

**TOWN OF SCITUATE
PROPOSED 40B PROJECT HEARING
ZONING BOARD OF APPEALS
Meeting Minutes**

June 22, 2022

TOWN OF SCITUATE
TOWN CLERK
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Present: Anthony Bucchere, Chairman, George Xixis (not present), Susan Harrison, Justin M. Marks, Christopher Carchia

Also present: Robert Vogel, Scituate Building Commissioner

Jeffrey A. De Lisi, Esq., Ohrenberger, De Lisi & Harris, LLP, 28 New Driftway, Scituate, MA -

Representing the applicant Dan Lovendale of Salt Meadow Development at Scituate, LLC

Dan Lovendale of Salt Meadow Development at Scituate, LLC - applicant

Mark Casey, Engineer with South Shore Survey Consultants, Inc.

Jeremy Lake, Architect with Union Studio Architecture

Patricia Van Buskirk, Landscape Architect

Jeffrey S. Dirk, P.E., PTOE, FITE, Traffic Consultant with Vanasse & Associates Inc. (viz Zoom) – for applicant

Patricia Lambert, Chair of the Planning Board

The Scituate Zoning Board of Appeals held a hybrid public hearing in the Harbor Conference Room (inside Scituate High School Library), Scituate High School, 606 Chief Justice Cushing Highway and was also accessible via zoom on **Wednesday, June 22, 2022 at 7:00 P.M.** to consider the following request:

(Continued from April 27, 2022) Salt Meadow Development at Scituate, LLC, seeks a Comprehensive Permit pursuant to Massachusetts General Law Chapter 40B, Sections 20 through 23, 760 CMR 56, and the Town of Scituate Zoning Bylaw and Comprehensive Permit Rules and Regulations, and/or any other relief that the Board of Appeals may grant, to allow for the construction and use of at least 32 dwelling units, at least eight of which would be restricted for low and moderate income for the development of affordable housing, at the property known and numbered as **279-281 Old Oaken Bucket, Scituate, MA, comprised of Assessor Parcels (44-1-3-D, 44-1-3-0, 41-1-3-A).**

Mr. Bucchere – opened the meeting.

Attorney De Lisi - reintroduced the parties present and gave an overview since the last meeting. Attorney De Lisi reiterated that this proposed project consisted of three assessor's parcels containing approximately eleven acres of land located at 279-281 Old Oaken Bucket Road. The Conservation Commission has approved a delineation of wetlands and that is now final. This is a site that is not located in a map priority habitat area. The property currently contains a two-family home which has a total of five bedrooms. The Commonwealth of Massachusetts issued last year an approval letter for this site authorizing the maximum of 34 units and 90 bedrooms. Since the last meeting the architects involved have taken into consideration the comments and concerns expressed at the last meeting and have recommended that the developer revise the concept to eliminate the existing two-family dwelling and instead of creating 34 units with 90 bedrooms, 32 units are now being proposed with 90 bedrooms. The

proposal would include 26 three bedrooms, six two-bedrooms and 25% of the 32 units would be designated as affordable. Attorney De Lisi stated that should the board approve this project the next step would be to apply to the Conservation Commission, which has jurisdiction pursuant to the Wetlands Protection Act for conservation matters. A peer review engineer has recently been chosen by the town and they have not yet had an opportunity to submit their report so at the next scheduled meeting the engineering details/issues will be addressed which would include stormwater management and drainage. The traffic study has now been finalized and a landscape design has been formulated and additional documents have been provided concerning site eligibility and water availability.

Jeremy Lake – the two-family existing dwelling has been removed from the revised plans, which will allow the units at the front portion of the site to be spread out and five single-family detached homes are now proposed in its place. The front doors would be along Old Oaken Bucket and the garages in the back or sides and a shared driveway is introduced. The units would use the shared driveway off Old Oaken Bucket to get back to their garages and avoid seeing garage doors and additional traffic/turning. 32 units total, 90 bedrooms - six two-bedroom duplex units (2 would be affordable), sixteen three-bedroom units (4 would be affordable), 10 three-bedroom single-family detached units (2 would be affordable) for 32 total units – 25% of that is 8. The 25% is distributed for affordable between the different types and will not be distinguishable as such. The renderings have been updated and were reviewed. Attorney De Lisi advised that the setback plan will be coming. Discussion followed with Mr. Bucchere and the board.

Tricia Van Buskirk – reviewed the landscape plan including vegetative screening and seasonal trees, street scape, open recreation space, lampposts and an overlook/green area.

Liz O'Reilly (179 Maple Street, Scituate, MA 02066) – questioned the use of the open meadow space (reserved septic area) which was discussed. Ms. O'Reilly also addressed the issue of Old Oaken Bucket being a scenic road and the removal/rebuilding of trees and/or stonewalls. Attorney De Lisi commented that typically the planning board would be the permit granting authority under the scenic road bylaw but for this purpose it would be the ZBA. A survey will have to be done as to what is within the layout of the road along Old Oaken Bucket Road. Questioned if the public/community would have an opportunity to speak with the peer review. Mr. Bucchere responded regarding the process.

Jeffrey S. Dirk – reviewed via Zoom an overview of the Transportation Impact Assessment Summary dated June 22, 2022 done by Vanasse & Associates. Mr. Dirk noted he did receive the information prepared by the Scituate Fire Department regarding this application. He will review the information and revise as appropriate so that fire removes their concerns regarding Ladder 1. The Road Safety Audit is done by an independent traffic engineer. Mr. Bucchere will check with Scituate DPW regarding a road safety audit and await results from the peer review engineer. Mr. Carchia questioned how visitor parking would be accounted for (on street, two lanes, one lane). Each unit allows for parking for four cars. Norwell Fire was not notified directly of this project and to date no comments have been received from them. However, Scituate Fire has jurisdiction and Norwell is aware of this project. Mr. Dirk stated that in the event the road safety audit is requested it would be initiated within one month and take 2-3 months to complete overall.

Meeting was opened for public comment –

Alida Rose Tangherlini (189 Old Oaken Bucket Road, Scituate, MA 02066) – had questions regarding traffic and response by Mr. Bucchere.

Deborah Berk & Marc Falbo (202 Old Oaken Bucket Road, Scituate, MA 02066) – felt that currently the public safety officials are not enforcing the existing traffic laws, sidewalks are nonexistent and Old Oaken Bucket is “a corridor to Rte. 3/Exit 14”. Mr. Bucchere discussed and commented. Marc Falbo

asked who the engineer will be representing the town. Mr. Bucchere explained that Merrill Engineering has been hired, the applicant has approved the contract and is currently reviewing costs. Mr. Falbo also questioned if a blinking speed limit sign could possibly be installed. That issue was discussed with the board.

Gail Anderson (178 Maple Street, Scituate, MA 02066) – questioned whether these traffic studies took the Herring Brook Meadow development into consideration. Mr. Dirk commented and responded. Herring Brook Meadow was not included in the assessment but other area developments were.

Karen Marques (255 Old Oaken Bucket Road, Scituate, MA 02066) – commented on her concerns as Old Oaken Bucket is “a dangerous road”, as well as entering and exiting Marilyn Road.

William (Bill) Nelson (38 Marilyn Road, Scituate, MA 02066) – stated that a spotted turtle (endangered species) was found on the proposed site of this project. The town was contacted and no action was taken. He suggested that a full wetland study should be done. Mr. Bucchere commented that this board will be deciding most everything with respect to relief and/or permissions that the town needs with respect to town bylaws. This board will not be granting the applicant any relief or permission with respect to state or federal environmental regulations or state or federal building codes. Attorney De Lisi responded and asked for more details from Mr. Nelson regarding the turtle. Mr. Bucchere reiterated that in terms of any state or federal endangered species protection, this board will not be granting any permissions or waivers from those regulations. Mr. Vogel commented that this issue should be presented to Amy Walkey at the Conservation Commission. Additional discussions with Attorney De Lisi, Mr. Vogel and the board.

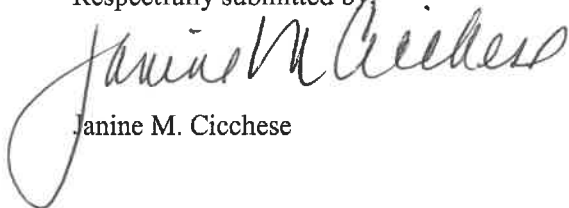
Mr. Bucchere – the hearing will be continued for the peer review process to be continued. Mr. Bucchere asked for the next hearing that Attorney De Lisi/developers engineers provide at least a basic setback plan, a traffic plan/layout that will address the concerns of the fire chief, more information and future plan regarding the scenic street bylaw and stonewalls and trees related to, the possibility of a school bus shelter and a cedar fence rendering. The board will follow-up with the peer review and the water department and Water Resource Commission for a response. Mr. Xixis was unavailable for this meeting, will view the recording of this meeting, will attend the next meeting and will complete the necessary form and file same with the Town Clerk. Attorney De Lisi stated that he/developer would be willing to work with the board to extend the ultimate time frame should that be necessary. Attorney De Lisi suggested holding the next meeting during the week of August 22. Mr. Bucchere suggested Tuesday, August 23 and this was approved by all parties. Mr. Bucchere made a motion to continue the hearing to Tuesday, August 23, 2022 at 7:00 p.m. Motion seconded by Ms. Harrison, all in favor, unanimous.

ADJOURNMENT

Motion to adjourn by Mr. Bucchere and seconded by Ms. Harrison, all in favor, unanimous.

Meeting adjourned at 9:19 pm.

Respectfully submitted by



Janine M. Cicchese