

**SCITUATE PLAN COMMISSION -REGULAR MEETING  
TUESDAY - March 20, 2018  
7:00 P.M.  
TOWN COUNCIL CHAMBERS  
NORTH SCITUATE, RI**

**MEETING MINUTES**

**I. The Regular Meeting of the Scituate Plan Commission** was called to order at 7:05 p.m. on Tuesday, March 20, 2018 at the Town Council Chambers 195 Danielson Pike, Scituate, RI. Members present were Chairman Jeffrey Hanson, Vice-Chairman William Jasparro, Gene Allen, Nicholas Piampiano and Richard Pincince. George Mitola and David Provonsil were absent. Also in attendance were Town Solicitor David Petrarca, Jr., Administrative Officer Calista McDermott and Planning Clerk Kathy Gray.

**II. MEETING MINUTES - REGULAR MEETING OF February 20, 2018;  
DISCUSSION AND/OR ACTION**

It was noted that Town Solicitor David Petrarca, Jr. and Member Allen had emailed Ms. Gray amendments to the minutes that had been incorporated.

*Member Allen made a motion to approve the minutes as amended. Member Piampiano seconded. Motion passes unanimously.*

At this time Chairman Hanson entertained a motion to switch item 6 on the Agenda to #3 because the expert Planner Kelly Morris attending had a scheduling conflict and could not stay.

*Member Allen made a motion to move Item 6 on the Agenda to item #3. Vice Chair Jasparro seconded the motion. Motion passes unanimously.*

**III. 5-YR. COMP. PLAN UPDATE - DISCUSSION AND/OR ACTION**

The plan Commission asked the Town's Planning Consultant Kelley Morris to attend the meeting to advise the commission regarding the Town's Comprehensive Plan Update. Ms. Morris first asked about the existing budget. Chairman Hanson said that the budget for the Town's Comprehensive Plan update is \$70,000.00. Town Solicitor Petrarca said that it had not yet approved.

Ms. Morris said that budgets do not run year to year. Ms. McDermott said for this fiscal year there is \$25,000.00. Ms. Morris said to ask the Town Council to carry over the money and ask for more for next fiscal year or use \$25,000 to get started and do bidding. The Town Council will have to approve whoever is hired.

Attorney Petrarca said that maybe consultant could use Joe Casali's Engineering firm as office because Casali's firm is already Town Consultant.

Ms. Morris asked if the Planning Commission wants one firm to do all of it. It will cost 80-90 thousand dollars. She asked if the Planning Commission wants to assist with updates. Chairman Hanson stated that the Planning Commission does not have the expertise, time, inclination or staff to do update on their own, so outside help is necessary.

Ms. Morris said that she will prepare the bid documents but first the budget amounts need to be established by the Town Council. The scope of work will need to be defined for the bid. There will need to be public hearing and the public will also need to be included in the discussion of composing the updates.

Ms. Morris said that she can work with Jeff so long as the Planning Commission authorizes Chairman Hanson to collaborate with Ms. Morris.

Attorney Petrarca reminded everyone that the budget will have to be addressed and accepted at the Financial Town Meeting (FTM).

Member Allen asked if the budget could be encumbered. Attorney Petrarca answered in the affirmative and said there could be a special rollover.

Ms. McDermott said that \$75,000.00 has already been put in the next fiscal year's budget. Ms. Morris said the budget amount needs to be established before any bidding. Many towns are not in compliance so the Town has time to do the work.

Member Allen suggested to putting out an RFP with 2 scopes. The first to address the \$25,000 available now to encumber and then one for the balance of the project. It would provide a head start see what the value of the project would be. Based on the RFP they could then negotiate with the bidding firms.

Vice Chair Jaspardo suggested offering contracts with an option to renew. Chairman Hanson said that the money is available and would like to move forward. Ms. McDermott stated the Town's fiscal year ends March 31, 2018.

Member Allen asked if the Planning Commission could get a scope of the work from Town Engineering Consultant Joe Caselli that \$25,000.00 would fund

since Ms. Morris works with Mr. Caselli. Then the Planning Commission would know what the RFP for the balance would be. Ms. Morris said that she could help with the scope of work through Mr. Caselli's office as long as he is comfortable with the arrangement.

Mr. Caselli said that they should wait until after the FTM so they know the approved budget and can then advertise. Ms. Morris said that she knew people that could get started with the available \$25,000.00. Ms. McDermott said she will verify the amount of money and have the money set aside.

Ms. Morris said that David Westcott from Mason and Associates is very good at creating the text for Comprehensive Plan updates and Chris Mason is very good with the GIS and creating maps. Ms. Morris asked if she has the permission of the Planning Commission to inquire about quotes.

Mr. Caselli said that the quotes have to be procured through qualification base selection. Ms. Morris said that Mr. Caselli cannot hire a sub for over \$5,000. Mr. Caselli and Ms. Morris said they had to figure out legal parameters of who can be hired and how the bids are to be crafted.

Member Allen asked if \$25,000.00 would cover the cost of the GIS and could Mr. Caselli's office start with the GIS.

Ms. McDermott stated that Jim Tingle has done all new GIS for the Town.

Member Piampiano suggested breaking the \$25,000 up into payment for different aspects of the overall project. Ms. Morris said they can't have 3 different contracts.

Chairman Hanson stated that he does not want to spend money just to spend money. He wants to follow a process and not do this in a fragmented manner. He would rather roll \$25,000.00 over to next year's budget, if possible. They will have to wait to see what gets approved at the FTM. He doesn't want to have to redo any parts of the process either.

By encumbering the \$25,000 Ms. Morris said that they might be able to fund a few good amendments. The land use and the affordable housing aspects are key elements and most important to the update.

Ms. McDermott said she will confirm the existing money the following day and have it set aside. Ms. Morris said that she is willing to come back again to advise the board. Member Hanson stated that the item would be on the agenda next month.

#### IV. ADMINISTRATIVE SUBDIVISIONS - DISCUSSION AND/OR ACTION REGARDING

**COUNTRYSIDE LLC, 590 DANIELSON PIKE, AP 33 – LOT 26,  
ADMINISTRATIVE SUBDIVISION VIA SPECIAL USE PERMIT TO DIVIDE  
A PRE-EXISTING, NON-CONFORMING LOT WITH ONE (1) HOUSE AND  
THREE (3) DUPLEXES; ARTICLE IV, SECTION 1.H.**

Chairman Hanson read from the zoning ordinance and one from the subdivision regulations.

He first read first from Article IV § 1 H:

*Two (2) houses, on one (1) lot. Where two (2) or more dwelling houses, which were in existence at the time of enactment of this ordinance, are located on one (1) lot, the zoning board of review may, by special use permit, permit the division of the lot into separate lots for each house even though the separate lots do not conform in size and/or dimensions to the minimum sizes and/or dimensions for residential use.*

Chairman Hanson paraphrased that they can create a substandard lot to split the property up for separate buildings. Chairman Hanson asked if the applicant had gone before zoning to apply for a Special Use Permit. Ms. McDermott answered in the affirmative.

Chairman Hanson then read from the following definition from Administrative Subdivision Regulations: *re-subdivision of existing lots which yields no additional lots for development and involves no creation or extension of streets, such re-subdivision shall only involve divisions, mergers, mergers and division or adjustments of boundaries of existing lots.*

Chairman Hanson stated that initially he thought that this property is not an official administrative subdivision but now based on definitions of the Zoning Ordinance, he does believe it is an administrative subdivision. The key word is *divisions*. He asked Attorney Petrarca's opinion.

Attorney Petrarca said that it is a unique situation and in this case, as the structures already exist, it is not a lot for new development.

Vice Chairman Jsparro said because it is pre-existing, they are granting the movement of lines rather than creating them. Member Allen stated that actually, it is the establishment of lines.

Chairman Hanson stated that if the counter argument is that they have created new lot lines and then could demolish buildings and have new development on two lots.

Attorney Petrarca said the applicant will have to get a lot of Zoning Relief because the two lots would be substandard.

Member Allen asked how they could then get the relief. Attorney Petrarca said that they would not get the relief because the applicant created its own hardship.

Vice Chair Jasparro asked if all of the units are occupied. Ms. McDermott answered in the affirmative and that the property is for sale. The applicant is having difficulty selling the property and that is the reason the applicant is requesting the division. There is one house and three duplexes and is zoned residential.

Member Piampiano asked about utilities. Chairman Hanson said they are both on wells and septic.

Ms. McDermott said that the property has two new septic systems.

Member Pincince asked if each duplex required its own lot, would the existing wells and septic meet the setbacks. The lot closest to the road is too small. Chairman Hanson stated that it is too difficult to meet those setbacks in a lot that small and that is why it was split in the fashion it was. There is no action because all agree it's administrative.

**DEBORAH VARRIEUR, 50 LEVI HICKS TRAIL, AP 51 - LOTS 39 & 38, DIVISION/MERGER OF EXISTING LOTS.**

Ms. McDermott pointed out the lots on the Plat Map. Chairman Hanson said there is an easement. Member Piampiano said it is land locked both ways.

Ms. McDermott stated that Levi Hicks Trail is now a residential compound and is now a road to Mrs. Varrieur's house to which she has a right of way. She could get a building permit on the vacant lot because of the no frontage rule.

Attorney Petrarca that the applicant needs to be advised to clarify the access easement said to be sure that when they record the plan they record the easement which is a metes and bounds easement.

V. CONTINUED PUBLIC INFORMATIONAL MEETING; MAJOR SUBDIVISION - MASTER PLAN; AP 49-2 - LOT 33 RICHARD MACERA @ 171 MATTESON ROAD; PROPOSED 6-LOT SUBDIVISION (FRONTAGE LOTS).

At this time Member Piampiano and Vice Chair Jasparro recused themselves.

Professional Land Surveyor John Tzitzouris came forward representing the applicant Richard Macera. The applicant seeks approval for a 6 lot Major subdivision with oversized lots ranging from 2.85 acres to an over 11 acre lot.

Mr. Tzitzouris stated that the applicant has DEM Wetlands approval, RIPDES permitting, and preliminary subdivision approval.

Mr. Tzitzouris stated that he and Mr. Macera had contacted DOT about the land donation to the town for road improvement. The gentleman who was to write a letter to the Plan Commission has had some medical issues and the Commission has not received a letter yet.

The applicant hand delivered a cover letter and Plan to the Scituate Fire Marshall per the Plan Commission's request. He hand delivered the Plan to Kathy Top at Providence Water and reviewed the plan. Ms. McDermott stated the town has not received the letters. Chairman Hanson asked if he had contacted Station 40 Chief Chevalier. Chairman Hanson said the applicant should follow up with Chief Chevalier and Providence Water. Member Allen said that they could make those issues contingent to approval.

Chairman Hanson asked about the property to be dedicated to the town and the right of way. Mr. Caselli said that the applicant has discussed that in lieu of open space the applicant could donate land for roadway improvements and possibly cash.

Chairman Hanson said that it is up to applicant if it he wants to do improvements or pay cash and it all has to be discussed with the Mr. Macera. Mr. Tzitzouris stated that he would have the answer to that issue at the next meeting. Mr. Caselli said the amount could at least be valued and credited when the client is back in town. Member Allen asked if the land dedication would change frontage or angles. Mr. Tzitzouris answered in the negative.

The applicant wants to bring in final plan of lot geometry for recording showing all the angles and monuments plan without topography. Mr. Caselli said that as soon as he can walk the site they will send

information to the tax assessor who can credit the value.

*Member Allen made a motion to approve the applicants request for Master Plan. Member Pincince seconded the motion. Motion passes unanimously.*

At this time Member Piampiano and Vice Chair Jasparro recused themselves.

**VI. ZONING BOARD APPLICATION**

**CASE #1210 COLLINS, CHARLES (OWNER ESTATE OF SARAH COLLINS). LOCATION OF PREMISES 220 CENTRAL PIKE, ASSESSOR'S PLAT 41 - LOT 18; RR120 UNDER THE ZONING ORDINANCE. APPEAL OF THE ZONING OFFICIAL NOTICE OF VIOLATION(S) DATED MAY 30, 2017.**

Chairman Hanson stated that no action by the Planning Commission need be taken. Attorney Petrarca answered in the affirmative.

**VII. ADJOURNMENT**

*Member Piampiano made a motion to adjourn the meeting at 7:42 p.m. Member Allen seconded the motion. Motion passes unanimously.*

Respectfully submitted,

Kathy Gray