

TOWN OF SCITUATE
ANNUAL TOWN MEETING
March 4, 2006

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)

Board of Selectmen

VOTED 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)

MAJORITY VOTE

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: \$52,503.00

Board of Selectmen

VOTED to set the salary of the Town Clerk at \$52,503.00.

MAJORITY VOTE

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.

Board of Selectmen

VOTED to transfer \$500,000 from Free Cash to be used by the Assessors to reduce the tax rate.

MAJORITY VOTE

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**ARTICLE 4
CAPITAL 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 2007 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.

1. Highway Improvement	343,000
2. Jericho Road Drainage	115,000
3. Old Oaken Bucket Road Drainage	110,000
4. Seawalls	300,000
5. School Building Improvements	1,450,000
6. Vehicles & Equipment (DPW)	157,000
7. School Vehicles	66,000
8. Police Computer System	78,000
9. Fire Vehicles	185,000
10. Replace Windows Headquarters Station	50,000
12. Sewer Study	500,000
13. Inflow & Infiltration	400,000
14. Water Main Replacement	50,000
15. Cole Parkway Railing	100,000

Board of Selectmen

VOTED 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 2007 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.

1. Highway Improvement	343,000
2. Jericho Road Drainage	115,000
3. Old Oaken Bucket Road Drainage	110,000
4. Seawalls	400,000
5. School Building Improvements	1,450,000
6. Vehicles & Equipment (DPW)	157,000
7. School Vehicles	91,000
8. Police Computer System	78,000
9. Fire Vehicles	185,000
10. Replace Windows Headquarters Station	50,000
11. Water Vehicles & Equipment	30,000
12. Inflow & Infiltration	400,000

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**Article 4 –
Item 1 – Highway Improvement**

To see if the Town will vote to appropriate \$343,000 for the design and construction of roadways, including drainage improvements, in accordance with State Highway Aid, and further to authorize the Treasurer, with the approval of the Selectmen, to temporarily borrow \$343,000.

VOTED to appropriate \$343,000 for the design and construction of roadways, including drainage improvements, in accordance with State Highway Aid, and further to authorize the Treasurer, with the approval of the Selectmen, to temporarily borrow \$343,000

TWO-THIRDS VOTE

**Article 4
Item 2 – Jericho Road Drainage**

To see if the Town will vote to amend Article 4-D of the 2003 Annual Town Meeting by deleting the figure \$107,000 and substituting therefore the figure \$222,000.

VOTED to amend Article 4-D of the 2003 Annual Town Meeting by deleting the figure \$107,000 and substituting therefore the figure \$222,000.

TWO-THIRDS VOTE

**Article 4
Item 3 – Old Oaken Bucket Road Drainage**

To see if the Town will vote to transfer \$110,000 from the Stabilization Fund to be added to funds appropriated under Article 4-4 of the 2004 Annual Town Meeting.

VOTED to transfer \$110,000 from the Stabilization Fund to be added to funds appropriated under Article 4-4 of the 2004 Annual Town Meeting.

TWO-THIRDS VOTE

**Article 4
Item 4 – Seawalls**

To see if the Town will vote to appropriate \$400,000 for the permitting, design, and repairs to shorefront protection structures including Cole Parkway railing, and further to accept any state funds therefore, and further to authorize the Treasurer, with approval of the Selectmen, to borrow said sum.

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VOTED to appropriate \$400,000 for the permitting, design, and repairs to shorefront protection structures including Cole Parkway railing, and further to accept any state funds therefore, and further to authorize the Treasurer, with approval of the Selectmen, to borrow said sum.

TWO-THIRDS VOTE

Article 4
Item 5 – School Building Improvements

To see if the Town will vote to appropriate \$1,450,000 to design and make repairs to school buildings, and further to authorize the Treasurer, with the approval of the Selectmen, to borrow said sum.

VOTED to appropriate \$1,450,000 to design and make repairs to school buildings, and further to authorize the Treasurer, with the approval of the Selectmen, to borrow said sum.

TWO-THIRDS VOTE

Article 4
Item 6 – DPW Vehicles & Equipment

To see if the Town will vote to appropriate \$157,000 to purchase two pickup trucks, one van, and one sidewalk plow/blower and further to authorize the Treasurer, with the approval of the Selectmen, to borrow said sum.

VOTED to appropriate \$157,000 to purchase two pickup trucks, one van, and one sidewalk plow/blower and further to authorize the Treasurer, with the approval of the Selectmen, to borrow said sum.

TWO-THIRDS VOTE

Article 4
Item 7 –School Vehicles

To see if the Town will vote to appropriate \$91,000 to purchase one school bus and one passenger van, and further to authorize the Treasurer, with the approval of the Selectmen, to borrow said sum.

VOTED to appropriate \$91,000 to purchase one school bus and one passenger van, and further to authorize the Treasurer, with the approval of the Selectmen, to borrow said sum.

TWO-THIRDS VOTE

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Article 4
Item 8 – Police Computer System

To see if the Town will vote to transfer \$78,000 from free cash to purchase and install computer hardware and software in the Town's police cruisers.

VOTED to transfer \$78,000 from free cash to purchase and install computer hardware and software in the Town's police cruisers.

MAJORITY VOTE

Article 4
Item 9 – Fire Vehicles

To see if the Town will vote to transfer \$160,000 from the stabilization fund and \$25,000 from free cash to purchase a new ambulance and to refurbish the 2000 ambulance.

VOTED to transfer \$160,000 from the stabilization fund and \$25,000 from free cash to purchase a new ambulance and to refurbish the 2000 ambulance.

TWO-THIRDS VOTE

Article 4
Item 10 – Replace Windows at Fire Headquarters

To see if the Town will vote to transfer \$50,000 from free cash to replace windows at Headquarters Fire Station.

VOTED to transfer \$50,000 from free cash to replace windows at Headquarters Fire Station.

MAJORITY

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Article 4
Item 11 – Water Vehicles & Equipment

To see if the Town will vote to transfer \$30,000 from Water Retained Earnings to purchase a new pickup truck.

VOTED to transfer \$30,000 from Water Retained Earnings to purchase a new pickup truck.

MAJORITY VOTE

Article 4
Item 12 – Inflow & Infiltration

To see if the Town will vote to appropriate \$400,000 for the design and repairs to the Town's wastewater collection system, and further to authorize the Treasurer, with the approval of the Selectmen, to borrow said sum.

VOTED to appropriate \$400,000 for the design and repairs to the Town's wastewater collection system, and further to authorize the Treasurer, with the approval of the Selectmen, to borrow said sum.

TWO-THIRDS VOTE

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Article 5
FY 2006 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, 2006; or take any other action relative thereto.

Board of Selectmen

VOTED to raise and appropriate \$44,866,573, and to transfer \$8,000 from the Animal Shelter Fund, \$6,858 from Title V Assessments Fund, \$17,500 from Lots and Graves Fund, and \$20,798 from Reserve for Debt Exclusion to defray expenses estimated for the ensuing fiscal year commencing July 1, 2006.

MAJORITY VOTE

Article 5

FY 2007 OPERATING BUDGET

		FY 2005 ACTUAL	FY 2006 APPROPRIATED	FY 2007 SELECTMEN	FY 2007 ADVISORY	% Change over last year
122	Board of Selectmen					
	510 Personal Services	45,954	47,414	48,704	48,704	
	520 Purchase of Services	18,190	19,550	19,965	19,965	
	530 Legal Counsel	175,245	360,000	120,000	120,000	
	540 Materials & Supplies	1,844	2,000	2,100	2,100	
		241,233	428,964	190,769	190,769	-55.5%
123	Town Administrator					
	510 Personal Services	144,319	140,548	144,719	144,719	
	520 Purchase of Services	8,956	12,800	12,800	12,800	
	532 Labor Counsel	19,875	20,000	20,000	20,000	
	540 Materials & Supplies	1,006	1,200	1,200	1,200	
	599 Salary Adjustments		20,000	20,000	20,000	
		174,156	194,548	198,719	198,719	2.1%
131	Advisory Committee					

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510	Personal Services	1,001	1,885	1,950	1,950	
520	Purchase of Services	4,366	3,950	4,450	4,450	
540	Materials & Supplies	-	50	50	50	
		5,367	5,885	6,450	6,450	9.6%
132	Reserve Fund					
7	Transfers	-	90,000	90,000	90,000	-
135	Town Accountant					
510	Personal Services	131,115	133,560	147,818	147,818	
520	Purchase of Services	9,665	8,665	8,665	8,665	
540	Materials & Supplies	2,022	2,100	2,100	2,100	
		142,802	144,325	158,583	158,583	9.9%
141	Assessors					
510	Personal Services	137,603	142,907	148,756	148,756	
520	Purchase of Services	69,989	11,800	11,800	11,800	
540	Materials & Supplies	913	1,200	1,200	1,200	
580	Capital Outlay	-	-	300	300	
		208,505	155,907	162,056	162,056	3.9%
145	Treasurer/Collector					
510	Personal Services	208,654	208,904	223,362	223,362	
520	Purchase of Services	57,547	60,200	67,890	67,890	
540	Materials & Supplies	9,264	9,300	3,000	3,000	
		275,465	278,404	294,252	294,252	5.7%
149	Administration					
510	Personal Services	9,110	10,908	11,158	11,158	
520	Purchase of Services	89,669	92,900	91,800	91,800	
540	Materials & Supplies	3,901	4,600	4,600	4,600	
		102,680	108,408	107,558	107,558	-0.8%

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161	Town Clerk					
510	Personal Services	112,281	109,810	122,829	122,829	
520	Purchase of Services	21,639	22,205	31,400	31,400	
540	Materials & Supplies	2,583	3,250	3,250	3,250	
		136,503	135,265	157,479	157,479	16.4%
171	Conservation Commission					
510	Personal Services	87,469	88,985	93,928	93,928	
520	Purchase of Services	3,554	8,800	8,600	8,600	
540	Materials & Supplies	1,494	500	1,000	1,000	
		92,517	98,285	103,528	103,528	5.3%
175	Planning Board					
510	Personal Services	87,527	86,914	93,244	93,244	
520	Purchase of Services	8,984	7,350	9,550	9,550	
540	Materials & Supplies	997	1,000	1,000	1,000	
580	Capital Outlay	-	1,000	1,000	1,000	
		97,508	96,264	104,794	104,794	8.9%
176	Zoning Board of Appeals					
510	Personal Services	10,750	15,482	17,162	17,162	
520	Purchase of Services	970	1,300	1,300	1,300	
540	Materials & Supplies	632	1,000	2,000	2,000	
		12,352	17,782	20,462	20,462	15.1%
192	Insurance/Town Buildings					
570	Other Charges & Expenditures	350,464	420,000	420,000	420,000	-
	Total General Government	1,839,552	2,174,037	2,014,650	2,014,650	-7.3%
		4.5%	5.0%	4.5%	4.5%	

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210 Police

510	Personal Services	2,468,071	2,531,120	2,565,937	2,565,937	
520	Purchase of Services	87,081	95,360	98,460	98,460	
540	Materials & Supplies	93,941	88,295	110,515	110,515	
580	Capital Outlay	80,100	80,100	83,100	83,100	
		2,729,193	2,794,875	2,858,012	2,858,012	2.3%

220 Fire

510	Personal Services	3,396,180	3,314,736	3,373,692	3,373,692	
520	Purchase of Services	84,046	84,200	95,800	95,800	
540	Materials & Supplies	206,096	192,500	215,500	215,500	
580	Capital Outlay	50,983	20,000	30,000	30,000	
		3,737,305	3,611,436	3,714,992	3,714,992	2.9%

241 Inspections

510	Personal Services	144,913	151,634	166,752	166,752	
520	Purchase of Services	10,940	14,250	9,250	9,250	
540	Materials & Supplies	2,620	5,000	5,500	5,500	
		158,473	170,884	181,502	181,502	6.2%

292 Animal Shelter

510	Personal Services	12,311	12,826	13,211	13,211	
520	Purchase of Services	9,279	10,300	10,300	10,300	
540	Materials & Supplies	3,511	3,700	3,700	3,700	
		25,101	26,826	27,211	27,211	1.4%

295 Shellfish

510	Personal Services	10,006	11,559	11,906	11,906	
520	Purchase of Services	679	740	740	740	
540	Materials & Supplies	400	500	575	575	

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		11,085	12,799	13,221	13,221	3.3%
	Total Public Safety	6,661,157	6,616,820	6,794,938	6,794,938	2.7%
		16.1%	15.4%	15.1%	15.1%	
300	School Committee					
	5100 Personal Services	18,187,750	19,095,912			
	5200 Purchase of Services	3,103,161	3,129,797			
	5400 Materials & Supplies	1,213,247	1,192,112			
	5800 Capital Outlay	109,501	7,679			
		22,613,659	23,425,500	24,074,217	24,074,217	2.8%
310	South Shore Regional School					
	560 Assessments	465,008	492,763	439,634	439,634	-10.8%
	Total Schools	23,078,667	23,918,263	24,513,851	24,513,851	2.5%
		56.0%	55.5%	54.6%	54.6%	
400	Public Works					
	510 Personal Services	1,263,635	1,268,558	1,355,823	1,355,823	
	520 Purchase of Services	447,763	394,780	408,400	408,400	
	540 Materials & Supplies	236,622	273,659	286,600	286,600	
	580 Capital Outlay	7,546	4,700	8,000	8,000	
		1,955,566	1,941,697	2,058,823	2,058,823	6.0%
423	Snow & Ice					
	510 Personal Services	77,656	46,000	46,000	46,000	
	520 Purchase of Services	421,974	200,000	200,000	200,000	
	540 Materials & Supplies	269,324	115,000	115,000	115,000	
	580 Capital Outlay	14,746	22,000	22,000	22,000	
		783,700	383,000	383,000	383,000	-
424	Street Lights & Beacons					

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520	Purchase of Services	159,163	160,000	160,000	160,000	-
	Total Public Works	2,898,429	2,484,697	2,601,823	2,601,823	4.7%
		7.0%	5.8%	5.8%	5.8%	
510	Health					
510	Personal Services	136,596	136,374	140,160	140,160	
520	Purchase of Services	29,402	24,820	25,150	25,150	
540	Materials & Supplies	1,426	6,350	5,150	5,150	
		167,424	167,544	170,460	170,460	1.7%
541	Council on Aging					
510	Personal Services	154,352	153,765	161,410	161,410	
520	Purchase of Services	22,294	23,700	25,550	25,550	
540	Materials & Supplies	5,541	5,600	7,100	7,100	
		182,187	183,065	194,060	194,060	6.0%
543	Veterans' Benefits/Services					
510	Personal Services	15,419	14,760	15,198	15,198	
520	Purchase of Services	4,075	8,475	8,475	8,475	
540	Materials & Supplies	764	1,550	1,550	1,550	
		20,258	24,785	25,223	25,223	1.8%
549	Commission on Disabilities					
520	Purchase of Services	33	3,321	3,321	3,321	
540	Materials & Supplies	900	1,750	1,750	1,750	
		933	5,071	5,071	5,071	-
	Total Human Services	370,802	380,465	394,814	394,814	3.8%
		0.9%	0.9%	0.9%	0.9%	
610	Library					

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510	Personal Services	464,636	476,752	493,063	493,063	
520	Purchase of Services	76,950	88,000	95,475	95,475	
540	Materials & Supplies	74,249	76,750	76,750	76,750	
580	Capital Outlay	-	1,250	1,250	1,250	
		615,835	642,752	666,538	666,538	3.7%
630	Recreation					
510	Personal Services	174,219	190,561	195,134	195,134	
520	Purchase of Services	2,176	2,575	2,450	2,450	
540	Materials & Supplies	5,142	5,100	5,100	5,100	
		181,537	198,236	202,684	202,684	2.2%
650	Beautification					
520	Purchase of Services	13,050	13,500	13,750	13,750	1.9%
691	Historical Society					
520	Purchase of Services	27,654	28,000	3,000	3,000	-89.3%
	Total Recreation & Resources	838,076	882,488	885,972	885,972	0.4%
		2.0%	2.1%	2.0%	2.0%	
720	Debt & Interest					
590	Debt Services	546,134	684,642	1,135,089	1,135,089	
	Total Debt Service	546,134	684,642	1,135,089	1,135,089	65.8%
			1.6%	2.5%	2.5%	
910	Non-Contributory Pensions					
512	Other Personal Services	104,978	99,700	102,462	102,462	2.8%
911	Plymouth County Retirement					
512	Other Personal Services	1,668,172	1,929,160	2,153,248	2,153,248	11.6%
912	Workers' Compensation					
515	Employee Benefits	80,000	80,000	80,000	80,000	-

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913	Unemployment Insurance					
515	Employee Benefits	49,000	33,000	33,000	33,000	-
914	Contributory Group Insurance					
515	Employee Benefits	2,837,000	3,423,189	3,866,882	3,866,882	13.0%
916	Federal Taxes					
515	Employee Benefits	314,263	308,000	343,000	343,000	11.4%
	Total Employee Benefits	5,053,413	5,873,049	6,578,592	6,578,592	12.0%
		12.2%	13.7%	14.6%	14.6%	
	Grand Total	41,286,230	43,014,461	44,919,729	44,919,729	4.4%
		100.0%	100.0%	100.0%	100.0%	

VOTED to raise and appropriate \$44,866,573, and to transfer \$8,000 from the Animal Shelter Fund, \$6,858 from Title V Assessments Fund, \$17,500 from Lots and Graves Fund, and \$20,798 from Reserve for Debt Exclusion to defray expenses estimated for the ensuing fiscal year commencing July 1, 2006.

MAJORITY VOTE

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, 2006; or take any other action relative thereto.

Board of Selectmen

VOTED to transfer \$846,321 from Waterways Enterprise Receipts to be expended as follows:

Salaries and Wages	\$ 255,663
Expenses	590,658

MAJORITY VOTE

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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, 2006; or take any other action relative thereto.

Board of Selectmen

VOTED to transfer \$1,281,063 from Golf Course Enterprise Receipts to be expended as follows:

Salaries and Wages	\$ 170,958
Expenses	1,110,105

MAJORITY VOTE

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, 2006; or take any other action relative thereto.

Board of Selectmen

VOTED to appropriate \$654,829 from taxation and transfer \$1,914,228 from Sewer Enterprise Receipts to be expended as follows:

Salaries and Wages	\$ 371,412
Expenses	2,197,645

MAJORITY VOTE

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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, 2006; or take any other action relative thereto.

Board of Selectmen

VOTED to appropriate \$100,000 from taxation and transfer \$1,083,423 from Transfer Station Enterprise Receipts to be expended as follows:

Salaries and Wages	\$ 218,169
Expenses	965,254

MAJORITY VOTE

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, 2006; or take any other action relative thereto.

Board of Selectmen

VOTED to transfer \$1,980,352 from Water Enterprise Receipts to be expended as follows:

Salaries and Wages	\$ 615,718
Expenses	1,364,634

MAJORITY VOTE

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.

Board of Selectmen

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VOTED 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.

TWO-THIRDS VOTE

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.

Board of Selectmen

VOTED 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.

MAJORITY VOTE

Article 13
Conservation Fund

To see if the Town will vote to raise and appropriate \$5,500 to be added to the Conservation Fund established pursuant to General Laws, Chapter 40, Section 5, for the maintenance of the Driftway Park, and an additional sum of money for acquisition of land and rights therein for public use; or take any other action relative thereto.

Board of Selectmen

VOTED to raise and appropriate \$5,500 to be added to the Conservation Fund established pursuant to General Laws, Chapter 40, Section 5, for the maintenance of the Driftway Park, and for acquisition of land and rights therein for public use.

MAJORITY VOTE

Article 14
Revolving Fund-Council On Aging

To see if the Town will vote to accept the provision of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which will be credited programming funds for the Council on Aging; or take any other action relative thereto.
Board of Selectmen

VOTED to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E1/2 to establish a revolving fund in the amount of \$35,000 to which will be credited programming funds for the Council on Aging, said funds to be spent under the authority of the Council on Aging.

MAJORITY VOTE

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 \$100,000; or take any other action relative thereto.
Planning Board

VOTED 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 \$100,000.

MAJORITY VOTE

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 program funds to be expended under the direction of the Director of the Health Department for outside contractors to perform inspections and for educational programs, with the total amount to be expended in the ensuing fiscal year not to exceed \$15,000; or take any other action relative thereto.

Board of Selectmen

VOTED 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 program funds to be expended under the direction of the Director of the Health Department for outside contractors to perform inspections and for educational programs, with the total amount to be expended in the ensuing fiscal year not to exceed \$15,000.

MAJORITY VOTE

Article 17
Collective Bargaining Agreements

To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money 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.

Board of Selectmen

VOTED to raise and appropriate \$210,000 to implement the collective bargaining contracts, to be apportioned by the Town Accountant to the applicable line items voted under Article 5.

MAJORITY VOTE

Article 18
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 2007 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 2007; 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. Local Historic Survey	6,000
B. Restoration of Mossing Shed	20,300
C. Burial Site Survey	22,500
D. Cudworth House HVAC	26,500
E. Life Saving Station Restoration	45,500
F. GAR Hall Restoration	132,500
G. Community Housing	100,000
H. Cushing Playground	44,800
I. Community Basketball Courts	120,000
J. Library Grounds	50,000
K. Public Access Plan	60,000
L. Curtis Property Study	50,000
M. Litchfield Proposal	790,000

or take any other action relative thereto.
Community Preservation Committee

VOTED to see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2007 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 2007; 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:

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Administrative Funds	65,000
A. Local Historic Survey	6,000
B. Restoration of Mossing Shed	20,300
C. Burial Site Survey	22,500
D. Cudworth House HVAC	26,500
E. Life Saving Station Restoration	45,500
F. GAR Hall Restoration	132,500
G. Community Housing	100,000
H. Cushing Playground	44,800
I. Community Basketball Courts	120,000
J. Library Grounds	50,000
K. Public Access Plan	60,000
L. Curtis Property Study (Indefinitely Postponed)	
M. Litchfield Proposal	595,000

Article 18 – Administrative Expenses

To see if the Town will vote to appropriate the sum of \$65,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY2007 revenues, for the administrative expenses of the Community Preservation Committee; or take any other action thereon.

VOTED to appropriate the sum of \$65,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY2007 revenues, for the administrative expenses of the Community Preservation Committee; or take any other action thereon
MAJORITY VOTE

Article 18 – Item A – Local Historic Survey

To see if the Town will vote to appropriate the sum of \$6,000, pursuant to Massachusetts General Laws, Chapter 44B, from reserves for the rehabilitation and preservation of historic resources, for the purpose of completing an intensive survey of Lawson Park and for preparation of a National Register Nomination for the Grand Army Hall.

VOTED to appropriate the sum of \$6,000, pursuant to Massachusetts General Laws, Chapter 44B, from reserves for the rehabilitation and preservation of historic resources, for the purpose of completing an intensive survey of Lawson Park and for preparation of a National Register Nomination for the Grand Army Hall.
MAJORITY VOTE

Article 18 – Item B – Restoration of Mossing Shed

To see if the Town will vote to appropriate the sum of \$20,300, pursuant to Massachusetts General Laws, Chapter 44B, from reserves for the rehabilitation and preservation of historic resources, for the purpose of restoring the mossing shed at Scituate Marine Park.

VOTED to appropriate the sum of \$20,300, pursuant to Massachusetts General Laws, Chapter 44B, from reserves for the rehabilitation and preservation of historic resources, for the purpose of restoring the mossing shed at Scituate Marine Park

MAJORITY VOTE

Article 18 – Item C – Burial Site Survey (Phase II)

To see if the Town will vote to appropriate the sum of \$22,500, pursuant to Massachusetts General Laws, Chapter 44B, from reserves for the rehabilitation and preservation of historic resources, for the purpose of completing E-Forms for fourteen burial sites for submission to the Massachusetts Historical Commission.

VOTED to appropriate the sum of \$22,500, pursuant to Massachusetts General Laws, Chapter 44B, from reserves for the rehabilitation and preservation of historic resources, for the purpose of completing E-Forms for fourteen burial sites for submission to the Massachusetts Historical Commission.

MAJORITY VOTE

Article 18 – Item D – Cudworth House HVAC

To see if the Town will vote to appropriate the sum of \$26,500, pursuant to Massachusetts General Laws, Chapter 44B, from the Community Preservation Funds as follows: \$21,200 from reserves for the rehabilitation and preservation of historic resources and \$5,300 from Community Preservation FY2007 revenues for the rehabilitation and preservation of historic resources, for the purpose of installation of an HVAC system with associated work at Cudworth House.

VOTED to appropriate the sum of \$26,500, pursuant to Massachusetts General Laws, Chapter 44B, from the Community Preservation Funds as follows: \$21,200 from reserves for the rehabilitation and preservation of historic resources and \$5,300 from Community Preservation FY2007 revenues for the rehabilitation and preservation of historic resources, for the purpose of installation of an HVAC system with associated work at Cudworth House.

MAJORITY VOTE

Article 18 – Item E – Life Saving Station Restoration

To see if the Town will vote to appropriate the sum of \$45,500, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY2007 revenues for the rehabilitation and preservation of historic resources, for the purpose of restoring the Life Saving Station at Scituate Marine Park.

VOTED to appropriate the sum of \$45,500, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY2007 revenues for the rehabilitation and preservation of historic resources, for the purpose of restoring the Life Saving Station at Scituate Marine Park.

MAJORITY VOTE

Article 18 – Item F – Grand Army Hall Restoration

To see if the Town will vote to appropriate the sum of \$132,500, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY2007 revenues for the rehabilitation and preservation of historic resources, for the purpose of rehabilitation of the Grand Army Hall, and further that the Board of Selectmen be authorized to accept a perpetual preservation restriction in accordance with Massachusetts General Laws, Chapter 184, and Chapter 44B, Section 12.

VOTED to appropriate the sum of \$132,500, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY2007 revenues for the rehabilitation and preservation of historic resources, for the purpose of rehabilitation of the Grand Army Hall, and further that the Board of Selectmen be authorized to accept a perpetual preservation restriction in accordance with Massachusetts General Laws, Chapter 184, and Chapter 44B, Section 12.

MAJORITY VOTE

Article 18 – Item G – Community Housing

To see if the Town will vote to appropriate the sum of \$100,000, pursuant to Massachusetts General Laws, Chapter 44B, from reserves for the creation, preservation and support of community housing, for the purpose of predevelopment funding for the creation of affordable housing on Town-owned on Stockbridge Road.

VOTED not to appropriate the sum of \$100,000, pursuant to Massachusetts General Laws, Chapter 44B, from reserves for the creation, preservation and support of community housing, for the purpose of predevelopment funding for the creation of affordable housing on Town-owned on Stockbridge Road.

FAILED – MAJORITY VOTE

Article 18 – Item H – Cushing Playground

To see if the Town will vote to appropriate the sum of \$44,800, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY2007 revenues for the acquisition, creation and preservation of open space land for recreational use, for the purpose of creating a portion of a new playground with access for all at the Cushing Elementary School.

VOTED to appropriate the sum of \$44,800, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY2007 revenues for the acquisition, creation and preservation of open space land for recreational use, for the purpose of creating a portion of a new playground with access for all at the Cushing Elementary School.

MAJORITY VOTE

Article 18 – Item I – Community Basketball Courts

To see if the Town will vote to appropriate the sum of \$120,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY2007 revenues for the acquisition, creation and preservation of open space land for recreational use, for the purpose of constructing two outdoor basketball courts with associated amenities at Scituate High School

VOTED to appropriate the sum of \$120,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY2007 revenues for the acquisition, creation and preservation of open space land for recreational use, for the purpose of constructing two outdoor basketball courts with associated amenities at Scituate High School.

MAJORITY VOTE

Article 18 – Item J – Library Grounds

To see if the Town will vote to appropriate the sum of \$30,000, pursuant to Massachusetts General Laws, Chapter 44B, from general reserves for the acquisition, creation and preservation of open space land for recreational use, for the purpose of a feasibility study to assess the entrance, improvement of traffic flow and pedestrian safety and for restoration of a pocket park at the Scituate Town Library.

VOTED to appropriate the sum of \$30,000, pursuant to Massachusetts General Laws, Chapter 44B, from general reserves for the acquisition, creation and preservation of open space land for recreational use, for the purpose of a feasibility study to assess the entrance, improvement of traffic flow and pedestrian safety and for restoration of a pocket park at the Scituate Town Library.

MAJORITY VOTE

Article 18 – Item K – Public Access Plan

To see if the Town will vote to appropriate the sum of \$60,000, pursuant to Massachusetts General Laws, Chapter 44B, from general reserves for the acquisition, creation and preservation of open space land for recreational use, for the purpose of a feasibility study, design and permitting of a pedestrian and bicycle access from Greenbush to Scituate Harbor.

VOTED to appropriate the sum of \$60,000, pursuant to Massachusetts General Laws, Chapter 44B, from general reserves for the acquisition, creation and preservation of open space land for recreational use, for the purpose of a feasibility study, design and permitting of a pedestrian and bicycle access from Greenbush to Scituate Harbor.

MAJORITY VOTE

Article 18 – Item L – Curtis Property Study

To see if the Town will vote to indefinitely postpone action on this item.

MAJORITY VOTE

Article 18 – Item M – Litchfield Property

To see if the Town will vote to appropriate the sum of \$595,000, said sum being \$130,000 from Community Preservation FY2007 revenues for the acquisition, creation and preservation of open space excluding land for recreational use and \$465,000 from Community Preservation FY2007 revenues for the acquisition, creation and preservation of open space for recreational use, pursuant to Massachusetts General Laws Chapter 44B or any other general or special law to authorize the Board of Selectmen to acquire for open space conservation purposes by purchase, gift, eminent domain or otherwise and to accept the deed to the Town of fee simple interest or less, certain parcels of land as follows:

Parcel 1.

A certain parcel of land containing 40,165 square feet conveyed by John O. and James B. Litchfield to Maxwell Land Trust, Ltd., in a deed dated December 7, 2004, recorded with the Plymouth County Registry of Deeds in Book 29620, Page 302-304, and also shown as Lot 5 on a plan entitled, “Plan of Land in the Town of Scituate, Massachusetts, Thomas Clapp Road, Owner/Applicant Robert Litchfield, 238 River Street, Norwell, Mass., Surveyor Paul J. Mirabito, 73 Norwell Avenue, Scituate, Mass., Scale 1” = 50’, dated December 10, 1982”, said plan being recorded as Plan 23-602, Plymouth County Registry of Deeds.

Included in said conveyance are those easements reserved at Book 5510, Page 474 and Book 5764, Page 343 and the easement granted at Book 5479, Page 115, and a Partial Release of Restrictive Covenant at Book 29889, Page 104.

Parcel 2.

A certain parcel of land containing 35.40 acres which includes a parcel known as “Free Love Pasture,” conveyed by John O. and James B. Litchfield to Maxwell Land Trust, Ltd., in a deed dated December 7, 2004, recorded with the Plymouth County Registry of Deeds in Book 29620, Page 302-304, and also shown on a plan entitled, “Plan of Land Located Off Clapp Road, Scituate, Mass.,” dated December 6, 2004, prepared by Neil J. Murphy Associates, Inc., and recorded with the Plymouth County Registry of Deeds as Plan #04-1003.

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Included in said conveyance is a Partial Release of Restrictive Covenant dated January 25, 2005, contained in Book 29889, Page 104-106 at the Plymouth County Registry of Deeds.

Parcel 3.

A certain parcel of land containing 147, 483 square feet shown as Lot B on a plan entitled, "Plan of Lots, Subdivision Plan of Land at No. 314 Clapp Road in Scituate, Mass., prepared for Maxwell Conservation Trust, 292 Clapp Road, Scituate, Mass., prepared by Daylor Consulting Group, Ten Forbes Road, Braintree, Mass., Scale 1" = 80'," dated December 10, 2004, and recorded at the Plymouth County Registry of Deeds in Plan Book 50, Page 646 .

VOTED to appropriate the sum of \$595,000, said sum being \$130,000 from Community Preservation FY2007 revenues for the acquisition, creation and preservation of open space excluding land for recreational use and \$465,000 from Community Preservation FY2007 revenues for the acquisition, creation and preservation of open space for recreational use, pursuant to Massachusetts General Laws Chapter 44B or any other general or special law to authorize the Board of Selectmen to acquire for open space conservation purposes by purchase, gift, eminent domain or otherwise and to accept the deed to the Town of fee simple interest or less, certain parcels of land as follows:

Parcel 1.

A certain parcel of land containing 40,165 square feet conveyed by John O. and James B. Litchfield to Maxwell Land Trust, Ltd., in a deed dated December 7, 2004, recorded with the Plymouth County Registry of Deeds in Book 29620, Page 302-304, and also shown as Lot 5 on a plan entitled, "Plan of Land in the Town of Scituate, Massachusetts, Thomas Clapp Road, Owner/Applicant Robert Litchfield, 238 River Street, Norwell, Mass., Surveyor Paul J. Mirabito, 73 Norwell Avenue, Scituate, Mass., Scale 1" = 50', dated December 10, 1982", said plan being recorded as Plan 23-602, Plymouth County Registry of Deeds.

Included in said conveyance are those easements reserved at Book 5510, Page 474 and Book 5764, Page 343 and the easement granted at Book 5479, Page 115, and a Partial Release of Restrictive Covenant at Book 29889, Page 104.

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Parcel 2.

A certain parcel of land containing 35.40 acres which includes a parcel known as "Free Love Pasture," conveyed by John O. and James B. Litchfield to Maxwell Land Trust, Ltd., in a deed dated December 7, 2004, recorded with the Plymouth County Registry of Deeds in Book 29620, Page 302-304, and also shown on a plan entitled, "Plan of Land Located Off Clapp Road, Scituate, Mass.," dated December 6, 2004, prepared by Neil J. Murphy Associates, Inc., and recorded with the Plymouth County Registry of Deeds as Plan #04-1003.

Included in said conveyance is a Partial Release of Restrictive Covenant dated January 25, 2005, contained in Book 29889, Page 104-106 at the Plymouth County Registry of Deeds.

Parcel 3.

A certain parcel of land containing 147, 483 square feet shown as Lot B on a plan entitled, "Plan of Lots, Subdivision Plan of Land at No. 314 Clapp Road in Scituate, Mass., prepared for Maxwell Conservation Trust, 292 Clapp Road, Scituate, Mass., prepared by Daylor Consulting Group, Ten Forbes Road, Braintree, Mass., Scale 1" = 80'," dated December 10, 2004, and recorded at the Plymouth County Registry of Deeds in Plan Book 50, Page 646.

That said land be conveyed to the Town of Scituate under the provisions of Massachusetts General Laws, Chapter 44B and Massachusetts General Laws, Chapter 40, Section 8C, as they may hereinafter be amended; said land to be managed and controlled by the Scituate Conservation Commission; and that the Town and Conservation Commission and Board of Selectmen be authorized to grant perpetual conservation restriction in accordance with Massachusetts General Laws, Chapter 44B, Section 12. Said conservation restriction may be granted to the Maxwell Land Trust, Ltd., the Cohasset Water Department or any other organization qualified and willing to hold such restriction Further, the Board of Selectman shall be authorized to enter all agreements, reduce said appropriation by available funds, and execute any and all instruments as may be necessary on behalf of the Town of Scituate to affect said purchase. (Voted by Town Meeting. Omitted in original motion made to Town Meeting).

TWO-THIRDS VOTE

Article 18 – Item N – Community Housing Reserve

To see if the Town will vote to reserve for future appropriation the sum of \$130,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY2007 revenues for the creation, preservation and support of community housing and further to reserve said sum for FY2007 community housing purposes.

VOTED to reserve for future appropriation the sum of \$130,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY2007 revenues for the creation, preservation and support of community housing and further to reserve said sum for FY2007 community housing purposes.

MAJORITY VOTE

Article 18 – Item O(1)

MOVE to indefinitely postpone action on this item.

MAJORITY VOTE

Article 18 – Item P (1) - Fund Balance

To see if the Town will vote to reserve \$161,900 from FY2007 Community Preservation Fund revenues for FY2007 Community Preservation Fund purposes.

VOTED to reserve \$161,900 from FY2007 Community Preservation Fund revenues for FY2007 Community Preservation Fund purposes.

MAJORITY VOTE

**Article 19
Para-transit**

To see if the Town will vote to raise and appropriate \$18,000 to fund the Para-transit program in the Town of Scituate, or take any other action relative thereto.
Board of Selectmen

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VOTED to raise and appropriate \$18,000 to fund the Para-transit program in the Town of Scituate.

MAJORITY VOTE

Article 20
Street Acceptance

To see if the Town will vote to accept Arrowwood Drive as laid out by the Board of Selectmen as a public way, and further to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, easements for the public way and any appurtenant utilities or drainage; or take any other action relative thereto.

Board of Selectmen

VOTED to accept Arrowwood Drive as a Town Way.

MAJORITY VOTE

Article 21
Village Business Overlay District

To see if the Town will vote to amend the following sections of the Zoning Bylaw: Section 200, Definitions to define a Mixed Use Building and redefine Multi-family Dwelling; also Section 310, Types of Districts; Section 320, Location of Districts and Section 340, Definition of Zoning Districts and create a new Section 560, Village Business Overlay District, to establish the aforementioned Zoning District in the Zoning Bylaw. Section 560 would establish an approval process and criteria for a Special Permit for mixed use buildings in the Village Business Overlay District, including requirements for a percentage of affordable residential units; building and site design; open space; parking; appropriate drainage in the Water Resource Protection District; and landscaping. It also establishes maximum densities for residential dwelling units. This article will establish the location of the Village Business Overlay District on the Zoning Map as an overlay of the Harbor Business Zoning District in Scituate Harbor and the General Business Zoning District in North Scituate and Greenbush; or take any other action relative thereto.

Planning Board

VILLAGE BUSINESS OVERLAY DISTRICT

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To see if the town will vote to amend various sections of the Zoning Bylaw as noted below to create a Village Business Overlay District for the Scituate Harbor, Greenbush, and North Scituate Business Districts, by taking the following actions listed below:

1. Amend Section 200, Definitions, by adding the following new definition for a Mixed Use Building and adding the new language highlighted in bold to the definition of Multi-Family Dwelling:

MIXED USE BUILDING

A building containing residential dwelling units and any of the other uses allowed by right in the Business District except a showroom for building supplies, or accessory uses of industry or light manufacturing.

MULTI-FAMILY DWELLING

A building containing more than two (2) 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.

2. Amend Section 310, Types of Districts, by adding a new District, VBOD “Village Business Overlay District.”
3. Amend Section 340, Definition of Zoning Districts, by adding a final paragraph as follows:

VILLAGE BUSINESS OVERLAY DISTRICT

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

4. Amend the Scituate Zoning Bylaw by adding the new Section 560, Village Business Overlay District, as follows:

560. VILLAGE BUSINESS OVERLAY DISTRICT

560.1 Purpose.

The purpose of the Village Business Overlay District is to promote opportunities for local, small-scale businesses; encourage alternative modes of transportation such as public transit, bicycling, and walking; provide for higher density mixed use and multifamily housing in village areas; provide for a variety in residential housing development patterns and which reflect the unique characteristics of each subarea; increase the production of housing affordable to low and moderate income households; and encourage efficient provision of necessary utilities and community services. The Village Business Overlay District will not change the zoning of the

underlying district which can continue to be applied except where an applicant voluntarily wishes to use the provisions of this Section 560.

560.2 Permitted Uses.

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

560.3 Uses Permissible by Special Permit.

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

- A. Any use permitted by Special Permit in the underlying Zoning District in accordance with the provisions of that district.
- B. A mixed use building provided that a Special Permit is obtained from the Planning Board in accordance with the provisions of Section 560 of this bylaw.

560.4 Requirements for Mixed Use Buildings.

The Planning Board may issue a Special Permit for a mixed use building in the Village Business Overlay District, subject to the following conditions:

- A. The lot or yard areas required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with any requirements of this bylaw.
- B. In the opinion of the Planning Board, the project meets the Design Review Standards of Section 560.8.
- C. Fifteen (15) percent of the total number of dwelling units must be affordable to low- and moderate-income households as defined in Section 560.7 B, Affordability Standards, Rental or Sales Price.
- D. In order to concentrate retail uses in the center of each village, so they can better be supported by pedestrian activity, on Front St., Booth Hill Rd., all of Country Way in Greenbush, Country Way, south of the Bound Brook, the Driftway, and Gannett Rd. the first floor shall be occupied by retail uses.
- E. All new mixed use buildings must meet the following dimensional requirements:

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Minimum Lot Area Per Dwelling Unit	<p>The number of units permitted shall be equivalent of up to 16 units per 40,000 sq. ft. <i>or</i></p> <p>The equivalent of 17 to 20 units per 40,000 sq. ft. may be authorized if significant public benefits are provided ¹ <i>or</i></p> <p>Due to the higher residential densities already existing in that village, the equivalent of up to 36 units per 40,000 sq. ft. may be authorized in Scituate Harbor if parking is located underground <i>and</i> significant public benefits are provided¹</p>
Open Space	20% of lot area ²

¹ See Section 560.5, Bonus Density Requirements, below.

² Open space shall not include land set aside for buildings, driveways or parking uses. This requirement may be waived by the Planning Board in the case of re-use of existing buildings for mixed use.

Where dimensional requirements are not specified, construction must meet the requirements of the underlying Zoning District.

560.5 Bonus Density Requirements.

The Planning Board may, at its discretion, permit density up to the equivalent of 20 units per 40,000 sq. ft. of lot area in Greenbush or North Scituate, or up to the equivalent of 36 units per 40,000 sq. ft. in Scituate Harbor if parking is provided under the mixed use structure, provided the Board makes a written finding that the developer will provide significant improvements providing a public benefit, in addition to those improvements necessary to meet the requirements of this bylaw.

These improvements shall include off-site infrastructure serving a public purpose, such as sidewalks; land suitable for a public way; upgrades to drainage or water distribution systems where these are desired by the Town; off-site drainage improvements to mitigate impacts of stormwater on Old Oaken Bucket Pond; open space in desirable locations, with public access, in addition to the open space required by this Section 560; 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. All infrastructure used for the density bonus shall have been recommended in the Master Plan or other plans approved or used by the Town of Scituate Board of

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Selectmen, DPW, Board of Health, Conservation Commission or Planning Board. In order to make this determination, the following are required:

- A. The applicant shall provide a written description of the intended improvements with the public benefit of each and its significance to the Town, and a sketch plan showing the location and type of improvements and their size or extent.
- 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 adequate parking on site, in total or in part, as indicated in Section 560.6, Parking Requirements for Mixed Use Buildings, below for all proposed housing units.
- 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.

560.6 Parking Requirements for Mixed Use Buildings.

Parking shall be provided for all uses according to the requirements of Section 760, Parking Requirements, except that it may be reduced by the Planning Board as described below.

- A. Due to the proximity of transit service, the Planning Board may authorize the number of required parking spaces indicated in the table below for office or retail uses in mixed use buildings:

Use	Number of Spaces Required
Office or Retail in Mixed Use Buildings in Scituate Harbor or North Scituate	1 space per 300 square feet within 400 feet of a Town Public Parking Lot, or within 400 feet of an MBTA Parking Lot if parking is available during the hours of operation of the retail or office use.

- B. The Planning Board may waive the parking requirements of this Section for office and retail uses in all villages if the applicant can demonstrate that sufficient 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.
- C. In Greenbush and North Scituate, due to the proximity of transit, the Planning Board may reduce required parking for residential units in a mixed use building from standard requirements, as follows:

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Use	Number of Spaces Required
One bedroom unit	1 space
Two bedroom unit	1.5 spaces
Three or more bedroom unit	2 spaces

560.7 Affordability Standards.

All affordable housing units required to meet the special density standards of this section shall meet the following criteria.

A. Applicability.

Applications requesting seven or fewer dwelling units are exempt from this requirement. The Planning Board may waive this requirement if housing units are entirely within an existing historic structure either on the National Register of Historic Places, the State Register of Historic Places or on a list of historic structures maintained by the Scituate Historical Society.

B. 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).

C. 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 G.L. c.184, Section 31, recorded at the Plymouth County Registry of Deeds, and shall be in force in perpetuity or as long a period as legally possible.

D. Location of Units.

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.

E. 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

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Board shall consider the geographic distribution of affordable housing throughout the town and avoid concentration in any one particular area of Scituate.

F. 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 45.00, 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.

G. 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
8-10	1
11-16	2
17-23	3
24-30	4
31-36	5
37-40	6
Above 40	15% of total, calculated according to Paragraph G. above

560.8 Design Review Standards.

In reviewing an application for a Special Permit for development within the Village Business Overlay District, the Planning Board shall consider the extent to which the application satisfies the general standards enumerated in Section 950 and the Design Review Standards detailed below.

A. Roofs.

1. Roofs shall be pitched to center ridge, except that in Greenbush, mansard roofs shall be allowed as this is a distinguishing architectural characteristic of this village.
2. Dormers within pitched roofs shall be encouraged, but no more than twenty

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(20) feet in width. Dormers shall be exempt from roof pitch requirements.

3. Sloped or pitched roofs with a minimum of 8:12 slope shall be required, except as provided in paragraph D., below.
4. 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.

B. Façade treatment.

1. The use of awnings or canopies over windows of first floor commercial uses shall be encouraged.
2. A minimum of fifty (50) percent of ground floor building façades and thirty (30) percent of second floor building façades facing public ways shall be glazed.

C. Front Yard Setbacks.

1. To reflect the different intensities of existing development in the individual villages, while encouraging development close to the street to promote shopping and walkability, the following front yard setbacks shall be established in the Village Business Overlay District:

Location:	Country Way and the Driftway in Greenbush	All Other Streets in Greenbush	North Scituate	Scituate Harbor
Minimum Front Yard:	5'	10'	None	None
Maximum Front Yard:	15'	25'	10'	10'

The Planning Board may waive the maximum front yard setback on corner lots for existing buildings which are intended to be converted to mixed use.

2. In order to prevent a “canyon” effect caused by the taller buildings needed to accommodate higher densities, in any building or lot located on Front St. in Scituate Harbor containing more than two (2) stories, the third story and above shall be set back a minimum of seven (7) feet behind the first story. In these

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cases, the roof over the first two stories shall be exempt from Section 560.8 A, **Roofs**, above.

3. Parking areas are prohibited within the front yard setbacks in North Scituate and in Greenbush on Country Way and the Driftway to preserve green space in the town's least densely developed villages. The Planning Board may waive this requirement at their discretion where existing buildings are redeveloped for mixed use.

D. Side and Rear Yard Setbacks.

In the Village Business Overlay District, rear yard setbacks shall be as follows:

Location:	Greenbush	North Scituate	Scituate Harbor
Minimum Rear Yard:	8'	8'	15'

Where a property is adjacent to a Residential Zoning District or a residential use, the minimum side or rear yard setback shall be twenty (20) feet in Greenbush or North Scituate and 30' in Scituate Harbor. Larger setbacks are required in Scituate Harbor as a buffer for abutting properties and nearby small scale neighborhood housing.

E. Special Setbacks - Scituate Harbor.

In order to protect views of the water that give the harbor its special character, and to provide a buffer for nearby small scale neighborhood housing, the height of mixed use buildings shall be limited within key setback areas in Scituate Harbor. In Scituate Harbor, within 50' of the water's edge, or within 50' of an adjacent residential Zoning District the maximum height for new mixed use buildings shall be 35'.

F. Greenbush Design Standards.

To encourage new development on large parcels while visually maintaining the smaller residential scale characteristic of the area, the following limitations shall apply to mixed use buildings in Greenbush:

1. No building structure shall be longer than one hundred twenty (120) feet measured along any side of the building which faces the street.
2. Front building facades shall be no longer than fifty (50) feet without articulation.

G. Parking and Landscaping.

1. Driveways shall be no greater than twenty-four (24) feet in width. Shared access to parking lots by two or more businesses is to be encouraged wherever possible.
2. A Landscape Plan shall be required for all submissions, except where waived by the Planning Board. The Planning Board may adopt specific regulations for landscaping in the Water Resource Protection District and other areas.

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3. **Special Standards for the Water Resource Protection District.** In order to protect water quality in the town's Reservoir and groundwater drinking water supplies, the following special standards for landscaping and stormwater management apply to development under this Section 560 within in the Water Resource Protection District:

- a. **On-Site Recharge.** 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. **Minimization of Impervious Surface.** Impervious surface shall be minimized by: providing only as much parking as required by the Zoning Bylaw, particularly within the buffer described in Section 510.4; using short and narrow 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.
 - c. **Treatment of Front Yards.** All front yards shall be landscaped, but new lawn area shall be minimized and the use of fertilizer in general shall be discouraged. Front yards shall not include impervious surfaces except for a driveway, walkways, or paved outdoor dining patios, which shall constitute no more than twenty-five (25) percent of the front yard to the greatest extent possible.
 - d. **Use of Best Management Practices.** At a minimum, drainage shall be handled through Best Management Practices as described in the current version of the Massachusetts Department of Environmental Protection Stormwater Management, Vol. II: Stormwater Technical Handbook.
4. New landscaping shall not include invasive plants, as identified on a list provided by the Planning Department, and to the greatest extent possible, existing invasive plants will be removed. Native plants shall be used in landscaping wherever possible.
5. **Screening.** All buildings and parking areas within 50' of an adjacent Residential Zoning District shall be screened on each side adjoining residential premises, except where screening is already provided by an existing fence, wall, hedge or natural terrain feature. Said screening shall be maintained in good condition and no
6. advertising shall be placed thereon, and shall be designed so as not to obstruct vehicle sight distances at entrances, exits or street intersections. Screening provisions may be modified or waived by the Planning Board for good cause.

560.9 Special Permit Review Procedure.

A. **Pre-Application Meeting.** A pre-application meeting with the Town Planner prior to the submittal of a Special Permit application is 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.

5. Amend the Zoning Map to establish the location of the Village Business Overlay District on the Zoning Map as an overlay of the Harbor Business Zoning District in Scituate Harbor and the General Business Zoning District in North Scituate and Greenbush. The new district is shown on three maps entitled "Village Business Overlay District – Scituate Harbor," "Village Business Overlay District – North Scituate," and "Village Business Overlay District – Greenbush," all dated 12/13/05 and available at the Town Clerk's Office and the Office of the Planning Board. These areas shall be shown on the Zoning Map as the Village Business Overlay District.

Planning Board

VOTED to amend various sections of the Zoning Bylaw as noted below to create a Village Business Overlay District for the Scituate Harbor, Greenbush, and North Scituate Business Districts, by taking the following actions listed below:

1. Amend Section 200, Definitions, by adding the following new definition for a Mixed Use Building and adding the new language highlighted in bold to the definition of Multi-Family Dwelling:

MIXED USE BUILDING

A building containing residential dwelling units and any of the other uses allowed by right in the Business District except a showroom for building supplies, or accessory uses of industry or light manufacturing.

MULTI-FAMILY DWELLING

A building containing more than two (2) 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.

2. Amend Section 310, Types of Districts, by adding a new District, VBOD "Village Business Overlay District."

3. Amend Section 340, Definition of Zoning Districts, by adding a final paragraph as follows:

VILLAGE BUSINESS OVERLAY DISTRICT

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

4. Amend the Scituate Zoning Bylaw by adding the new Section 560, Village Business Overlay District, as follows:

560. VILLAGE BUSINESS OVERLAY DISTRICT

560.1 Purpose.

The purpose of the Village Business Overlay District is to promote opportunities for local, small-scale businesses; encourage alternative modes of transportation such as public transit, bicycling, and walking; provide for higher density mixed use and multifamily housing in village areas; provide for a variety in residential housing development patterns and which reflect the unique characteristics of each subarea; increase the production of housing affordable to low and moderate income households; and encourage efficient provision of necessary utilities and community services. The Village Business Overlay District will not change the zoning of the underlying district which can continue to be applied except where an applicant voluntarily wishes to use the provisions of this Section 560.

560.2 Permitted Uses.

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

560.3 Uses Permissible by Special Permit.

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

- A. Any use permitted by Special Permit in the underlying Zoning District in accordance with the provisions of that district.
- B. A mixed use building provided that a Special Permit is obtained from the Planning Board in accordance with the provisions of Section 560 of this bylaw.

560.4 Requirements for Mixed Use Buildings.

The Planning Board may issue a Special Permit for a mixed use building in the Village Business Overlay District, subject to the following conditions:

- A. The lot or yard areas required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with any requirements of this bylaw.

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- B. In the opinion of the Planning Board, the project meets the Design Review Standards of Section 560.8.
- C. Fifteen (15) percent of the total number of dwelling units must be affordable to low- and moderate-income households as defined in Section 560.7 B, Affordability Standards, Rental or Sales Price.
- D. In order to concentrate retail uses in the center of each village, so they can better be supported by pedestrian activity, on Front St., Booth Hill Rd., all of Country Way in Greenbush, Country Way, south of the Bound Brook, the Driftway, and Gannett Rd. the first floor shall be occupied by retail uses.
- E. All new mixed use buildings must meet the following dimensional requirements:

Minimum Lot Area Per Dwelling Unit	<p>The number of units permitted shall be equivalent of up to 16 units per 40,000 sq. ft. <i>or</i></p> <p>The equivalent of 17 to 20 units per 40,000 sq. ft. may be authorized if significant public benefits are provided ¹ <i>or</i></p> <p>Due to the higher residential densities already existing in that village, the equivalent of up to 36 units per 40,000 sq. ft. may be authorized in Scituate Harbor if parking is located underground <i>and</i> significant public benefits are provided¹</p>
Open Space	20% of lot area ²

¹ See Section 560.5, Bonus Density Requirements, below.

² Open space shall not include land set aside for buildings, driveways or parking uses. This requirement may be waived by the Planning Board in the case of re-use of existing buildings for mixed use.

Where dimensional requirements are not specified, construction must meet the requirements of the underlying Zoning District.

560.5 Bonus Density Requirements.

The Planning Board may, at its discretion, permit density up to the equivalent of 20 units per 40,000 sq. ft. of lot area in Greenbush or North Scituate, or up to the equivalent of 36 units per 40,000 sq. ft. in Scituate Harbor if parking is provided under the mixed use structure, provided the Board makes a written finding that the developer will provide significant improvements providing a public benefit, in addition to those improvements necessary to meet the requirements of this bylaw.

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These improvements shall include off-site infrastructure serving a public purpose, such as sidewalks; land suitable for a public way; upgrades to drainage or water distribution systems where these are desired by the Town; off-site drainage improvements to mitigate impacts of stormwater on Old Oaken Bucket Pond; open space in desirable locations, with public access, in addition to the open space required by this Section 560; 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. All infrastructure used for the density bonus shall have been recommended in the Master Plan or other plans approved or used by the Town of Scituate Board of Selectmen, DPW, Board of Health, Conservation Commission or Planning Board. In order to make this determination, the following are required:

- A. The applicant shall provide a written description of the intended improvements with the public benefit of each and its significance to the Town, and a sketch plan showing the location and type of improvements and their size or extent.
- 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 adequate parking on site, in total or in part, as indicated in Section 560.6, Parking Requirements for Mixed Use Buildings, below for all proposed housing units.
- 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.

560.6 Parking Requirements for Mixed Use Buildings.

Parking shall be provided for all uses according to the requirements of Section 760, Parking Requirements, except that it may be reduced by the Planning Board as described below.

- A. Due to the proximity of transit service, the Planning Board may authorize the number of required parking spaces indicated in the table below for office or retail uses in mixed use buildings:

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Use	Number of Spaces Required
Office or Retail in Mixed Use Buildings in Scituate Harbor or North Scituate	1 space per 300 square feet within 400 feet of a Town Public Parking Lot, or within 400 feet of an MBTA Parking Lot if parking is available during the hours of operation of the retail or office use.

- B. The Planning Board may waive the parking requirements of this Section for office and retail uses in all villages if the applicant can demonstrate that sufficient 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.
- C. In Greenbush and North Scituate, due to the proximity of transit, the Planning Board may reduce required parking for residential units in a mixed use building from standard requirements, as follows:

Use	Number of Spaces Required
One bedroom unit	1 space
Two bedroom unit	1.5 spaces
Three or more bedroom unit	2 spaces

560.7 Affordability Standards.

All affordable housing units required to meet the special density standards of this section shall meet the following criteria.

A. Applicability.

Applications requesting seven or fewer dwelling units are exempt from this requirement. The Planning Board may waive this requirement if housing units are entirely within an existing historic structure either on the National Register of Historic Places, the State Register of Historic Places or on a list of historic structures maintained by the Scituate Historical Society.

B. 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).

C. 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 G.L. c.184, Section 31, recorded at the Plymouth County Registry of Deeds, and shall be in force in perpetuity or as long a period as legally possible.

D. Location of Units.

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.

E. 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.

F. 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 45.00, 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.

G. 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:

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Total Housing Units	Required Affordable Units
8-10	1
11-16	2
17-23	3
24-30	4
31-36	5
37-40	6
Above 40	15% of total, calculated according to Paragraph G. above

560.8 Design Review Standards.

In reviewing an application for a Special Permit for development within the Village Business Overlay District, the Planning Board shall consider the extent to which the application satisfies the general standards enumerated in Section 950 and the Design Review Standards detailed below.

A. Roofs.

1. Roofs shall be pitched to center ridge in keeping with the distinguishing architectural characteristics of the villages.
2. Dormers within pitched roofs shall be encouraged, but no more than twenty (20) feet in width. Dormers shall be exempt from roof pitch requirements.
3. Sloped or pitched roofs with a minimum of 8:12 slope shall be required, except as provided in paragraph D., below.
4. 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.

B. Façade treatment.

1. The use of awnings or canopies over windows of first floor commercial uses shall be encouraged.
2. A minimum of fifty (50) percent of ground floor building façades and thirty (30) percent of second floor building façades facing public ways shall be glazed.

C. Front Yard Setbacks.

1. To reflect the different intensities of existing development in the individual villages, while encouraging development close to the street to promote shopping

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and walkability, the following front yard setbacks shall be established in the Village Business Overlay District:

Location:	Country Way and the Driftway in Greenbush	All Other Streets in Greenbush	North Scituate	Scituate Harbor
Minimum Front Yard:	5'	10'	None	None
Maximum Front Yard:	15'	25'	10'	10'

The Planning Board may waive the maximum front yard setback on corner lots for existing buildings which are intended to be converted to mixed use.

2. In order to prevent a “canyon” effect caused by the taller buildings needed to accommodate higher densities, in any building or lot located on Front St. in Scituate Harbor containing more than two (2) stories, the third story and above shall be set back a minimum of seven (7) feet behind the first story. In these cases, the roof over the first two stories shall be exempt from Section 560.8 A, **Roofs**, above.

3. Parking areas are prohibited within the front yard setbacks in North Scituate and in Greenbush on Country Way and the Driftway to preserve green space in the town’s least densely developed villages. The Planning Board may waive this requirement at their discretion where existing buildings are redeveloped for mixed use.

D. Side and Rear Yard Setbacks.

In the Village Business Overlay District, rear yard setbacks shall be as follows:

Location:	Greenbush	North Scituate	Scituate Harbor
Minimum Rear Yard:	8'	8'	15'

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Where a property is adjacent to a Residential Zoning District or a residential use, the minimum side or rear yard setback shall be twenty (20) feet in Greenbush or North Scituate and 30' in Scituate Harbor. Larger setbacks are required in Scituate Harbor as a buffer for abutting properties and nearby small scale neighborhood housing.

E. Special Setbacks - Scituate Harbor.

In order to protect views of the water that give the harbor its special character, and to provide a buffer for nearby small scale neighborhood housing, the height of mixed use buildings shall be limited within key setback areas in Scituate Harbor. In Scituate Harbor, within 50' of the water's edge, or within 50' of an adjacent residential Zoning District the maximum height for new mixed use buildings shall be 35'.

F. Greenbush Design Standards.

To encourage new development on large parcels while visually maintaining the smaller residential scale characteristic of the area, the following limitations shall apply to mixed use buildings in Greenbush:

1. No building structure shall be longer than one hundred twenty (120) feet measured along any side of the building which faces the street.
2. Front building facades shall be no longer than fifty (50) feet without articulation.

G. Parking and Landscaping.

1. Driveways shall be no greater than twenty-four (24) feet in width. Shared access to parking lots by two or more businesses is to be encouraged wherever possible.
2. A Landscape Plan shall be required for all submissions, except where waived by the Planning Board. The Planning Board may adopt specific regulations for landscaping in the Water Resource Protection District and other areas.

3. Special Standards for the Water Resource Protection District. In order to protect water quality in the town's Reservoir and groundwater drinking water supplies, the following special standards for landscaping and stormwater management apply to development under this Section 560 within in the Water Resource Protection District:

a. **On-Site Recharge.** 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. **Minimization of Impervious Surface.** Impervious surface shall be minimized by: providing only as much parking as required by the Zoning Bylaw, particularly within the buffer described in Section 510.4; using short and narrow 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

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(<http://www.mass.gov/envir/lid/default.htm>) in current versions wherever possible.

- c. **Treatment of Front Yards.** All front yards shall be landscaped, but new lawn area shall be minimized and the use of fertilizer in general shall be discouraged. Front yards shall not include impervious surfaces except for a driveway,

walkways, or paved outdoor dining patios, which shall constitute no more than twenty-five (25) percent of the front yard to the greatest extent possible.

- d. **Use of Best Management Practices.** At a minimum, drainage shall be handled through Best Management Practices as described in the current version of the Massachusetts Department of Environmental Protection Stormwater Management, Vol. II: Stormwater Technical Handbook.

4. New landscaping shall not include invasive plants, as identified on a list provided by the Planning Department, and to the greatest extent possible, existing invasive plants will be removed. Native plants shall be used in landscaping wherever possible.

5. **Screening.** All buildings and parking areas within 50' of an adjacent Residential Zoning District shall be screened on each side adjoining residential premises, except where screening is already provided by an existing fence, wall, hedge or natural terrain feature. Said screening shall be maintained in good condition and no advertising shall be placed thereon, and shall be designed so as not to obstruct vehicle sight distances at entrances, exits or street intersections. Screening provisions may be modified or waived by the Planning Board for good cause.

560.9 Special Permit Review Procedure.

A. **Pre-Application Meeting.** A pre-application meeting with the Town Planner prior to the submittal of a Special Permit application is 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.

5. Amend the Zoning Map to establish the location of the Village Business Overlay District on the Zoning Map as an overlay of the Harbor Business Zoning District in Scituate Harbor and the General Business Zoning District in North Scituate and Greenbush. The new district is shown on three maps entitled "Village Business Overlay District – Scituate Harbor," "Village Business Overlay District – North Scituate," and "Village Business Overlay District – Greenbush," all dated 12/13/05 and available at the

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Town Clerk's Office and the Office of the Planning Board. These areas shall be shown on the Zoning Map as the Village Business Overlay District.

TWO-THIRDS VOTE

**Article 22
Site Plan Design Guidelines**

To see if the Town will vote to amend the Zoning bylaws by creating a new Section 950 as follows:

950. DESIGN REVIEW FOR BUSINESS, COMMERCIAL AND MULTI-FAMILY DEVELOPMENT

A. **Applicability.** In order to preserve and enhance the aesthetic quality of Scituate's built environment and to conserve the value of its land and buildings, this section will establish a process of design review for construction of new buildings or expansion of existing buildings which are required by this Zoning Bylaw to follow the procedures or standards of Section 770, Site Plan Special Permits. This Section shall not apply to approval of the following: Flood Plain Special Permits, Common Driveway Special Permits, or Special Permits for accessory dwellings except where these are proposed above businesses.

Nothing in this section shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature which does not involve a change in design, material, color or the outward appearance of a building, or to prevent meeting requirements by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the adoption of this section. Single and two-family houses shall be exempt from this Section. The Planning Board may waive this process where, in their opinion, it is not needed because projects are minor, or for other good cause.

B. **Design Review Committee.** A Design Review Committee shall be appointed by the Planning Board to perform the review under this Section. It shall consist of three members, preferably with training and experience in architecture or related professions. If possible, one member shall have training or experience in historic preservation or shall be knowledgeable with regard to historic architectural styles. Each member shall have a term of three years. Appointments shall be subject to the terms of Section 10310 There shall be no limit on the number of terms a member can serve.

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C. **Review Process.** The Design Review Committee shall, upon written request of the Planning Board, Town Planner or Planning Board secretary, meet with the applicant following receipt of an application by the Planning Board. The Design Review Committee shall provide written findings and recommendations to the Planning Board during the public hearing process..

D. **Application Materials.** The Design Review Committee requires a site plan showing the existing conditions of a site as well as the proposed changes, floor plans for all floors that will be affected by the construction whether or not they are involved in the principal proposal, a roof plan showing locations of mechanical equipment, and all other exterior equipment and structures mounted on the roof; and four exterior building elevations, whether or not they will be changed. All drawings should have dimensions and notes to indicate specific materials and finishes and be clearly marked as new or existing to remain, whether or not materials are proposed for modification. The Design Review Committee may request additional materials to illustrate exterior materials, finishes or details.

E. **Design Guidelines.** The Design Review Committee shall review new buildings and substantial improvements with professional judgment, and with reference to general guidelines that the proposed development shall relate harmoniously to the nature and context of existing buildings in the vicinity.

The following list addresses some of the elements by which the suitability of proposed designs are evaluated:

1. **Scale of the Building:** The scale of a building depends on its overall size and mass, its relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building “presence”; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.
2. **Height:** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street and sometimes create a canyon-like effect. The height of buildings should be visually compatible with the heights of the buildings in the neighborhood.

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3. **Proportion of Building's Front Façade:** The “first impression” a building gives is that of its front façade, the side of the building, which faces the most frequently used public way. The relationship of the width to the height of the front façade should be visually compatible with that of its neighbors.
4. **Rhythm of Solids to Voids in Front Facades:** When you look at any façade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front façade of a new or altered building should be visually compatible with that of its neighbors.
5. **Proportions of Opening within the Facility:** Windows and doors come in a variety of shapes and sizes; even rectangular window and door opening can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.
6. **Roof Shapes:** A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.
7. **Relationship of Façade Materials:** The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their color and texture. Many different materials are used on facades – clapboards, shingles, patterned siding, brick or other masonry unit – depending on the architectural style of the building. The facades of a building, particularly the front façade, and those facades occurring on corner lots, should be visually compatible with those of other buildings around it.
8. **Historic or traditional architecture.** Historic elements reflect Scituate's rich architectural traditions. Historic, traditional or significant structures or architectural elements should be preserved to the extent possible.

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9. **Site Features:** The size, placement and materials of landscaping, walks, walls, fences, signs, lighting, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings. Invasive species, as indicated on a list available from the Planning Department, shall not be used in new landscaping.
10. Unique or attractive natural features, which may include rocks, outcroppings, existing vegetation and specimen trees, shall be incorporated in the proposed landscaping.

or take any other action relative thereto.

Planning Board

VOTED to amend the Zoning bylaws by creating a new Section 950 as follows:

951. DESIGN REVIEW FOR BUSINESS, COMMERCIAL AND MULTI-FAMILY DEVELOPMENT

A. **Applicability.** In order to preserve and enhance the aesthetic quality of Scituate's built environment and to conserve the value of its land and buildings, this section will establish a process of design review for construction of new buildings or expansion of existing buildings which are required by this Zoning Bylaw to follow the procedures or standards of Section 770, Site Plan Special Permits. This Section shall not apply to approval of the following: Flood Plain Special Permits, Common Driveway Special Permits, or Special Permits for accessory dwellings except where these are proposed above businesses.

Nothing in this section shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature which does not involve a change in design, material, color or the outward appearance of a building, or to prevent meeting requirements by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the adoption of this section. Single and two-family houses shall be exempt from this Section. The Planning Board may waive this process where, in their opinion, it is not needed because projects are minor, or for other good cause.

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B. Design Review Committee. A Design Review Committee shall be appointed by the Planning Board to perform the review under this Section. It shall consist of three members, preferably with training and experience in architecture or related professions. If possible, one member shall have training or experience in historic preservation or shall be knowledgeable with regard to historic architectural styles. Each member shall have a term of three years. Appointments shall be subject to the terms of Section 10310 There shall be no limit on the number of terms a member can serve.

C. Review Process. The Design Review Committee shall, upon written request of the Planning Board, Town Planner or Planning Board secretary, meet with the applicant following receipt of an application by the Planning Board. The Design Review Committee shall provide written findings and recommendations to the Planning Board during the public hearing process..

D. Application Materials. The Design Review Committee requires a site plan showing the existing conditions of a site as well as the proposed changes, floor plans for all floors that will be affected by the construction whether or not they are involved in the principal proposal, a roof plan showing locations of mechanical equipment, and all other exterior equipment and structures mounted on the roof; and four exterior building elevations, whether or not they will be changed. All drawings should have dimensions and notes to indicate specific materials and finishes and be clearly marked as new or existing to remain, whether or not materials are proposed for modification. The Design Review Committee may request additional materials to illustrate exterior materials, finishes or details.

E. Design Guidelines. The Design Review Committee shall review new buildings and substantial improvements with professional judgment, and with reference to general guidelines that the proposed development shall relate harmoniously to the nature and context of existing buildings in the vicinity.

The following list addresses some of the elements by which the suitability of proposed designs are evaluated:

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- 1) **Scale of the Building:** The scale of a building depends on its overall size and mass, its relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building “presence”; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.
- 2) **Height:** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street and sometimes create a canyon-like effect. The height of buildings should be visually compatible with the heights of the buildings in the neighborhood.
- 3) **Proportion of Building’s Front Façade:** The “first impression” a building gives is that of its front façade, the side of the building, which faces the most frequently used public way. The relationship of the width to the height of the front façade should be visually compatible with that of its neighbors.
- 4) **Rhythm of Solids to Voids in Front Facades:** When you look at any façade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front façade of a new or altered building should be visually compatible with that of its neighbors.
- 5) **Proportions of Opening within the Facility:** Windows and doors come in a variety of shapes and sizes; even rectangular window and door opening can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.
- 6) **Roof Shapes:** A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.
- 7) **Relationship of Façade Materials:** The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their color and

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- 8) texture. Many different materials are used on facades – clapboards, shingles, patterned siding, brick or other masonry unit – depending on the architectural style of the building. The facades of a building, particularly the front façade, and those facades occurring on corner lots, should be visually compatible with those of other buildings around it.
- 9) **Historic or traditional architecture.** Historic elements reflect Scituate’s rich architectural traditions. Historic, traditional or significant structures or architectural elements should be preserved to the extent possible.
- 10) **Site Features:** The size, placement and materials of landscaping, walks, walls, fences, signs, lighting, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings. Invasive species, as indicated on a list available from the Planning Department, shall not be used in new landscaping. Unique or attractive natural features, which may include rocks, outcroppings, existing vegetation and specimen trees, shall be incorporated in the proposed landscaping.

TWO-THIRDS VOTE

Article 23

Maximum Residential Height

To see if the Town will vote to amend Scituate Zoning Bylaw Section 200, Definitions, and Section 620.1, Building Heights, as follows below:

Amend **Section 200, Definitions** by adding the following language at the end of the definition of building height:

except that in Residential Zoning Districts, there shall also be a maximum height measured from the average finished grade to the ridge.

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Amend **Section 620.1, Building Heights**, by adding the following new final paragraph: Notwithstanding the regulation of building height in Section 620.1 and allowed height projections in Section 620.2, no building in the Residential A1, A2 or A3 Districts shall exceed 40', measured vertically from the average finished grade adjoining such building to the highest point of any roof or take any other action relative thereto.
Planning Board

VOTED to amend **Section 200, Definitions** by adding the following language at the end of the definition of building height:
except that in Residential Zoning Districts, there shall also be a maximum height measured from the average finished grade to the ridge.

Amend **Section 620.1, Building Heights**, by adding the following new final paragraph:

Notwithstanding the regulation of building height in Section 620.1 and allowed height projections in Section 620.2, no building in the Residential A1, A2 or A3 Districts shall exceed 40', measured vertically from the average finished grade adjoining such building to the highest point of any roof or take any other action relative thereto.

TWO-THIRDS VOTE

Article 24
General Bylaw - Storage Trailers

To see if the Town will vote to amend Town of Scituate General Bylaws 30200, Property, by adding a new Section 30260, Temporary Storage Trailers, as follows below:

Section 30260, Temporary Storage Trailers.

A building permit shall be required for all temporary storage trailers. No person shall maintain a temporary storage trailer in the public view on any residential property for more than six months. The Building Commissioner shall be charged with the interpretation and enforcement of this bylaw. Anyone found in violation shall be liable for a fine of \$25.00 each day the violation persists, or take any other action relative thereto.

Board of Selectmen

VOTED to amend the Town of Scituate General By-Laws 30200, Property, by adding a new Section 30260, Temporary Storage Trailers by adding the following:

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Section 30260, Temporary Storage Trailers.

A building permit shall be required for all temporary storage trailers. No person shall maintain a temporary storage trailer in the public view on any residential property for more than six months. The Building Commissioner shall be charged with the interpretation and enforcement of this bylaw. Anyone found in violation shall be liable for a fine of \$25.00 each day the violation persists.

MAJORITY VOTE

Article 25

Water Resource Protection Map

To see if the Town will vote to Indefinitely Postpone the Water Resource Protection District Zoning Protection Bylaw Section 510.3.

Board of Selectmen

VOTED to Indefinitely Postpone.

MAJORITY VOTE

Article 26

Definition of a Tributary

To see if the Town will vote to amend Section 200, "Definitions" of the Scituate Zoning bylaw by adding the following language:

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).

Board of Selectmen

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VOTED to amend Section 200, "Definitions" of the Scituate Zoning bylaw by adding the following language:

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-THIRDS VOTE

Article 27
Definition of a Tributary

Indefinitely Postponed

Sponsored by Ten Registered Voters

Article 28
General Bylaw Eminent Domain

To see if the Town will vote to amend the General Bylaws by adding the following new bylaw:

The Private Policy Protection Act of 2006

The authority of the Town of Scituate and its agencies of local government, as reserved to localities under Chapter 79 of the Massachusetts General Law, to seize privately owned parcels against the expressed will of the owner through the use of eminent domain procedures, shall, in light of Kilo vs. New London, be specifically further limited as follows:

- 1a.) To only those proposed taking actions incorporating the transfer of private parcel(s) to the Town of Scituate or any of its authorized agencies of local government and under no circumstances to another private party, and;
- 2a.) To only those proposed taking actions whose purpose is the creation of a facility for actual public use and ownership to include public open spaces, parks, and watershed protection districts and never for the purposes of economic development or the enhancement of the local tax base.

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Nothing in the bylaw shall limit the authority of the Town of Scituate or its authorized agencies of local government to seize property that is endangering the health and safety of its residents or which could otherwise be seized or foreclosed upon for tax delinquency in accordance with the provisions of Chapter 60 of the Massachusetts General Laws.
Sponsored by Ten Registered Voters

VOTED to amend its General Bylaws by adding the following new bylaw:

The Private Policy Protection Act of 2006

The authority of the Town of Scituate and its agencies of local government, as reserved to localities under Chapter 79 of the Massachusetts General Law, to seize privately owned parcels against the expressed will of the owner through the use of eminent domain procedures, shall, in light of Kilo vs. New London, be specifically further limited as follows:

1a.) To only those proposed taking actions incorporating the transfer of private parcel(s) to the Town of Scituate or any of its authorized agencies of local government and under no circumstances to another private party, and;

2a.) To only those proposed taking actions whose purpose is the creation of a facility for actual public use and ownership to include public open spaces, parks, and watershed protection districts and never for the purposes of economic development or the enhancement of the local tax base.

Nothing in the bylaw shall limit the authority of the Town of Scituate or its authorized agencies of local government to seize property that is endangering the health and safety of its residents or which could otherwise be seized or foreclosed upon for tax delinquency in accordance with the provisions of Chapter 60 of the Massachusetts General Laws.

MAJORITY VOTE

Article 29
MGL Chapter 41 Section 19K

To see if the Town will vote to accept the provisions of Chapter 41 Section 19K additional compensation of the Town Clerk who have been awarded the certification of Massachusetts Municipal Clerk and also the provisions of Chapter 41 Section 108P additional compensation of Treasurer/Collectors for certification as Massachusetts Municipal Treasurer/Collector and to raise and appropriate the sum of \$2000 therefore, or take any other action relative thereto.

Sponsored by: Town Clerk/Treasurer/Collector

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VOTED to accept the provisions of Chapter 41 Section 19K additional compensation of the Town Clerk who have been awarded the certification of Massachusetts Municipal Clerk and also the provisions of Chapter 41 Section 108P additional compensation of Treasurer/Collectors for certification as Massachusetts Municipal Treasurer/Collector and to raise and appropriate the sum of \$2000 therefore.

MAJORITY VOTE

Article 30
Habitat for Humanity Land Transfer

To see if the Town will vote to transfer to the Board of Selectmen for the purpose of selling, and authorize the Board of Selectmen to sell on such terms and conditions as it deems in the best interests of the Town a portion of Town property, Lot 31-2-11B as shown on the Scituate Assessors Maps, consisting of 40,000 square feet +/- and further shown on a plan entitled "Compiled Plan of Land in the Town of Scituate, Massachusetts, dated January 18, 2006, prepared by the Engineering Division, Department of Public Works and on file in the Office of the Town Clerk; or take any other action relative thereto.

Board of Selectmen

VOTED to transfer to the Board of Selectmen for the purpose of selling, and authorize the Board of Selectmen to sell on such terms and conditions as it deems in the best interests of the Town a portion of Town property, Lot 31-2-11B as shown on the Scituate Assessors Maps, consisting of 40,000 square feet +/- and further shown on a plan entitled "Compiled Plan of Land in the Town of Scituate, Massachusetts, dated January 18, 2006, prepared by the Engineering Division, Department of Public Works and on file in the Office of the Town Clerk.

TWO-THIRDS VOTE

Article 31
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 only school bus transportation fees received by the School Department, which may be expended solely for expenses associated with the transportation of students. The School Department 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 \$300,000; or take any other action relative thereto.

School Committee

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VOTED to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2 to establish a revolving fund to which will be credited only school bus transportation fees received by the School Department, which may be expended solely for expenses associated with the transportation of students. The School Department 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 \$300,000.

MAJORITY VOTE

Article 32
Public Health Mutual Aid Agreement

To see if the Town will vote to authorize the Board of Health, in accordance with G.L. Chapter 40, Section 4A, to enter into an inter-municipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Mutual Agreement to be entered into between the Town and various governmental units, or take any other action relative thereto.

Board of Selectmen

VOTED to authorize the Board of Health, in accordance with G.L. Chapter 40, Section 4A, to enter into an inter-municipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Mutual Agreement to be entered into between the Town and various governmental units.

MAJORITY VOTE

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