

**SCITUATE TOWN WARRANT
WARRANT FOR ANNUAL TOWN MEETING, 2008
To be held on March 29 for the Transaction of Business
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**

SATURDAY, THE TWENTY NINTH DAY OF MARCH 2008 NEXT

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

**Article 1
Compensation of Certain Elected Officials**

To see if the Town will vote to establish the salaries and compensation of all elected
Town officials; or take any other action relative thereto.

SELECTMEN: Chairman & Legitimate Expenses	\$1,500
SELECTMEN: Members & Legitimate Expenses	\$2,000 (4 @ \$500)
ASSESSORS: Chairman & Legitimate Expenses	\$1,200
ASSESSORS: Members & Legitimate Expenses	\$ 800 (2 @ \$400)

Sponsored by: Board of Selectmen

**Article 2
Compensation of Elected Town Clerk**

To see if the Town will vote to establish the salary and compensation of the following
elected Town official; or take any other action relative thereto.

TOWN CLERK:	\$55,700.00
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Sponsored By: Board of Selectmen

**Article 3
Free Cash**

To see if the Town will vote to transfer \$500,000 from Free Cash to be used by the Assessors to reduce the tax rate; or take any other action relative thereto.

Sponsored By: Board of Selectmen

**Article 4
Capital Improvement Plan**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following sums of money, or any other sums as may be necessary to defray the costs of the Fiscal Year 2009 Capital Improvement Plan submitted in accordance with Section 6-6 of the Scituate Home Rule Charter and outlined as follows; or take any other action relative thereto.

A. Highway Improvement	425,000
B. Library Renovations	117,000
C. Clean and Line First Parish Main	640,000
D. Clean and Line Beaver Dam Road Main	350,000
E. Replace 6" Main on First Parish Road	235,000
F. Replace Water Mains under RR Crossings	225,000
G. Replace Water Main on Beaver Dam Road	415,000
H. Replace Carbon Filter Media at Plant	105,000
I. Replace Water Meters	2,200,000

Sponsored By: Board of Selectmen

**Article 5
FY 2009 Operating Budget**

To see if the Town will vote to raise and appropriate, or transfer from available funds such sums of money as may be necessary to defray expenses estimated for the ensuing Fiscal Year commencing July 1, 2008; or take any other action relative thereto.

Sponsored By: Board of Selectmen

**Article 6
Waterways Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Waterways

estimated for the ensuing fiscal year commencing July 1, 2007; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 7
Golf Course Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Golf Course estimated for the ensuing fiscal year commencing July 1, 2008; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 8
Wastewater Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Wastewater Treatment Plant estimated for the ensuing fiscal year commencing July 1, 2008; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 9
Transfer Station Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Landfill /Transfer Station estimated for the ensuing fiscal year commencing July 1, 2008; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 10
Water Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Water Division estimated for the ensuing fiscal year commencing July 1, 2008; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 11
Stabilization Fund

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 General Laws, Chapter 40, Section 5B; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 12
MGL Chapter 91 Liability

To see if the Town will vote to assume liability in the manner provided by General Laws, Chapter 91, Section 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 Section 11 of said Chapter 91 and to authorize the Selectmen to execute and deliver a bond on indemnity therefore to the Commonwealth; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 13
Conservation Fund

To see if the Town will vote to raise and appropriate \$5,500 of which \$3,500 is to be added to the Conservation Fund established pursuant to General Laws, Chapter 40, Section 5, and \$2,000 to be added to the Driftway Park Maintenance Fund; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 14
Revolving Fund-Council On Aging

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which will be credited programming funds to be expended under the direction of the Council on Aging Director with the total amount to be expended in the ensuing fiscal year not to exceed \$35,000; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 15
Revolving Fund – Planning Board

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which shall be credited only administrative application fees received by the Planning Board, which may be expended solely for postage, legal advertising and other administrative expenses connected with specific applications. The Planning Board and Town Planner shall be authorized to

initiate expenditures from this fund for these purposes, with the total amount to be expended in the ensuing fiscal year not to exceed \$50,000; and further any balance exceeding \$10,000 at the end of the fiscal year shall revert to the general fund; or take any other action relative thereto.

Sponsored By: Planning Board

Article 16
Revolving Fund – Board of Health

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which will be credited food establishment inspection funds to be expended under the direction of the Director of the Health Department with the total amount to be expended in the ensuing fiscal year not to exceed \$7,000; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 17
Revolving Fund-School Bus Transportation

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2 to establish a revolving fund to which will be credited school bus transportation fees received by the School Department, which may be expended for expenses associated with the transportation of students with the total amount to be expended in the ensuing fiscal year not to exceed \$300,000; or take any other action relative thereto.

Sponsored By: School Committee

Article 18
Collective Bargaining Agreements

To see if the Town will vote to raise and appropriate, or transfer \$ 125,000 to implement the collective bargaining contracts, to be apportioned by the Town Accountant to the applicable line items voted under Article 5; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 19
Community Preservation

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate a sum of money to meet the administrative expenses, rehabilitation of historic resources and all other necessary and proper expenses of the Community Preservation Committee

for Fiscal Year 2009; and further to reserve for future appropriation the following amounts as recommended by the Community Preservation Committee; a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition and preservation of historic resources, and a sum of money for the creation, preservation and support of community housing:

A. Stockbridge Grist Mill	57,132
B. Local Historic Survey	18,000
C. Bike and Walking Path	550,000
D. Water Resources Map	53,900
E. Elderly Housing Study	72,000
F. Scituate Marine Park	344,000
G. Driftway/North River Public Access	236,500
H. Town Archives	40,000
I. Affordable Housing Trust	700,000
J. Administrative Budget	70,000

or take any other action relative thereto.

Sponsored By: CPC

Article 20
Para-transit

To see if the Town will vote to raise and appropriate \$20,000 to fund the Para-transit program in the Town of Scituate, or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 21
Chapter 32B, Section 18

To see if the Town will vote to accept MGL Chapter 32B, Section 18 which requires those retirees/spouses to sign up for Medicare Part B if they are eligible for Part A without cost; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 22
Lease
Waste Water Treatment Plant Property

To see if the Town will vote to authorize the Selectmen to lease a portion of the Scituate Wastewater Treatment Plant Property for up to twenty five years for the purpose of operating a private commercial yardwaste business; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 23
Lease-“Appleton“ Property

To see if the Town will vote to authorize the Conservation Commission to lease a portion of the so called “Appleton Property” for up to five years for the purpose of farming including the raising of pigs; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 24
Beach Protection Plan Mann Hill

To see if the Town will vote to transfer a sum of money to develop a beach protection plan for the Mann Hill Road area; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 25
Zoning By Law -Wind Energy Systems

To see if the Town will vote to amend Scituate Zoning Bylaw Section 740, Wind Energy Conversion Systems, by deleting the existing language of Section 740.6, Noise Level Standards, and substituting the following new language:

740.6 Noise Level Standards

The wind facility and associated equipment shall conform with the provisions of the Department of Environmental Protection Division of Air Quality Noise Regulations (310 CMR 7.10). An analysis prepared by a registered qualified engineer will be required to demonstrate compliance with the above standards; or take any other action relative thereto.

Sponsored by: Planning Board

Article 26
Zoning ByLaw - Humarock Overlay District

To see if the Town will vote to amend the Zoning Bylaw by adding the following new Section 570, Humarock Village Residential Overlay District:

SECTION 570 HUMAROCK VILLAGE RESIDENTIAL OVERLAY DISTRICT

570.1 Purpose. This zoning overlay district is hereby adopted to regulate, condition and protect the village center of the small ocean-front community of Humarock, which lies on an environmentally sensitive barrier beach; to encourage redevelopment of parcels containing outdated uses; and to allow alternative forms of residential development at an appropriate scale for the land. Paramount goals are to promote development which is harmonious with the natural features of the peninsula which constitutes the Humarock area; to beautify and protect the adjacent resource areas; and to enhance the entrance to the Humarock Public Beach. The provisions of the underlying zoning shall remain in full force and effect, applicable to the land, except and to the extent an applicant elects to utilize the provisions of this Section 570 and obtain all required relief pursuant to this Section 570.

570.2 Permitted Uses.

In the Humarock Village Residential Overlay District, all of the uses permitted in the underlying Zoning District(s) as of right shall be permitted as of right.

570.3 Uses Permissible by Special Permit.

The following uses may be permitted by Special Permit in the Humarock Village Residential Overlay District:

- A. Any use permitted by Special Permit in the underlying Zoning District in accordance with the provisions of that district.

- B. A multi-family development on a parcel containing a minimum of 30,000 sq. ft. of lot area as defined by Section 610.1 of this bylaw in single ownership provided that a Special Permit is obtained from the Planning Board in accordance with the provisions of Section 570 of this bylaw. A multi-family development shall consist of residential dwelling units, except that on Marshfield Ave. and Central Ave., which have a central location in the Humarock Business District, a business use may be permitted on the first floor with the approval of the Planning Board.

570.4 Dimensional Requirements for Multi-family Developments.

The Planning Board may issue a Special Permit for multi-family developments in the Humarock Village Residential Overlay District, subject to the following dimensional requirements:

- A. Density. All new residential multifamily developments shall conform to the following density limitations:
1. The maximum number of dwelling units permitted shall be the equivalent of up to seven (7) units per 40,000 sq. ft. of lot area or
 2. A maximum number of units equivalent to eight (8) units per 40,000 sq. ft. may be authorized under Section 570.5 if the permit granting authority finds that significant public benefits are provided, which benefits are not otherwise achievable under the existing special permit requirements or not otherwise required to construct an applicant's project.
- B. Setbacks. No building containing residential townhouses shall be erected within twenty-five (25) feet of the exterior line of any street or way, except that a setback of eight (8) feet is permitted from any private way bordering the General Business District on both sides because of the very limited amount of residential traffic on these streets. In order to provide an adequate visual buffer to multi-family uses in an area that is generally more densely developed, and more environmentally sensitive, than other areas, this requirement shall be exempt from Section 620.4, Paragraph A of this bylaw which allows a setback equal to or greater than the average of buildings on the same side of the street between two intersecting ways and within two hundred feet of the lot in question.
- A building containing a business use on the first floor shall have a minimum front yard setback of 5' and a maximum front yard setback of 15'.
- The required side yard distance and rear yard depth for all buildings shall be a minimum of fifteen (15) feet.
- No structure may be erected within twenty-five (25) feet of the South River.
- C. Height. No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height measured to the ridge, whichever is lower. For the purpose of this Section, a habitable attic shall not be considered a story, and a half story shall be defined as a story directly under a sloping roof where the area with a ceiling height of 7'3" or greater is less than 2/3 of the floor area of the story next below.

In order to provide a transition from the scale of existing buildings in the surrounding area, no building within thirty-five (35) feet of the property line shall exceed thirty (30) feet measured to the ridge.

- D. Floor Area Ratio. No building or buildings shall have Floor Area Ratios greater than 0.425 for the area of the lot or parcel. Floor Area Ratio is defined as follows:
 - 1. Floor – The gross floor area in square feet of all of the buildings on a parcel, including enclosed porches, sheds, shower houses, and other structures, but not including overhanging 2nd or 3rd floor balconies or ground level parking beneath a building.
 - 2. Area – The area in square feet for the same parcel.
 - 3. Floor Area Ratio – The gross floor area of all buildings on a parcel divided by the total area of the parcel.

The applicant shall provide the calculation of Floor Area Ratio with the total gross floor area and total area of the parcel in sq. ft.

- E. Compliance with Required Setbacks, Height and Other Dimensional and Use Restrictions. Prior to an applicant filing for a Special Permit under this Section 570, said applicant must have obtained, to the extent required, required federal (including, without limitation, Army Corps of Engineers) or State (including, without limitation, Chapter 91) permits, approvals or licenses (“Approvals”), which Approvals shall be consistent with the requirements and limitations of this Section 570.
- F. Access to Water. All multi-family projects adjacent to the South River or Atlantic Ocean shall provide public access to waterways, which shall be maintained to promote public access, with appropriate signage. An easement or other deeded rights shall be provided to insure this access can be maintained.

570.5 Bonus Density Requirements.

The Planning Board may, at its discretion, permit an increase in density up to the equivalent of one (1) additional unit per 40,000 sq. ft. of lot area in the Humarock Village Residential Overlay District, provided the Board makes a written finding that the applicant will provide significant improvements offering a public benefit to Humarock, in addition to improvements necessary to meet the requirements of this bylaw, and which improvements are not otherwise achievable under the existing special permit requirements or not otherwise required to construct an applicant’s project.

These improvements shall include on-site or off-site infrastructure, improvements or amenities not otherwise required by any town board or agency, serving a public purpose, to be constructed in an attractive, ecologically sensitive manner. Some examples are:

- Preservation of an existing but threatened water-dependent use that is valued by the community;
- Land acquisition or donation of open space to the Town or a qualified Conservation organization to create or acquire open space in desirable locations in Humarock, especially the Residential Overlay or Business Districts, including public “pocket parks” and other appropriate properties;
- Streetscape improvements including lighting, underground utilities on Marshfield Ave., benches, signage, plantings and sidewalks;
- Parking, walkways or landscaping providing or enhancing public access to the beach, the ocean or the South River;
- Improvements to the public beach entrance; public rest rooms; boat ramps; or pumpout services;
- Upgrades to drainage or water distribution systems where these are desired by the Town;
- Off-site drainage improvements to mitigate impacts of stormwater or sewage on the South River;
- Land or infrastructure for neighborhood wastewater treatment or other community infrastructure;
- Additional affordable units above the number required;
- or other improvements deemed of significant value by the 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 neighborhood 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. The applicant shall provide a list of all permits and approvals required in connection with 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.
- D. A specific time frame for the completion of all required off-site infrastructure improvements shall be incorporated as a condition of approval of the Planning Board.

The 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 Board to grant such density bonus.

570.6 Parking and Landscaping.

- A. Parking. Regardless of any provisions of other sections of this bylaw, no uses shall be intensified without providing adequate numbers and size of parking spaces as required by the Table of Minimum Parking Requirements in Section 760.6 for all proposed uses, except that the Planning Board may reduce the parking requirement for a slip or mooring to one (1) space where access is through a property containing a residential multi-family development and the applicant demonstrates that parking will be sufficient for the use. Each parking space shall contain no less than one hundred sixty-two (162) square feet of area [typically nine feet by eighteen feet] and shall have adequate back-up room and aisle width, as well as maneuvering area.

No parking areas shall be paved except those limited areas servicing handicapped parking and access paths to those spaces. All other parking areas shall be constructed of a dust free permeable surface. Curbing or wheel stops shall be provided to designate the location of spaces within parking areas. Curbing shall be cut where necessary to allow proper drainage into rain gardens or adjacent vegetated areas.

- B. Driveways. Driveways shall be eighteen (18) feet in width, but may be reduced to 16' with the approval of the Planning Board. All multi-family Residential Developments shall provide access from Public Ways. Maneuvering spaces shall be provided so that vehicles are not required to back onto a public or private way. Shared access may be required by Planning Board where feasible.
- C. Lighting. All lighting shall consist of full cut-off or shielded fixtures at appropriate height to lessen impacts on adjacent properties, and shall not cause glare for motorists, pedestrians or neighboring properties.
- D. Plantings – general. The following design standards shall apply to all planted areas.
1. Native landscaping appropriate to a beach and dune environment shall be used, with plants tolerant of low watering and low maintenance.
 2. To the greatest extent possible, existing native trees and shrubs shall be maintained.

3. No tree, shrub or plant shall be used that has been identified as an Invasive Species by the Massachusetts Plant Advisory Group in the most recent version of *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* (with annotated list,) or has been identified as invasive or banned on the *Massachusetts Prohibited Plant List* as periodically updated by the Massachusetts Department of Agriculture.
 4. Existing invasive plants shall be removed.
- E. Outdoor Parking Area Plantings. Each outdoor parking area shall contain a planted buffer area at least fifteen feet deep from any public or private ways. Any parking area of more than 10 (ten) spaces shall be required to have at least 10 (ten) % of the interior area of the lot landscaped and vegetated.
- F. Screening. All outdoor parking areas within seventy-five (75) feet of a parcel in residential use or in the Residential A-3 Zoning District shall be screened on each side adjoining the residential use or district by a buffer of dense vegetation of a minimum of six (6) feet in height at the time of planting, except where screening is already provided by an existing fence, wall, hedge or natural terrain feature. This screening shall be maintained in good condition and shall be designed so as not to obstruct vehicle sight distances at entrances, exits or street intersections.

When parking will be located under a building, the parking area shall be screened except for the location of necessary entrances and exits. Lattice or similar open screening shall be used to at least the height of the base flood elevation or highest overwash level, in order to allow the free movement of coastal storm flood water.

570.7 Design Standards for Multi-family Developments.

- A. General. All residential units shall consist of townhouses accessed from the ground, except that apartments with access from a higher floor shall be permitted where the first floor contains a retail or business use. In all construction, materials and styles shall be used that are similar to those used in residential building in Humarock and reflect the traditional seaside character of the area.
- B. Façade treatment. No exterior face of any building shall exceed thirty-five (35) feet in any plane (measured horizontally) without an offset of at least 24 (twenty-four) inches. The use of balconies, awnings or canopies shall be encouraged. No building shall have an overall length of more than 135 (one hundred and thirty-five) feet.

- C.** Roofs. Roofs shall be pitched to center ridge in keeping with the distinguishing architectural characteristics of typical ocean-side villages located in New England. Dormers within pitched roofs shall be encouraged, but shall not occupy more than fifty (50) % of the total roof area and shall be no more than twenty (20) feet in width. Dormers shall be exempt from roof pitch requirements but shall have pitched roofs. Sloped or pitched roofs with a minimum of 8:12 slope shall be required, except that to allow design variation, up to twenty (20) percent of the roof area may be flat or of other design than a sloped or pitched roof.
- D.** Utilities and Drainage.
1. All utility service lines shall be underground.
 2. Drainage.
 - a. Recharge. In order to protect the water quality of the South River and preserve environmentally sensitive dune and barrier beach areas, to the greatest extent possible, all stormwater shall be recharged on site and design techniques shall be used to reduce the generation of stormwater and non-point source pollution by limiting impervious surfaces, treating stormwater, maximizing open space and minimizing disturbance of natural areas.
 - b. Use of Best Management Practices. All runoff and drainage shall be managed using “Best Management Practices”, as described in the current version of the Massachusetts Department of Environmental Protection Stormwater Management, Vol. II: Stormwater Technical Handbook, including use of rain gardens and other techniques. Wherever possible, bioretention stormwater systems shall be used for removal of contaminants and sediment. Where drainage systems contain visible infrastructure it shall be landscaped or camouflaged.
 - c. 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.

- E. 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.
- F. Septic systems. In order to provide the maximum protection for the South River, all septic systems shall incorporate nitrogen removal.
- G. 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, thirty (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 Procedure.

- 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 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 950 of this Bylaw.

And also vote to amend Section 310, Types of Districts, by adding “HVROD” Humarock Village Residential Overlay District in alphabetical order among the other types of districts,

and also to amend Section 320, Location of Districts to include the following paragraph at the end of this section:

The Humarock Village Residential Overlay District shall be located and bounded as shown on the map titled “Humarock Village Residential Overlay District: 1/10/08 Boundary” by Larry Koff & Associates dated January 15, 2008.

and also to amend Section 340, Definition of Zoning Districts, by adding the following paragraph at the end of this section:

Humarock Village Residential Overlay District

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

Or take any other action relative thereto.

Sponsored by: Planning Board

Article 27

Zoning By Law

Humarock Village Residential Overlay District – Map Change

To see if the Town will vote to amend the Zoning Map by establishing the location of the Humarock Village Residential Overlay District as an overlay district for the areas shown as “Proposed Residential Overlay District” on a map titled “Humarock Village Residential Overlay District: 1/10/08 Boundary” by Larry Koff & Associates dated January 15, 2008; or take any other action relative thereto.

Sponsored by: Planning Board

Article 28

Zoning By Law - Humarock Zoning Change

To see if the Town will vote to amend the Zoning Map to change the zoning from Business to Residential A-3 for parcels in the area designated “Rezone Residential A-3” and “Proposed Additional Expansion of Residential A-3” on a map titled “Humarock Village Revised Business District Boundary” by Larry Koff & Associates dated December 11, 2007; or take any other action relative thereto.

Sponsored by: Planning Board

Article 29

General By Law - Stormwater

To see if the Town will vote to adopt a Stormwater Bylaw, as follows below:

SECTION 32050 STORMWATER BYLAW

1. Authority. This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the Regulations of the federal Clean Water Act found at 40 CFR 122.34.
2. Purpose. The purpose of this Bylaw is to reduce flooding, protect water quality, increase groundwater recharge, reduce erosion and sedimentation, promote environmentally sensitive site design practices that protect vegetation and enhance town character, ensure long-term maintenance of stormwater controls and meet federal requirements under Phase II of the National Pollutant Discharge Elimination System.
3. Applicability. This bylaw shall apply to the following activities:
 - A. Regulated Activities.
 1. All development and redevelopment projects that will disturb or alter over 15,000 sq. ft. of land, any development of an undeveloped parcel that will increase stormwater runoff, or a net increase of 25% or more of impervious area even if that alteration is conducted over separate phases and/or by separate owners.
 2. All development and redevelopment projects that will disturb or alter over 1,000 square feet of land on slopes greater than 15%, even if that alteration is conducted over separate phases and/or by separate owners.
 3. Construction of a new drainage system or alteration of a drainage system, serving a drainage area of more than 15,000 sq. ft. of land.
 4. Any development or redevelopment involving “land uses with higher potential pollutant loads,” as defined in the Massachusetts Stormwater Standards, Volume 1, Stormwater Policy Handbook. Land uses with higher potential pollutant loads include auto salvage yards, auto fueling facilities (gas stations), fleet storage yards, high-intensity commercial parking lots, road salt storage areas, commercial nurseries, outdoor storage and loading areas of hazardous substances, and marinas.
 - B. Exempt Activities.
 1. Construction on an individual lot within a subdivision that has previously been issued a stormwater permit, so long as the individual lot development conforms to the grading, building envelopes, and drainage patterns described in the subdivision’s stormwater permit.

2. Landscaping for a single-family home that involves the addition or removal of fewer than 100 cubic yards of soil material or alteration of less than two feet of elevation with maintenance of existing drainage patterns.
 3. Repair and replacement of existing roofs.
 4. Construction of walls and fencing that will not alter existing drainage patterns.
 5. Use, maintenance, and improvement of agricultural land.
 6. Construction of utilities, other than drainage, that will not alter existing terrain or drainage patterns, including repairs to existing septic systems when required by the Board of Health.
 7. Emergency repairs to any existing stormwater management facility.
 8. Routine maintenance and improvement of town-owned public ways.
4. Administration.
- A. This bylaw shall be administered by the Planning Board.
 - B. The Planning Board may adopt and amend Stormwater Regulations related to the content of permit applications and the performance standards for development activities, as described in Section 5 below. Failure to promulgate such Regulations shall not have the effect of suspending or invalidating this bylaw.
 - C. The Planning Board and its agents, or its designee, shall review all applications for a Stormwater Permit, conduct necessary inspections and site investigations, issue a final permit, and shall be responsible for monitoring and enforcement of the permit conditions. This may combined with or included in the review of drainage undertaken before approval of a Definitive Plan or Special Permit.
 - D. The Planning Board may refer any application for a Stormwater Permit to its consulting engineer for review. It may require the applicant to post a Project Review Fee to cover the cost of this review.
 - E. A stormwater permit application shall be evaluated based on the performance standards of the latest edition of the Massachusetts Stormwater Management Policy (or its successor), or the latest edition of the Scituate Stormwater Regulations, whichever is more stringent in the protection of the town's environmental and infrastructure resources.

- F. Following receipt of a completed permit application, the Planning Board or its designee shall seek review and comments from the Conservation Commission, Board of Health, Department of Public Works, Water Resources Committee and other town boards or authorities as appropriate. The Planning Board or its designee shall not issue the Stormwater Permit until it has received comments from those boards and authorities to which the application was circulated, or until after 14 days have elapsed since the application was circulated for review, whichever comes first.
 - G. The Planning Board may delegate the authority to issue a Stormwater Permit to its agent or to another town board or authority, in general or under specific conditions, if that board or authority has a substantive role in overall review and permitting of the project, and if that board or authority has adopted by reference the performance standards of this bylaw and accompanying regulations, or the Massachusetts Stormwater Standards, whichever is more restrictive, and has responsibility for their enforcement. Any delegation of authority for review, permitting or enforcement shall be stated in the Stormwater Regulations.
5. Adoption of Regulations.
- A. The Planning Board may adopt Regulations pursuant to this bylaw after a public hearing and public comment period.
 - B. The public hearing shall be advertised in a newspaper of general local circulation at least seven days before the hearing date.
 - C. Other boards, commissions, and departments with responsibilities which include or are related to stormwater management are encouraged to adopt those Regulations by reference.
6. Submittal requirements. Submittal requirements for subdivisions are defined in the Subdivision Rules and Regulations. Submittal requirements for all other development and site alteration are as defined in the Stormwater Regulations. These may include topographic information; the location and area of land proposed to be cleared or disturbed; the location and area of land proposed to be filled including mounded septic systems; the location, height and length of any proposed retaining walls; and natural areas proposed to be permanently protected, including a description of how they will be protected.
7. Performance Standards.
- A. Performance standards for site design, erosion control, stormwater management, materials, vegetation, and other aspects of developments shall be outlined in

the Rules and Regulations. Performance standards will include (but not limited to) standards for the following:

1. Peak Discharge Rates (flooding protection and channel protection)
2. Recharge Volume
3. Pretreatment and Water Quality
4. Erosion Control
5. Vegetation, Site Design, and Site Restoration

B. Applicants shall meet these performance standards or those of the Massachusetts Stormwater Management Policy (and its successors), whichever is more stringent.

8. Review Process.

A. Applicants are strongly encouraged to schedule a pre-application meeting with the Town Planner and Conservation Agent to review the proposed development plans at earliest feasible time.

B. The stormwater permit review shall not require special public hearing, but stormwater issues may be discussed as part of Public Hearings on the projects. If no Public Hearing is required, the Planning Board or its designee may choose to hold a special public hearing to solicit public comment.

C. After review of the application and comments received from other boards, and following the close of a Public Hearing where this hearing is required, the Planning Board or its designee shall take one of the following actions:

1. Approve the application and issue a Stormwater Permit if it finds that the proposed plan meets the objectives and requirements of this bylaw.
2. Approve the application and issue a Stormwater Permit with conditions, modifications, or restrictions as necessary to ensure protection of water resources or to meet the objectives of this bylaw.
3. Disapprove the application and deny a permit if it finds the proposed plan will not protect water resources or fails to meet the objectives of this bylaw; or if it finds that the applicant has not submitted information sufficient to make such a determination.

D. Deadline for Action.

1. For a Stormwater Permit for a single family home or a residential duplex, the Planning Board or its designee shall file its decision with the Town Clerk and the Building Commissioner within twenty-one (21) days of the receipt of a completed application. For all other development, a decision shall be made prior to approval of a Special Permit or

Definitive Plan, if required, or prior to issuance of a building permit if a Special Permit or Definitive Plan is not required. Upon certification by the Town Clerk that the allowed time has passed without action by the Planning Board or its designee, the Stormwater Permit shall be issued by the Planning Board.

2. The review period may be extended by mutual consent of the Planning Board or its designee and the applicant. Failure to extend the review period or take action on the application before the deadline for action shall be deemed to be approval of such application.
- E. Decisions by the Planning Board under this bylaw may be appealed to Superior Court or Land Court in an action filed within 20 days of the date the decision is filed with the Town Clerk.
9. Notification, inspections. Submittal of the stormwater permit application is construed to grant the Planning Board, its agent, or its designee with permission to enter the site for inspection.
10. Submittal of as-built plans. The Planning Board or its designee may require the submittal of as-built plans depicting the construction conditions of the stormwater management system and grading on the site. Specifications for these as-built plans are outlined in the Regulations accompanying this bylaw.
11. Surety. The Planning Board may require the posting of a surety bond until work is completed, or to ensure maintenance of the system.
12. Enforcement. The Planning Board, its agent, or its designee shall enforce this Bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Mechanisms and procedures for enforcement shall be detailed in Regulations adopted by the Planning Board pursuant to this Bylaw.
13. Severability. If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Or take any other action relative thereto.

Sponsored by: Planning Board

Article 30 Greenbush Overlay

To see if the Town will vote to amend it's Zoning Bylaws by deleting Section 560 in it's entirety, or take any other action relative thereto.

Article 31
Sex Offender Residency Bylaw

To see if the Town will vote to amend the general bylaws by adding thereto a new bylaw as follows:

Section 30180 SEX OFFENDER RESIDENCY BYLAW

Section 1. Definitions

1. "Park" means public land designated for active or passive recreational or athletic use by the Town of Scituate, the Commonwealth of Massachusetts or other governmental subdivision, and located within the Town of Scituate.
2. "School" means any public or private educational facility that provides services to children in grades kindergarten - 12.
3. "Day care center" means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.
4. "Elderly housing facility" means a building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one or more members fifty- five years of age or older.
5. "Place of worship" means a structure used for religious worship or religious education purposes on land owned by, or held in trust for the use of, any religious organization.
6. "Sex offender" means a person who resides, works or attends an institution of higher learning in the commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under G.L. c. 123A, §14, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said chapter 123A, whichever last occurs, on or after August 1, 1981.
7. "Sex offender registry" means the collected information and data that is received by the criminal history systems board pursuant to Sections 178C to 178P, inclusive, as such information and data is modified or amended by the sex offender registry board or a court of competent jurisdiction pursuant to said Sections 178C to 178P, inclusive.
8. "Permanent residence" means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.

9. "Temporary residence" means a place where a person lives, abides, lodges, or resides for a period of less than five (5) consecutive days or fourteen (14) days in the aggregate during any calendar year, which is not the person's permanent address or Amended by May 21, 2007 ATM 58 place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence.

10. "Establishing a residence" means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

Section 2. Sexual Offender Residence Prohibition; Penalties; Exceptions

a. It is unlawful for any sex offender who is finally classified as a level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, to establish a permanent residence within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship.

b. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of a school, day care center or park, elderly housing facility or place of worship.

c. Notice to move. Any registered level 2 or level 3 sex offender who establishes a permanent residence within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this chapter, move from said location to a new location, but said location may not be within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship. Furthermore it shall be a separate violation each day that a sex offender shall move from one location in the Town of Scituate to another that is within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship.

d. Penalties. Violation of this bylaw, or of any regulations adopted hereunder, may be enforced through any lawful means in law or in equity by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer of the Town of Scituate including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. The penalties shall be as follows:

i. First Offense: Notification to offender that he/she has thirty (30) days to move.

ii. Subsequent Offense: Non-criminal fine and notification to the offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the person has violated a municipal ordinance. Exceptions: A person residing within 2,000 feet of any school, day care center, park, playground, elderly housing

facility or place of worship does not commit a violation of this section if any of the following apply:

- i. The person established the permanent residence and reported and registered the residence prior to July 1, 2008.
- ii. The person was a minor when he/she committed the offense and was not convicted as an adult.
- iii. The person is a minor.
- iv. The school, day care center, park, elderly housing facility or place of worship within 2,000 feet of the personal permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Law.
- v. The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
- vi. The person is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to G.L. c. 123.
- vii. The person is a mentally ill person subject to guardianship pursuant to G.L. c. 201, §6 or a mentally retarded person subject to guardianship pursuant to G.L. c. 201, §6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised 24 hours a day.
Or take any other action relative thereto.

Sponsored by: Board of Selectmen

Article 32 **Change Annual Town Meeting Date**

To see if the Town will vote to amend it's General Bylaws by amending Section 20140 to change the date of the Annual Town Meeting to a Monday and/ or changing which Saturday or Monday in March or April that the town meeting will be held; or take any other action relative thereto.

Sponsored By: Board of Selectmen

And you are directed to serve this warrant by posting up attested copies thereof, one at each of the Post Offices in said Town and one at the Town Hall, thirty days at least before the time of holding said meeting.

Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of the meeting as aforesaid.

Given under our hands this day of February, in the year two thousand and seven.

Shawn Harris, Chairman

Paul Reidy

Richard W. Murray

Joseph P. Norton

John Danehey

BOARD OF SELECTMEN