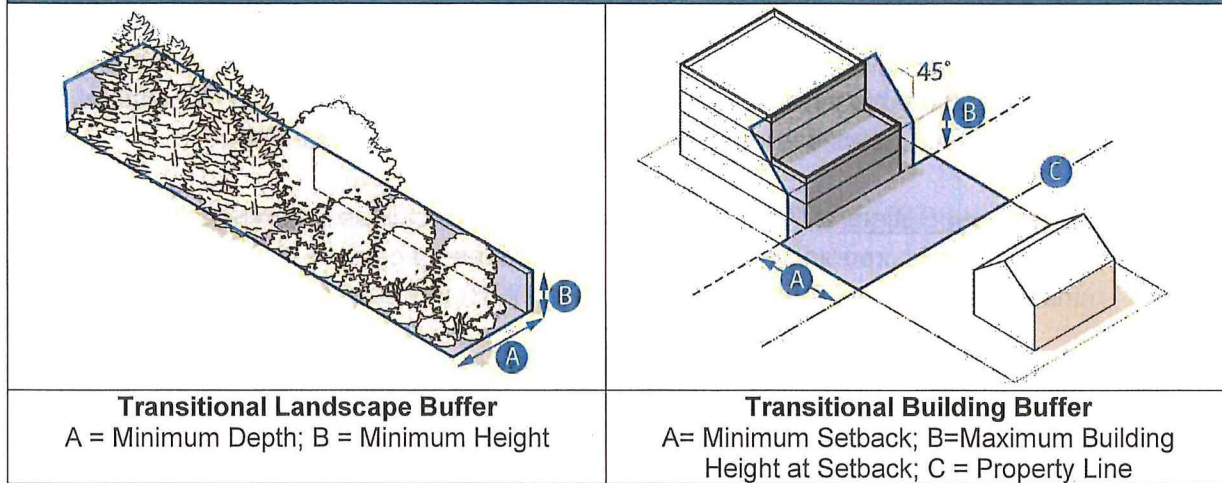
1. Purpose: The Pedestrian Frontage Overlay Zones identify properties along certain public streets in the VCN Districts North Scituate Village-Village Center and the Greenbush -Drifway Gateway District-New Driftway Transit Village Subdistrict as places prioritized for pedestrian-oriented and active ground floor uses. Pedestrian Frontage Overlay Zones are identified on the VCN Zoning District Insert Maps as a subset of the Town of Scituate Zoning Map.
2. Requirements: Buildings fronting on the designated street segments shall be subject to the following ground floor limitations:
 - a) Ground floor areas shall be reserved for retail, restaurant, and publicly-oriented personal service, office, repair, and municipal uses.
 - b) Residential and other non-residential uses not oriented to public access shall be allowed to have access at the street line by an entrance that leads to the upper floors of the building or the rear of the building.
 - c) Residential and other non-residential uses not oriented to public access shall be allowed on ground floors where:
 - 1) The use is within a building with frontage on the street and set back a minimum of 60 feet from the street line; or
 - 2) Where the Planning Board determines that street-front residential and other non-public uses will not have an adverse impact on the continuity and vitality of the pedestrian-oriented street-front uses.



E. Transitional Buffer Overlay Zones

1. Purpose: The Transitional Buffer Overlay Zones identify certain street segments or subdistrict boundaries where certain buildings and uses may need to be buffered to create a compatible transition with the surrounding neighborhoods. Transitional Buffer Overlay Zones are identified on the VCN Zoning District Map.
2. Landscaped Buffers: Where required, buffers may include a combination of natural or landscaped screening and fencing that provides an opaque visual barrier to a minimum depth of 20 feet and height of eight (8) feet above the ground.
3. Building Buffers: Buildings and associated property use shall be setback a minimum of 50 feet from the designated zoning boundary on which the Transitional Buffer Zone is located. The maximum building height at the setback line shall be 25 feet with increasing height permitted on a 45 degree plane further setback from the VCN zoning boundary to the maximum height allowed in the district.
4. Waivers: The Planning Board may waive the buffering requirements in part or in whole if they determine that such application is not necessary to create a compatible transition with the surrounding neighborhood.

FIGURE 2 – TRANSITIONAL BUFFERS



580.3 ALLOWED BUILDINGS AND LOT USES

- A. Allowable Uses:** Buildings, structures, and land within the VCN shall comply with the use regulations set forth in Section 400 – Use Regulations. The Planning Board shall be the Special Permit Granting Authority (SPGA) for all applications requiring a Special Use Permit in the VCN.
- B. Allowed Building Types:** The building types allowed in the Village Center & Neighborhood Districts are identified in Table 1 below. Uses identified on the Table of Use Regulations in Section 420 must be located in allowed building types and subject to the development and standards for each VCN district in Section 580.9 and those under Section 750 as applicable.

TABLE 1 – ALLOWED BUILDING TYPES IN THE VCN DISTRICT

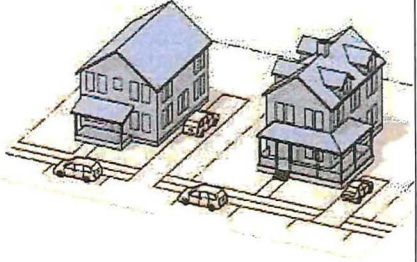
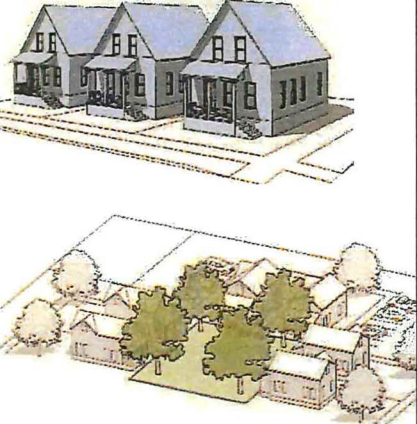
Building Type		Development and Design Standards	Permitted by District								
			Greenbush-Driftway						North Scituate		
			GWB	GVC	NDTV	DBP	NRN	DCR	NRCR	VC	OV
1.	<p>Single-Family Detached Dwelling</p> <p>See definition in Section 200</p> 	<p>Dimensional Standards: 10,000 SF minimum lot size; 50 feet minimum frontage on a public street; and 10 feet minimum front, side and rear setback.</p> <p>Design Standard: Single-Family detached dwellings should generally be placed in a traditional development pattern and built with traditional residential architectural themes.</p> <p>Building mass should be articulated to reduce the overall scale and the primary building façade should be oriented to the street with appropriate secondary building elements such as porches and bay windows. Landscaping should be used to define the street edge, buffer parking areas and add interest to open spaces.</p>	N	Y	N	N	N	N	N	N	N
2.	<p>Cottage and Cottage Court</p> <p>See definition in Section 200</p> 	<p>Dimensional and Design Standards: Individual cottages that are not part of a Cottage Court are only permitted on separate lots of 5,000 SF minimum and 10 feet minimum front, side, and rear setbacks. Two or more cottages can be assembled as a Cottage Court where the front elevation of each unit is positioned along and oriented to a common open space.</p>	N	Y	Y	N	Y	N	N	N	Y

TABLE 1 – ALLOWED BUILDING TYPES IN THE VCN DISTRICT


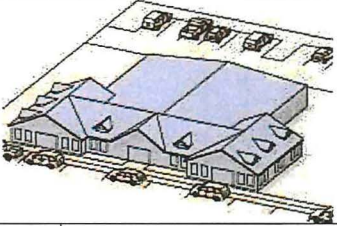
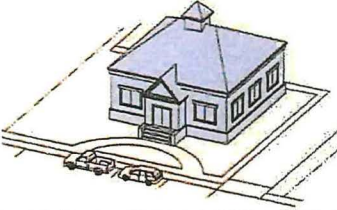
Building Type		Development and Design Standards	Permitted by District								
			Greenbush-Driftway						North Scituate		
			GWB	GVC	NDTV	DBP	NRN	DCR	NRCR	VC	OV
3.	Two-Family Dwelling	<p>Dimensional Standards: 10,000 SF minimum lot size; 50 feet minimum frontage on a public street; and 10 feet minimum front, side and rear setback. Accessory units are not permitted in addition to the Two-Family Dwelling units.</p>	N	Y	N	N	Y	N	N	N	N
See definition in Section 200		<p>Design Standards: These building types may be horizontally or vertically attached with at least one unit generally perpendicular and oriented to the front lot line. These buildings may be semi-detached and designed to resemble large farmhouses with carriage houses.</p>									
											
4.	Single-Family Attached Dwelling (Townhouse or Rowhouse)	See Section 750 for specific development and design standards.	Y	Y	Y	N	Y	N	N	N	Y
See definition in Section 200											
5.	Multi-Family Building	See Section 750 for specific development and design standards.	Y	Y	Y	N	Y	N	N	N	Y
See definition in Section 200											
6.	Live/Work Building	See Section 750 for specific development and design standards.	Y	Y	Y	SP	N	N	N	Y	Y
See definition in Section 200											
7.	Mixed Use Building	See Section 750 for specific development and design standards.	Y	Y	Y	SP	N	N	N	Y	Y
See definition in Section 200											
8.	General Commercial Building	See Section 750 for specific development and design standards.	Y	Y	Y	Y	N	SP	Y	Y	Y
See definition in Section 200											
9.	Gas Backwards Building	See Section 750 for specific development and design standards.	SP	N	SP	SP	N	N	N	N	SP
See definition in Section 200											

TABLE 1 – ALLOWED BUILDING TYPES IN THE VCN DISTRICT

Building Type		Development and Design Standards	Permitted by District								
			Greenbush-Driftway						North Scituate		
			GWB	GVC	NDTV	DBP	NRN	DCR	NRCR	VC	OV
10.	Flex Space/Fabrication Building See definition in Section 200	<p>Dimensional Standards: No required minimum lot size; 50 feet minimum frontage on a public street; 20 feet minimum front, side and rear setback; Maximum of 50% building coverage of lot.</p> 	Y	Y	Y	Y	N	N	N	Y	SP
11.	Civic and Community Building See definition in Section 200		<p>Dimensional Standards: No required minimum lot size; 50 feet minimum frontage on a public street; and 20 feet minimum front, side and rear setback.</p> 	Y	Y	Y	Y	Y	SP	SP	Y
12.	Other Principal Building Types	See Section 580.3.D below		SP	SP	SP	SP	SP	SP	SP	SP

C. Commercial, Mixed Use, and Multi-Family Building Design Standards: The list of commercial, mixed use, and multi-family building types below are subject to the requirements of Section 750 – Design Review for Business, Commercial, Multi-Family, and Mixed Use Development.

1. Single-Family Attached Dwelling (Townhouse or Rowhouse)
2. Multi-Family Building
3. Live/Work Building
4. Mixed Use Building
5. General Commercial Building
6. Gas Backwards

D. Determination of Building Type

1. Classification: The Zoning Enforcement Officer shall classify new principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types for the zoning district where the structure is located. The Zoning Enforcement Officer shall also classify existing structures that are being substantially expanded or converted to new uses under this section.
2. Alternative Building Types: If a new building is proposed that cannot be classify as one of the allowed building types of this section by the Zoning Enforcement Officer, the building is subject to Special Permit review and approval by the Planning Board.

580.4 DENSITY AND BULK STANDARDS

A. Base Residential Density: Buildings and Developments within a VCN District shall be subject to the following density standards:

TABLE 2 - VCN RESIDENTIAL DENSITY BY BUILDING TYPE & DISTRICT

RESIDENTIAL/MIXED USE BUILDINGS		D.U.s PER ACRE (BY RIGHT/BY SPECIAL PERMIT)						
		Greenbush-Driftway Gateway					North Scituate Village	
		GWB	NRN	GVC	DBP/NRCR/DCR	NDTV	VC	OV
		Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP
1.	Single-Family Detached Dwelling Units	NA	NA	4/8 ⁴	NA	NA	NA	NA
2.	Single-Family Attached Dwelling Units ¹	8/16	8/16	8/16	NA	12/20	NA	12/20
3.	Two-Family Dwelling and Cottage Courts ²	NA	8/16	8/16 ⁴	NA	NA	NA	12/20
4.	Mixed Use Buildings	12/24	12/24 ³	12/24	NA	16/36	12/24	12/24
5.	Multi-Family Buildings	15/24	15/24 ³	15/24	NA	16/36	NA	15/24

NA Not Allowed

- P Permitted By Right
- Y Permitted By Special Permit from the Planning Board
- 1 Single-Family Attached Dwelling Units includes Rowhouses, Townhouses, and Live/Work Units
- 2 Two-Family Dwelling Units are permitted on a 10,000 S.F. lot with no accessory dwelling units. Where more than one Two-Family dwelling unit is being built they must meet the density per acre requirements above for the additional units.
- 3 Mixed Use Buildings are not permitted in the NRN District
- 4 Where Single-Family Detached Dwellings and Two-Family Dwellings are permitted, the minimum lot size for an individual lot is 10,000 S.F. Where more than one single-family detached dwelling unit is being built they must meet the density per acre requirements above for the additional units.

B. Bulk Standards

- 1. Dwelling Unit Size:
 - a) Dwelling units must have a minimum useable floor area as specified on the table below for all buildings providing more than one (1) dwelling unit.
 - b) The useable floor area of a half story is calculated as seventy-five percent (75%) of the total floor area of the half-story.

TABLE 3 - MINIMUM DWELLING UNIT SIZE	
Unit Type	Useable Floor Area (Min.)
Studio	400 sq. ft.
1 Bedroom	600 sq. ft.
2+ Bedrooms	900 sq. ft.

C. Density Bonus Requirements

- 1. General Requirement: The Planning Board may, by Special Permit, allow higher density up to the maximum established on Table 2 above if certain Public Realm Improvements are made by the applicant that provide benefits to residents and businesses in the Development Project as well as to the VCN District, and surrounding area. If sufficient Public Realm Improvements are made, the Planning Board shall make a written finding that the applicant will provide significant improvements providing a public benefit, in addition to those improvements necessary to meet the base density requirements of this bylaw. In addition to the Public Realm Improvements the applicant must also adhere to the density bonus requirement under Section 754.1.B.3.
- 2. Eligible Public Benefit Improvements: These improvements shall include on-site or off-site infrastructure improvements, streetscape improvements, open space or other amenities not otherwise required in Section 752 or by any town board or agency, serving a public purpose, to be constructed in an attractive, context-sensitive, or pedestrian-oriented manner. Some eligible improvements include the following:

- a) Improvements to designated Civic Overlay Zones for the purpose of enhancing publicly controlled active or passive recreation in desirable locations within the VCN District, in addition to the Outdoor Amenity Space required in Section 752.
 - b) Land acquisition or donation to the Town or a designated non-profit agency for the purpose of publicly accessible active or passive recreation in desirable locations within the VCN District or surrounding area, in addition to the Outdoor Amenity Space required in Section 752.
 - c) Sidewalks and pathways.
 - d) Streetscape improvements such as street trees and furnishings on public streets or contribution of land suitable for a public way or public streetscape improvements.
 - e) Public parking spaces and publicly-accessible parking facilities.
 - f) Additional affordable housing units above the number required by this Section.
3. Approval of Density Bonus Improvements: All public benefit improvements used for the density bonus shall have been recommended in planning documents approved or used by the Town of Scituate Select Board, Department of Public Works, Board of Health, Conservation Commission, Community Preservation Committee, or Planning Board. In order to make this determination, the following are required:
- a) The applicant shall provide the Planning Board with a written description of the intended improvements, the public benefit provided, significance to the Town, provision for maintenance if required, applicant's cost estimates, and a sketch plan showing the location and type, size and extent of improvements.
 - b) The Planning Board may require a bond to cover the cost of any improvements that will be constructed, or a binding agreement approved by Town Counsel, to remain in place until the improvements are completed to the satisfaction of the Town.
 - c) A specific time frame for the completion of all required off-site improvements shall be incorporated as a condition of approval of the Planning Board.
 - d) The applicant shall provide a list of all permits and approvals required relating to any proposed public benefit(s) with the application. These approvals shall be obtained prior to approval of the development, unless an exception for good cause is explicitly authorized by the Planning Board.
 - e) The Planning Board shall be under no obligation to grant such density bonus and may determine, in its sole discretion, whether the offered improvements are sufficient in nature, scope, cost or otherwise, to justify such bonus. The offer and commitment by an applicant to provide all or any number of the above enumerated examples does not, in and of itself, justify or require the Planning Board to grant such density bonus.

580.5 DEVELOPMENT SITE STANDARDS

- A. Parking Requirements:** See Section 750.8 Development Site Standards and 760 Parking Requirements.
- B. Sustainable Site Design Standards:** See Section 751 – Low Impact Design Standards

580.6 OUTDOOR AMENITY SPACE

See Section 752 – Open Space Standards

580.7 PUBLIC REALM STANDARDS

See Section 753 – Public Realm Standards

580.8 AFFORDABLE HOUSING REQUIREMENTS

See Section 754 – Fair Housing and Affordability Standards

580.9 VCN DISTRICTS AND DEVELOPMENT STANDARDS

The following districts are included in the Village Center & Neighborhood (VCN) zoning district. Where there is a conflict between the design and development standards in Section 580 or 750, the standards below shall apply.

A. Greenbush-Driftway Gateway District (GDG)

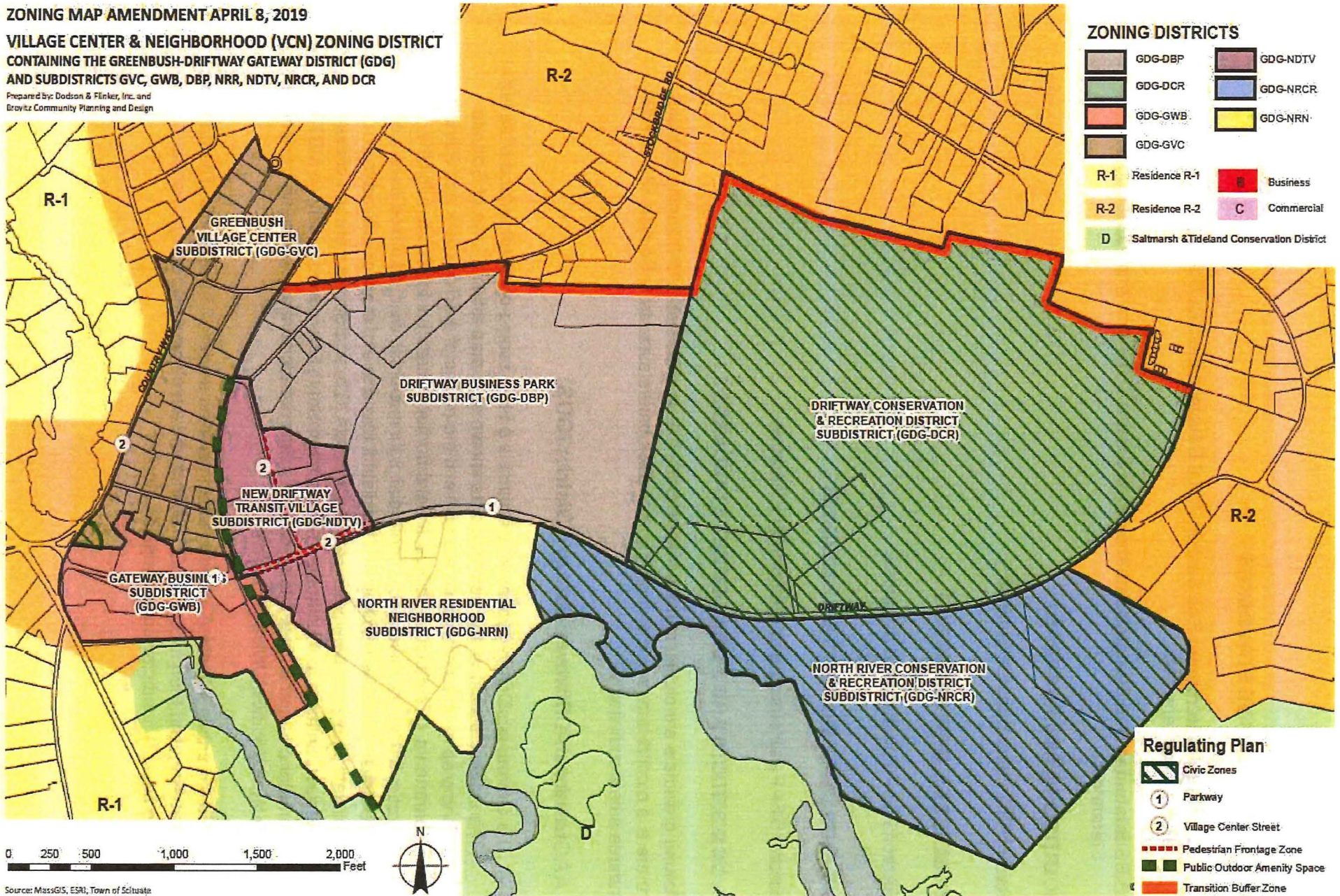
The Greenbush-Driftway Gateway District is a base zoning district comprised of seven (7) subdistricts located and bounded as shown on a map entitled “Town of Scituate Zoning Map,” copies of which are on file in the offices of the Town Clerk and Planning Departments. Greenbush Village & Neighborhood District is intended to fulfill the opportunities for residential, commercial, light industrial, civic, and mixed uses along the Driftway and New Driftway. This district forms one of the major gateways in Scituate with access between Route 3A, Route 123, and Scituate Harbor; access between Scituate and Boston as well as other South Shore communities via MBTA commuter rail; and access to significant public recreational areas including the North River and Widows Walk golf course.

The Greenbush-Driftway Gateway District contains seven (7) subdistricts. The Zoning Map/Regulating Plan for the GDG District and development and design standards for the seven (7) subdistricts are identified below.

ZONING MAP AMENDMENT APRIL 8, 2019

**VILLAGE CENTER & NEIGHBORHOOD (VCN) ZONING DISTRICT
CONTAINING THE GREENBUSH-DRIFTWAY GATEWAY DISTRICT (GDG)
AND SUBDISTRICTS GVC, GWB, DBP, NRR, NDTV, NRRC, AND DCR**

Prepared by: Dodson & Flinker, Inc. and
Drovitz Community Planning and Design



1. Gateway Business (GWB):

- a) Purpose: The purpose of this district is to create an attractive gateway along the Driftway by encouraging a broad range of commercial uses and a residential and institutional uses at moderate densities supported by attractive streetscape treatments and multi-modal transportation facilities including bus transit, sidewalks, and the Driftway Multipurpose Trail.
- b) Design and Development Standards: Reserved.

2. Greenbush Village Center (VC-G):

- a) Purpose: The purpose of this district is to enhance the Village Center by promoting opportunities for local, small-scale businesses; providing for moderate density mixed use and residential uses including the production of housing affordable to a broad range of age, income, and household types; encouraging the use of alternative modes of transportation such as public transit, bicycling, and walking; and supporting existing and new development with attractive streetscapes and active open spaces.
- b) Design and Development Standards: Reserved.

3. New Driftway Transit Village (NDTV):

- a) Purpose: The purpose of this district is to establish a new Village Center by providing opportunities for a higher density mix of uses anchored by the MBTA commuter rail station and forming a pedestrian-oriented and traditional development pattern of buildings, streets and land uses; facilitating the redevelopment of underutilized parcels; providing for alternative residential building forms and the production of housing affordable to a broad range of age, income, and household types; encouraging the use of alternative modes of transportation such as public transit, bicycling, and walking; and supporting existing and new development with attractive streetscapes and active open spaces.
- b) Design and Development Standards: Reserved.

4. Driftway Business Park (DBP):

- a) Purpose: The purpose of this district is to facilitate the redevelopment of underutilized parcels by promoting opportunities for small to large-scale businesses including a broad range of commercial office, service, light industrial, and institutional uses that benefit from proximity to the MBTA commuter rail station, Routes 3A and 123, and surrounding natural amenities and village centers. The district is envisioned to service a wide range of economic development from an incubator for business start-ups and entrepreneurial activities to large corporations.
- b) Design and Development Standards: Reserved.

5. North River Residential Neighborhood (NRN):
 - a) Purpose: The purpose of this district is to facilitate the redevelopment of a limited number of underutilized parcels by promoting opportunities for alternative residential housing forms and patterns that take advantage of the unique aesthetic attributes of the North River plain and proximity to the MBTA commuter rail station and nearby village centers; to include in any residential development the production of housing affordable to a broad range of age, income, and household types; and to protect natural resources through sustainable development best practices.
 - b) Design and Development Standards: Reserved.

6. Driftway Conservation & Recreation District (DCR):
 - a) Purpose: The purpose of this district is to protect the conservation and recreational activities associated with Widows Walk golf course and to enhance this public facility with uses and buildings associated with the golf course as well as limited commercial uses providing for food and entertainment, accommodations, and events and function space benefiting by the natural and recreational resources along the Driftway and proximity to Scituate Harbor.
 - b) Design and Development Standards: Reserved.

7. North River Conservation & Recreation District (NRCR):
 - a) Purpose: The purpose of this district is to protect the saltmarsh and tideland natural resources of the North River and its tributaries while providing limited opportunities for recreational activities and facilities.
 - b) Design and Development Standards: Reserved.

B. North Scituate Village District (NSV)

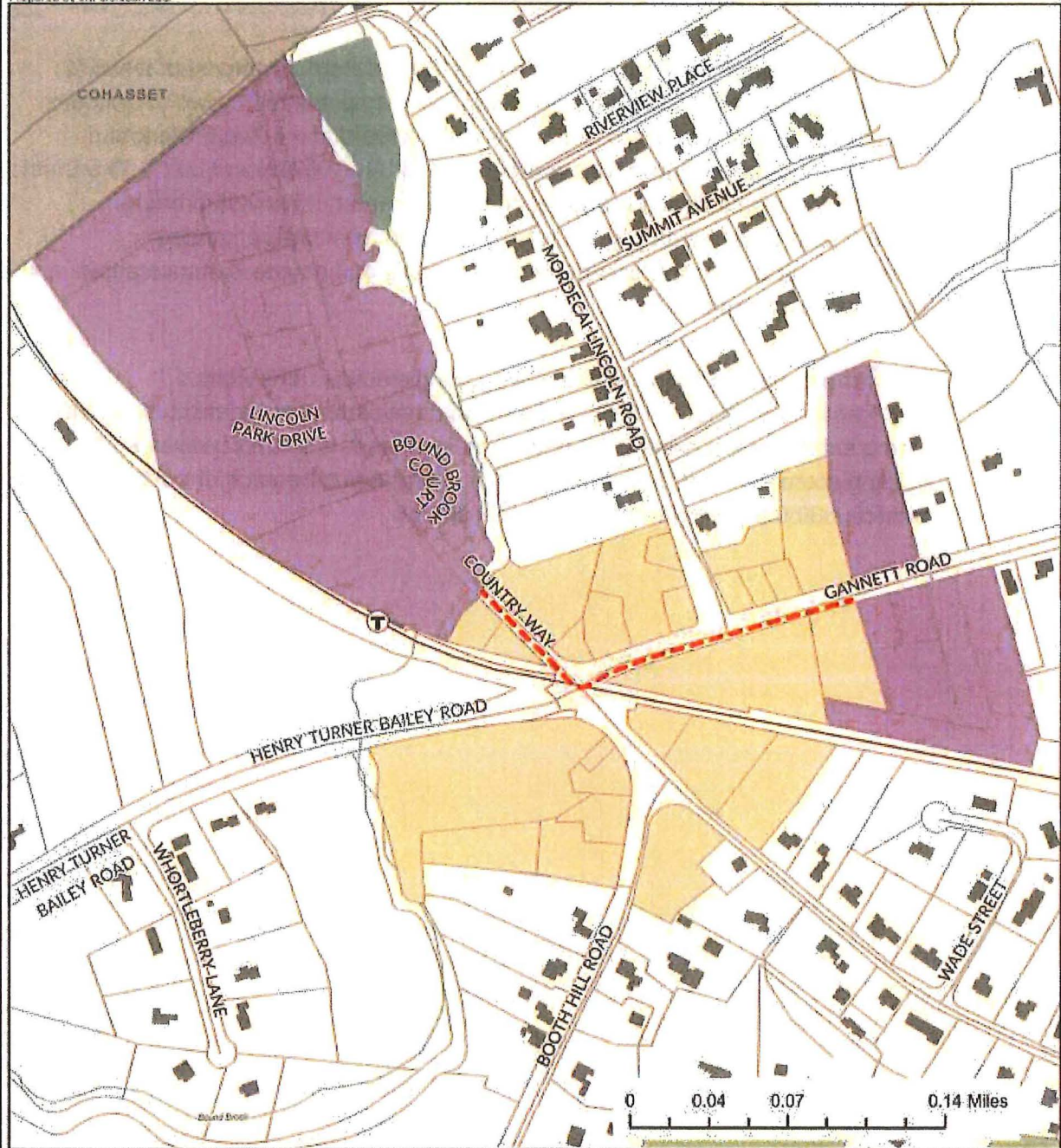
The North Scituate Village District is a base zoning district comprised of two (2) subdistricts located and bounded as shown on a map entitled "Town of Scituate Zoning Map," copies of which are on file in the offices of the Town Clerk and Planning Departments, dated November 30, 2023 by JM Goldson LLC. The District is intended to be an active, vibrant neighborhood center, achieved through redevelopment based upon historic New England town village principles, streetscape and civic space improvements, parking and access enhancements, and business development.

The North Scituate Village contains two (2) subdistricts. The Zoning Map/Regulating Plan for the NSV District and development and design standards for the subdistricts are identified below. Where there is a conflict between the building placement, form, and lot occupation standards for each of the NSV Districts in Section 580.9.B below, this section shall apply.

TOWN OF SCITUATE - NORTH SCITUATE ZONING

J M G O L D S O N

Prepared by JM Goldson LLC



- Schools
- Buildings
- Parcels
- Trails
- Water bodies
- Open space
- Commuter Rail Station
- North Scituate Village Center
- North Scituate Outer Village
- Pedestrian Frontage Zone

Date Created: November 30, 2023



Sources: MassGIS, MassDEP, MAPC Trailmap

1. North Scituate Village Center (NSV-VC)

- a) Purpose: The purpose of this subdistrict is to enhance North Scituate Village by promoting opportunities for local, small-scale businesses and other commercial opportunities; providing for moderate density mixed-use development, including the production of housing affordable to a broad range of age, income, and household types; encouraging the use of alternative modes of transportation such as public transit, bicycling, and walking; and supporting existing and new development with attractive streetscapes and active open spaces.
- b) Design and Development Standards: As listed below.

Where there is a conflict between this Section 580.9 and Sections 580.3 or 750.6, the standards below shall apply.

- 1. Minimum outdoor amenity space coverage is 10% for all building types. The Planning Board may allow a further reduction in required outdoor amenity space in exchange for payments toward public benefits improvements.
- 2. Front yard minimum build-to-zone is 0 feet for all building types.
- 3. Minimum side setbacks for all building types except Gas Backwards is 0 feet if a common wall with adjacent building.
- 4. Minimum street facing wall width for Multifamily, Live-Work, Mixed-Use, and Commercial Buildings is 40 feet.
- 5. Maximum building footprint for all building types except Gas Backwards is not applicable.

2. North Scituate Village Outer Village District (NSV-OV)

- a) Purpose: The purpose of this subdistrict is to enhance North Scituate Village by promoting opportunities for local, small-scale businesses and other commercial opportunities; to expand additional and alternative forms of housing that will contribute to the vibrancy of North Scituate Village and support local businesses; to facilitate the production of housing affordable to a broad range of age, income, and household types; encouraging the use of alternative modes of transportation such as public transit, bicycling, and walking; and supporting existing and new development with attractive streetscapes and active open spaces.
- b) Design and Development Standards: As listed below.

Where there is a conflict between this Section 580.9 and Sections 580.3 or 750.6, the standards below shall apply.

1. Minimum outdoor amenity space coverage is 15% for all building types. The Planning Board may allow a further reduction in required outdoor amenity space in exchange for payments toward public benefits improvements.
2. Front yard minimum build-to-zone is 0 feet for all building types.
3. Minimum side setbacks for all building types except Gas Backwards is 0 feet if a common wall with adjacent building.
4. Minimum street frontage for Multi-Family Building is 40 feet.
5. Minimum street facing wall width for Multi-Family, Live-Work, Mixed-Use, and Commercial Buildings is 40 feet.
6. Maximum building footprint for all building types except Gas Backwards is not applicable.

580.10 APPLICABILITY

The provisions of Section 580, Village Center and Neighborhood District, shall not apply to any application filed with the Planning Board and Town Clerk pursuant to Section 560, Village Business Overlay District of the Scituate Zoning Bylaw for the Greenbush-Driftway area prior to April 1, 2019.

SECTION 700 - GENERAL PROVISIONS AFFECTING ALL DISTRICTS

754

FAIR HOUSING AND AFFORDABILITY STANDARDS

754.1 APPLICABILITY

A. General. 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 five or fewer dwelling units are exempt from this requirement. By right development in the VCN subdistricts GDG-GWB, GDG-NRN, GDG-GVC, and NSV-OV nine or fewer 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

By right development of ten units or more in the VCN subdistricts GDG-GWB, GDG-NRN, GDG-GVC, and NSV-OV are required to provide 10 percent affordable units at not less than 80 percent of the Area Median Income.

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. A Project shall not be segmented to evade the Affordability threshold set forth above.

754. LOCATION OF UNITS

- A. Distribution.** All affordable housing units shall be distributed throughout the remaining proposed housing units. The number of one-, two- and three-bedroom units shall be in the same proportion as that of the market rate units. The affordable units shall be designed so the exteriors are comparable in general design and appearance to those of the market rate units.
- B. Off-Site Units.** At the discretion of the Planning Board, the applicant may substitute off-site affordable housing units which are priced and deed-restricted as required under this Section. The number of affordable units provided must be at least the number required by this Section. In considering whether to accept these units, the Planning Board shall consider the geographic distribution of affordable housing throughout the town and avoid concentration in any one particular area of Scituate.

754.3 MONITORING AGENT

A Monitoring Agent which may be the local housing authority or other qualified housing entity (the "Monitoring Agent") shall be designated by the Applicant in conjunction with the Planning Board. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by EOHLC such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official or, in the absence of such timely designation, by an entity designated by the EOHLC. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a building permit for a project, and on a continuing basis thereafter, as the case may be:

- A. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- B. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
- C. The housing marketing and resident selection plan conform to all requirements, comply with EOHLC's Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines and are properly administered;
- D. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- E. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

754.4 SUBMISSION REQUIREMENTS

As part of any application for site plan approval for a project including affordable housing units, the applicant must submit the following documents to the Planning Board and the Monitoring Agent:

- A. Evidence that the Project complies with the cost and eligibility requirements of this Section.

- B. Project plans that demonstrate compliance with the requirements of this Section.
- C. A form of Affordable Housing Restriction that satisfies the requirements of this Section.

These documents in combination, to be submitted with an application for site plan approval (or, for projects not requiring site plan approval, prior to submission of any application for a building permit), shall include details about construction related to the provision, within the development project, of units that are accessible to the disabled and appropriate for diverse populations, including, as applicable, households with children, other households, individuals, and the elderly.

754.5 COST AND ELIGIBILITY REQUIREMENTS

- A. **Rental or Sales Price.** The initial rental or sales price shall be affordable to low- and moderate-income households with income at or below eighty (80) percent of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Scituate as determined annually by the U.S. Department of Housing and Urban Development (HUD).
- B. **Eligibility.** Affordable Housing shall comply with the following requirements:
 1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
 2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the EOHLC shall apply.
 3. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the EOHLC shall apply.
 4. Prior to the granting of any building permit or Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to Scituate.

754.6 DESIGN AND CONSTRUCTION

Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed proportionately throughout the Project of which they are part, across all unit types and be comparable in initial construction quality and exterior design to the other housing units in the project.

754.7 AFFORDABLE HOUSING RESTRICTION

- A. Deed Restriction.** The subsequent rent or sales prices or rents shall be controlled through a deed rider or an affordable housing restriction as defined by Massachusetts General Laws Chapter 184, Section 31, recorded at the Plymouth County Registry of Deeds and/or Land Court as applicable, and shall be in force in perpetuity or as long a period as legally possible.
- B. Compliance with LIP Program.** As required for affordable housing to count towards the Town of Scituate's Housing Inventory, the applicant must comply with low- or moderate-income housing regulations and guidelines of the Local Initiative Program (LIP), 760 CMR 56.00, or another similar state-approved program in effect on the date of application. Evidence must be provided to the Planning Board of a recorded deed restriction on resale, designation of a monitoring agent acceptable to the Planning Board, and an affirmative marketing plan prior to issuance of the first occupancy permit.
- C. Filing.** Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate Registry of Deeds or District Registry of the Land Court and which contains the following:
1. Specification of the term of the Affordable Housing Restriction which shall be no less than thirty years;
 2. The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
 3. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project with the initially designated Affordable Rental Units identified in, and able to float subject to approval by EOHLC in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and EOHLC's AFHMP guidelines.
 4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
 5. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
 6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;

7. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
8. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Administering Agency;
9. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;
10. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
11. Provision that the restriction on Affordable Rental Units in a rental project or rental portion of a project shall run with the rental project or rental portion of a project and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
12. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
13. A requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

754.8 COSTS OF HOUSING MARKETING AND SELECTION PLAN

The housing marketing and selection plan may make provision for payment by the Project Applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half (1/2%) percent of the amount of rents of Affordable Rental Units (payable annually) or one (1%) percent of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

754.9 AGE RESTRICTIONS

Nothing in this Section shall permit the imposition of restrictions on age upon Projects unless proposed or agreed to voluntarily by the Applicant. However, the Planning Board may, in its review of a submission under this Section, allow a specific projects or units designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted project shall be restricted as Affordable Housing units. Any project which includes age

restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

754.10 PHASING

For any project that is approved and developed in phases in accordance with this Section, unless otherwise expressly approved in writing by EOHLC, the proportion of Affordable Housing Units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under this Section.

754.11 NO WAIVER

Notwithstanding anything to the contrary herein, the Affordability provisions in this Section shall not be waived unless otherwise expressly approved in writing by EOHLC.

760 PARKING REQUIREMENTS

760.1 PURPOSE

The purpose of these requirements is to ensure that adequate quantity of well-designed off-street parking is provided to service all parking demands.

760.2 APPLICABILITY

Off-street parking shall be provided to service the net increase in parking demand created by new construction, additions, or change of use. Structures and land uses in existence on January 1, 1988, are not subject to these requirements so long as they are not enlarged or changed in a manner that increases their parking needs. All parking required by this Section shall be provided on-site except as provided in Section 760.8.

760.3 DESIGN REQUIREMENTS

Each parking space shall contain no less than one hundred sixty-two square feet of area [typically nine feet by eighteen feet] and shall have adequate back-up room. All required parking spaces and driveways, except those serving single or two-family residences, shall be paved, unless the Planning Board determines that the intensity of use does not merit paving or that an alternative surface is in the public interest.

760.4 PARKING LOT PLANTING

Parking lots shall have at least one tree per eight parking spaces to be located in planting areas inside of the lot or within ten feet of paved area. Existing trees may fulfill this requirement, provided the trees are distributed throughout the lot. Such trees shall be at least two inches trunk diameter with not less than forty square feet of unpaved soil or other permeable surface area per tree. At least five percent of the interior of any parking lot having twenty-five or more parking spaces shall be maintained with landscaping, including trees, on plots of at least four feet in width. Trees and soil plots shall be so located as to provide visual relief and sun and wind interruption within the parking area and to assure safe patterns of internal circulation.

760.5 CONSTRUCTION EXEMPTION

The Planning Board may grant a special permit under this section to temporarily waive the construction of a portion of an approved parking plan if the applicant can show that special circumstances exist, such as shared use of a parking lot by activities having different peak demand times. Such special permit shall expire two years after its approval date. The area of the approved parking plan that will not be constructed shall remain open or shall be landscaped according to a plan approved by the Planning Board. At least 120 days prior to the expiration of the two year term of the special permit, a special permit application may be filed to for a permanent construction waiver in accordance with this section. The Planning Board shall consider, among other relevant evidence, the adequacy of the parking during the two-year temporary waiver period. The Planning Board may impose reasonable conditions on any permanent parking waiver granted by special permit under this section.

760.6 TABLE OF MINIMUM REQUIREMENTS – TABLE 1

Use	Number of Spaces Required
Single family residential	2
Two-family residential	4
Accessory Dwelling (Section 530).....	1 space per bedroom
Residential..... (except single or two-family dwellings)	1 space per bedroom
Retail or service uses (other than automotive service station)	1 space per 200 square feet gross floor area
Automotive service or body shop	1 space per service bay
Professional or other office, bank.....	1 space per 300 square feet of gross floor area
Restaurant, bar	1 space per 4 seats
Industrial, light manufacturing	1 space per 400 square feet of gross floor area
Warehouse	1 space per 600 square feet of gross floor area
Places of public assembly, including auditoriums, theaters, clubs, houses of worship and recreational facilities	1 space for every 3 occupants as determined by State Building Code
Marina.....	1 space per boat capacity
Rest, nursing or convalescent home or hospital.....	1 space per 3 beds
Laundromat	1 space per 2 washing machines
Bowling alley.....	1 space per 2 lanes
Commercial Golf Course.....	1.6 spaces for every acre of land in the property
Hotels and motels	1.25 spaces/guest unit plus spaces required for other commercial uses
Inns.....	1.25 per guest unit
Bed and breakfast.....	1 per bedroom

Clubs and lodges	1 space for every four occupants as determined by the Building Code
Religious exempt uses other than houses of worship	1 space for every four occupants as determined by the Building Code
Educational exempt uses	1 space for every 200 square feet of gross floor area
All other uses	Parking spaces adequate to accommodate normal demand as determined by the Planning Board

760.7 BUSINESS AND COMMERCIAL PARKING REQUIREMENTS

Whenever off-street parking in the Village Center & Neighborhood and Business Districts is required in accordance with this Section 760, the following provisions shall apply:

- A. Buffer Area.** Each lot shall contain a buffer area, at least six feet deep, between the street line and the balance of the lot. This buffer area, which shall be separated from the street and the balance of the lot by a curb, shall be seeded and landscaped except along a driveway entrance or where a pedestrian walkway and/or bicycle parking is being provided. This requirement shall not apply to the Village Center & Neighborhood District.
- B. Access.** In all areas not subject to egress controls as specified under Section 610.2.C of this bylaw, driveway entries shall be at least twenty feet wide and if there is more than one driveway entry on a lot, these entries shall be located at least one hundred and twenty feet apart, center to center.
- C. Number of Driveways.** If the street frontage of a lot is two hundred feet or less, only one driveway entrance shall be permitted. If the street frontage exceeds two hundred feet, additional driveway entries shall be permitted in the ratio of one additional entry for each additional two hundred feet or portion thereof of frontage.
- D. Pedestrian Access.** Safe and continuous pedestrian access must be provided to and within a parking area, preferably in connection with interior landscaping, and connecting to current or anticipated adjacent pedestrian facilities and to adjoining transit facilities.
- E. Bicycle Racks.** A bicycle parking rack must be provided in all cases where five or more automobile parking spaces are required, with the location convenient to, and when practical provided weather protection by, the building it serves. The number and location of bicycle parking spaces is at the discretion of the Planning Board, but shall be not less than 10% (rounded to the nearest whole number) of automobile spaces required; provided that, if in the opinion of the Planning Board such bicycle parking spaces will compromise public health, safety or welfare, the Planning Board may allow fewer than the minimum 10% bicycle parking spaces.

760.8 BUSINESS AND MIXED-USE DISTRICT PARKING REQUIREMENTS AND WAIVERS

The Planning Board may waive the parking requirements of this Section for commercial, mixed use, and residential uses in the Village Center & Neighborhood (VCN) and Business Districts if the applicant can demonstrate that sufficient off-street and on-street parking (public or private) exists that may adequately fulfill, in part or in whole, the parking needs of the applicant, or that special circumstances exist, such as the shared use of a parking lot by activities having different peak demand times as determined by the standards below. No commercial parking is required in the VCN-GDG-NDTV and NSV-VC districts for by-right projects only.

A. Purpose.

1. To establish parking policies that support human-scaled environments.
2. To minimize the impact of sidewalk interruptions and conflict points on the walkability of the public realm.
3. To minimize excessive and inefficient off-street parking lots that result in lost opportunities to develop new buildings that expand business and the tax base.
4. To encourage the use of public transportation, bicycling, and walking in lieu of motor vehicle use when a choice of travel mode exists.

B. Off-Street Parking Requirements. The minimum number of off-street parking spaces required for residential, commercial, and mixed uses in the VCN and B shall be consistent with the requirements on Table 2 below. Where a use is not addressed on Table 2, then such use will be consistent with the requirements of Table 1 in Section 760.6. Outdoor seating cafes and accessory buildings are exempt from off-street parking requirements at the discretion of the Planning Board. The VCN-GDG-NDTV and NSV-VC districts do not require any off-street parking for the ground floor commercial uses for by-right projects only.

TABLE 2 - OFF-STREET PARKING STANDARDS FOR MIXED USE DISTRICTS	
Commercial and Mixed Use	Required Parking Spaces
Retail Business, Commercial or Personal Service Establishment	1 space per 400 square feet
General Office or Retail in Mixed Use Buildings	1 space per 500 square feet
Medical or Dental Office or Clinic	5 spaces/doctor or dentist within a single office or suite
Restaurant	1 space for each 4 seats
Residential Use	
S.F. Attached Unit or Cottage Unit	1.5/DU with 2 bedrooms or less; and 2/DU with 3 bedrooms or more located within 300 feet of the Dwelling Unit
1-bedroom unit in Mixed-Use or Multi-Family Building	1 space
2-bedroom unit in Mixed Use or Multi-Family Building	1.5 spaces
3 or more bedroom unit in Mixed Use or Multi-Family Building	2 spaces

C. Parking Reduction Methods. By Special Permit, the Planning Board may decrease off-street parking requirements in Table 2 under the following conditions:

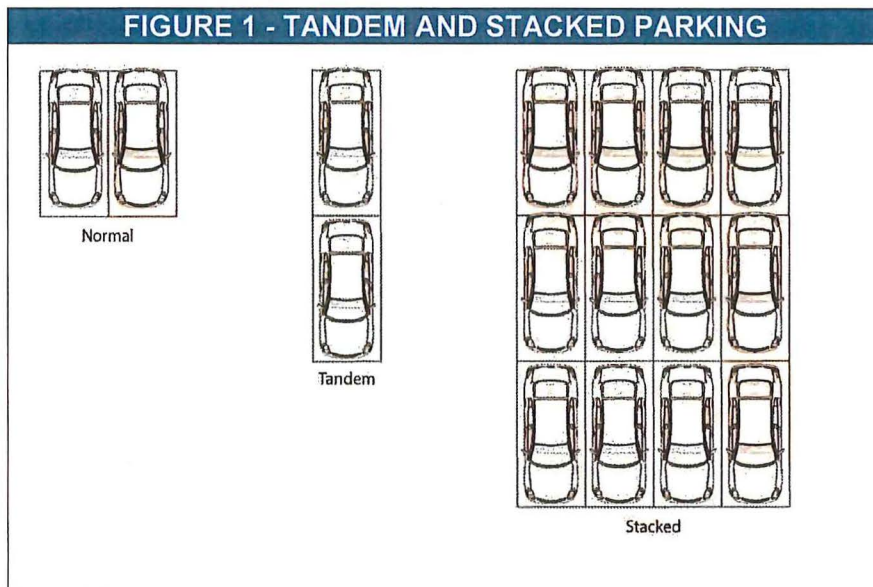
1. On-Street Parking Off-Set. Parking spaces required to meet the minimum off-street parking requirements of Table 2 may include publicly available on-street parking spaces along the building lot frontage on the same side of the street.
2. Shared Parking and Mixed Use.
 - a) When there is a combination of uses on-site using shared parking lots with offset peak demand times under one or more of the following-conditions: a shared parking agreement with proximate properties where uses have offset peak demand times; uses have a high rate of parking turnover; or evidence of similar uses and location situations operating successfully with lower amounts of parking.
 - b) In Commercial or Mixed-Use Buildings or Developments where shared parking is proposed, the Planning Board may require an evaluation prepared by the applicant following the procedures of the Urban Land Institute (ULI) Shared Parking Manual (latest edition) or the Institute of Transportation Engineers (ITE) Shared Parking Guidelines (latest addition), or other approved procedures determined by the Planning Board.
 - c) A formal parking evaluation may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal.
3. Car-Sharing Program. The Planning Board may approve a parking reduction where an active car-sharing program is made available to residents and/or employees of a Development Site; and where cars for the car-share program are available on the site or within a 700-foot walking distance of the site.
4. Off-Site Parking. The Planning Board may allow required parking to be provided off-site, except for any required handicapped parking, as permitted according to the provisions of and when conforming to the following:
 - a) A lot featuring the off-site parking must be located within seven hundred (700) feet in walking distance, measured from the nearest point of the off-site parking along walkways to the principal building entrance served;
 - b) Pedestrian access between the use and the off-site parking area must be via paved sidewalk or walkways; and
 - c) A lease, recorded covenant, or other comparable legal instrument, executed and filed with the Town of Scituate, guaranteeing long term use of the site containing the off-site parking area is provided to the Planning Board.

D. Special Parking Types and Standards.

1. Stacked and Valet Parking. By Special Permit, the Planning Board may allow valet or stacked parking if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, a written guarantee must be filed with the Town ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces continue to apply

for stacked parking. Valet and stacked parking spaces do not require individual striping and may be permitted on-site or off-site as a means of satisfying the applicable off-street parking requirements where:

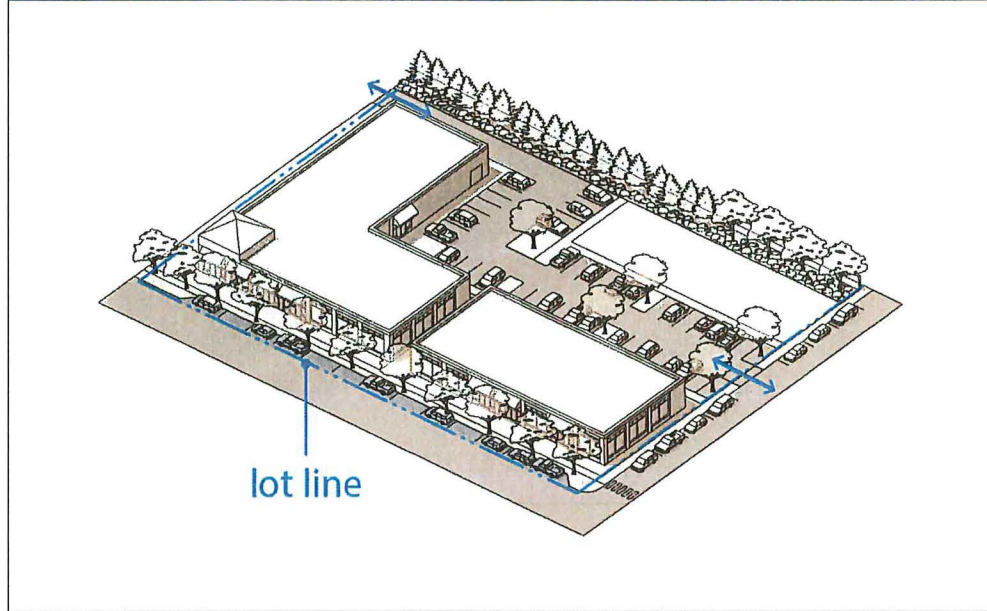
- a) Adequate assurance of the continued operation of the valet parking is provided.
 - b) An equivalent number of valet spaces are available to replace the number of required off-street parking spaces.
 - c) The design of the valet parking area will not cause queuing in a vehicular travel lane.
 - d) An attendant is provided to park vehicles during business hours.
2. Tandem Parking. By Special Permit, the Planning Board may allow tandem parking under the following conditions:
- a) To be used to meet parking requirements for residential units only.
 - b) Tandem spaces shall be assigned to the same dwelling unit.
 - c) Tandem parking shall not be used to provide guest parking.
 - d) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 30 feet in length.
 - e) Up to 75% of the total off-street parking spaces provided may incorporate tandem parking.



3. Street Side Parking. By Special Permit, the Planning Board may allow parallel or angled parking provided on a privately-owned lot directly adjacent to the public street right-of-way in combination with a minimum five (5) foot wide planting strip with street trees planted 40 feet on center, and a five (5) foot minimum concrete sidewalk connecting to public sidewalks on abutting lots and to the primary

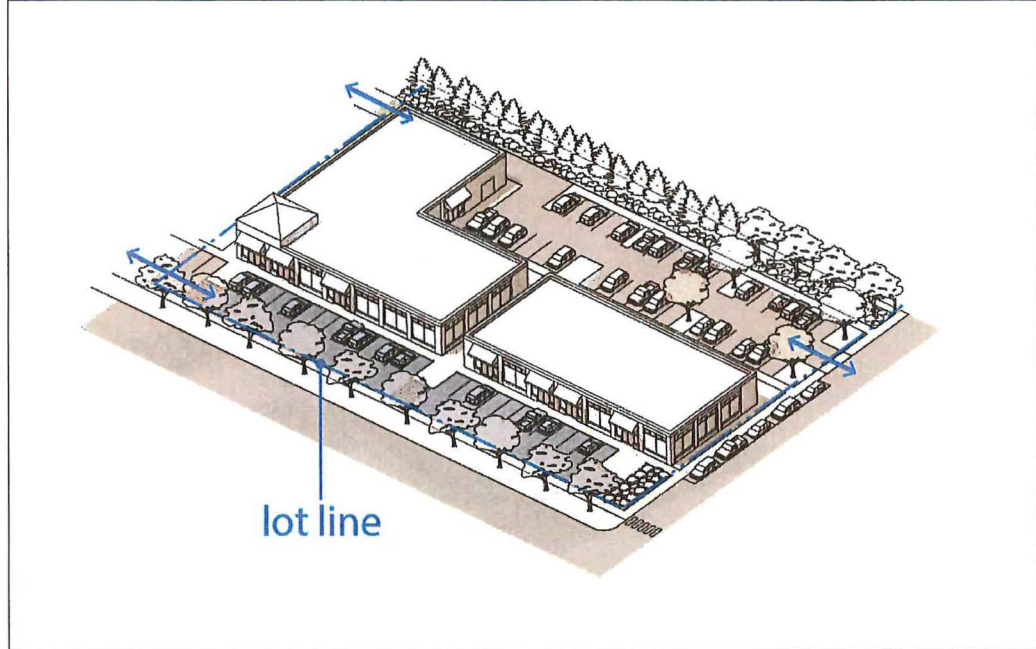
building on-site. These parking spaces shall be privately owned but accessible to the public. These parking spaces were effectively function as on-street parking.

FIGURE 2 - STREET SIDE PARKING (ON FRONT PROPERTY LINE)



4. Teaser Parking. By Special Permit, the Planning Board may allow a limited amount of off-street surface parking to be placed between a public street and the street facing façade of a primarily building. Where this is permitted by the Planning Board, the parking area will be setback a minimum of twenty (20) feet from the street line and streetscape treatments including street trees, landscaping, and a minimum 5-foot sidewalk will be placed adjacent to the street line. The sidewalk shall also be connected to the front door of the primary building by a dedicated pedestrian connection. The portion of the parking lot located in front of the primarily building shall be limited to one (1) double row of vehicles and associated parking aisle.

FIGURE 3 – TEASER PARKING (IN FRONT OF PRIMARY BUILDING)



E. Structured Parking.

1. Permitted Types. Off-street parking structures may include a private garage or carport, an above-ground parking structure, or an underground parking structure.
2. Access. Pedestrian access to structured parking shall be made directly to the primary building and may be made to a public sidewalk as applicable. Structured parking may also be attached directly to the primary building allowing pedestrians to enter directly into the building.
3. Design and Construction. Where a structured parking facility is visible from a public way, the façade design of the visible façade(s) must be designed as follows:
 - a) Fenestration and facade openings must be vertically and horizontally aligned and all floors fronting on the facade must be level (not inclined).
 - b) The facade must include windows of transparent or translucent, but non-reflective, glass or openings designed to appear as windows for between twenty percent (20%) and fifty percent (50%) of the wall area of each floor.
 - c) Windows must be back-lit during evening hours and internal light sources must be concealed from view from public sidewalks.
 - d) The facade area masking the floors occupied by motor vehicle parking must be seamlessly integrated into the architectural design of the building's facade.

F. Parking Design Standards. In addition to the parking standards in Section 760, the following standards apply:

1. Parking Setbacks.
 - a) In the VCN all off-street parking, except underground structured parking, shall be located at or behind the required parking setback as indicated in Section 580.

imposed by the Planning Board be secured by a type and amount of security satisfactory to the Planning Board.

770.9 APPLICABILITY OF APPROVAL REQUIREMENTS

For the purpose of this section, the following uses shall be considered as business or commercial uses, and all buildings designed, arranged or constructed for or occupied by, one or more such uses shall be considered as business or commercial buildings:

- A. Any of the uses permitted in B or VCN District, but not permitted in R-1, R-2, or R-3 Districts (with or without Board of Appeals authorization).
- B. Any of the following R-1, R-2, or R-3 District uses, when located in a B or VCN District:
 - 1. Nursery school or other agency for day care of children, or private organized camp.
 - 2. Rest home, convalescent home, nursing home or assisted living facility.
 - 3. Commercial livery or mooring for marine pleasure craft.
 - 4. Commercial golf course
 - 5. Riding academy on lots of less than five acres of land
 - 6. Boarding or Lodging House, Inn or Bed and Breakfast Establishment
 - 7. Salesroom or stand for the display and sale of agricultural and horticultural products, or commercial greenhouse on lots of less than five acres of land.
- C. Multi-family dwellings are subject to Site Plan Administrative Review of Major Site Plan Review as would be required for business or commercial uses.

SECTION 800 - NON CONFORMING STRUCTURES AND USES

810

STRUCTURES AND USES ALREADY IN EXISTENCE

810.1 EXISTING USES AND STRUCTURES

Any lawful structure or any lawful use of land or structure, existing in whole or in substantial part as of the effective date of this bylaw or any amendment thereto, subject to the limitations established in Massachusetts General Laws, Chapter 40A, Section 6, as amended, or any construction or operation for which a building or other permit has been issued prior to the effective date of this bylaw or any amendment thereto may be continued, although not in conformity with the provisions thereof, unless or until abandoned or not used for a period of four years or more, except that this time limit may be waived by the Zoning Board of Appeals by means of a special permit and/or finding. Modifications to structures or uses of land or structures lawfully existing as of the effective date of this by law, April 11, 2022, shall be governed by the following subsections with the

further provisions that 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 shall, if changed to a conforming use, revert to a nonconforming use.

810.2 ALTERATION OF NONCONFORMING STRUCTURES

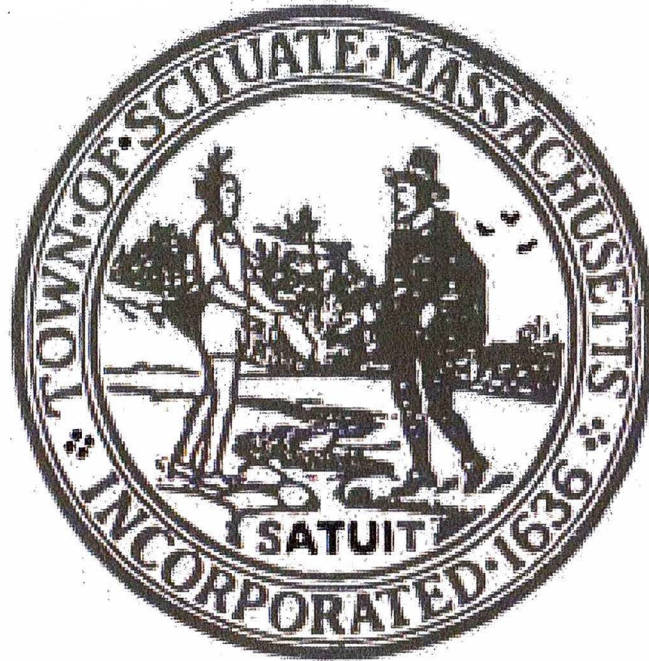
The Building Commissioner may permit the repair, alteration, reconstruction, extension or structural change of a lawful, dimensionally nonconforming structure, or a portion thereof, or accessory structures thereto, provided the proposed repair, alteration, reconstruction, extension or structural change meets the following conditions:

- A. In the case of a structure which is nonconforming solely because of insufficient lot frontage or lot area, or both, the proposed repair, alteration, reconstruction, extension or structural change shall meet all dimensional requirements for front, side and rear yard setbacks, and maximum height; provided, that any repair, alteration, reconstruction, extension or structural change which by itself or in the aggregate with other repairs, alterations, reconstructions, extensions or structural changes would increase the gross floor area of the nonconforming structure which existed on the date that the structure became nonconforming by more than 20% may not be permitted by the Building Commissioner pursuant to this paragraph.
- B. In the case of a dimensionally nonconforming structure with sufficient lot frontage and lot area, where said structure or a portion thereof is nonconforming as to one or more of the dimensional requirements for front, side or rear yard setbacks or maximum height, the proposed repair, alteration, reconstruction, extension or structural change shall meet all dimensional requirements for front, side, or rear yard setbacks or maximum height; provided, that any repair, alteration, reconstruction, extension or structural change which by itself or in the aggregate with other repairs, alterations, reconstructions, extensions or structural changes would increase the gross floor area of the nonconforming structure which existed on the date that the structure became nonconforming by more than 20% may not be permitted by the Building Commissioner pursuant to this paragraph.
- C. In all other instances of alteration, reconstruction, extension or structural change to structures governed by this bylaw, the applicant may petition the Board of Appeals for a finding under General Laws Chapter 40A, Section 6 to allow the proposed repair, alteration, reconstruction, extension or structural change, which the Board may grant if the Board finds the proposed repair, alteration, reconstruction, extension or structural change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The repair, alteration, reconstruction, extension or structural change of such nonconforming structure so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard setback, shall require the issuance of a variance from the Board of Appeals.

The Board of Appeals may by a finding under General Laws Chapter 40A Section 6 authorize a nonconforming use to be changed to a specified use not substantially different in character, or not

ZONING BYLAWS

**REDLINE ZONING PUBLIC HEARING
1/11/2024 AND TOWN MEETING 4/2024**



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TOWN CLERK

Town of Scituate Massachusetts

Including changes approved by 4/10/23 Annual Town Meeting
Approved by the Attorney General on June 13, 2023

Posted: July 5, 2023
Printed: July 2023

TOWN OF SCITUATE



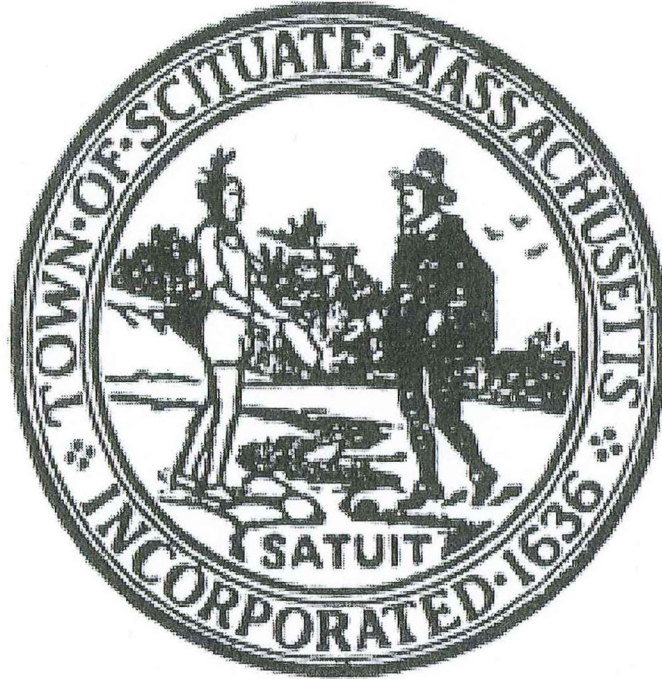
600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
FAX: 781-545-8704

Planning Board

730.4 WIRELESS COMMUNICATION ANTENNAS ON UTILITY POLES

A wireless communications antenna may be installed on a utility pole in any zoning district provided **that: (1)** the antenna is not more than ten feet in height; **(2) ~~subject to~~** the applicant **obtaining-obtains** a **Special Permit from the Planning Board that meets all the requirements of a Major Site Plan Review** approval from the Planning Board under Section 770 of this bylaw and **(3)** the application meeting applicable standards of Section 730.2 A. and B., paragraphs 1, 3 and 5 regarding plan submissions, structural soundness, camouflage and removal. Prior to the public hearing on the special permit, the applicant shall provide information to the Planning Board concerning the need for the antenna(s). This may include coverage maps to show the need for the antenna(s) or similar information. Prior to approving the special permit, the Planning Board must make a written finding that there is a demonstrated need for the antenna(s) to provide or improve cell phone, computer or similar devices' service for purposes of coverage and/or capacity.

ZONING BYLAWS



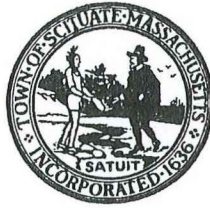
Town of Scituate Massachusetts

Including changes approved by XXXX Annual Town Meeting
Approved by the Attorney General on XXXX

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TOWN OF SCITUATE



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
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Appendix I – M.G.L. Chapter 59 §5 cl 54

MGL c. 59 §5, Fifty-fourth. Personal property, if less than an amount established by the city or town, but not in excess of \$10,000 of value. This clause shall take effect upon its acceptance by a city or town, which shall establish a minimum value of personal property subject to taxation and may modify the minimum value by vote of its legislative body.