

A regular meeting of the Town Council held for the Town of Scituate on Thursday, December 8, 2005 in the High School Auditorium, 94 Trimtown Road, N. Scituate was called to order at 7:35 PM. Council President Richard presiding.

After pledging allegiance to the flag of our country, Town Clerk Long called the roll. Roll call vote as follows:

Councilman Salisbury --present	Councilman Farrar -- present
Councilman Marchant -- present	Councilman Winfield-present
Councilman Marcello -- present	Council Vice-President Budway --present
Council President Richard – present	

The first item on the agenda is the swearing in of Keith Yeaw as a probational Police Officer. At this time, Chief William Mack asked Mr. Yeaw to come forward for the oath of service. Chief Mack told the Council that Mr. Yeaw is a life long resident of the Town of Scituate and that he graduated from Scituate High School. He also mentioned that Mr. Yeaw has an Associate's Degree in Criminal Justice and has worked as a full time dispatcher for the Town of Gloucester for the last four years. He said that he feels that Mr. Yeaw will be a good addition to the force and said that this is the first time since July 2004 that the force is at full staff. At this time, Mr. Yeaw's mother came to place his pin on his new uniform.

Council President Richard congratulated Mr. Yeaw and welcomed him to the Scituate Police Department.

Mr. John Gorham asked if he could address the Council at this time. Mr. Gorham informed the Council that the former Town Treasurer, Mr. Robert Harris, passed away last week. He asked to speak a few minutes on the exceptional man Mr. Harris was. Mr. Harris served as the Town Treasurer from 1972 to 1985, and he led the Town from being an agricultural town to a suburban town. He had two degrees in electrical engineering and an MBA; he was a professor of economics at Byrant College, and worked for many years as an executive at AT Cross. Mr. Harris served the Town of Scituate in many ways from being a member of the Zoning Board of Review, Town Moderator and Town Treasurer. He was also the former Chairman of the Republican Town Committee. Mr. Gorham stated that Mr. Harris typified how a politician should behave with grace, dignity, patience, and always in a gentlemanly manner. Mr. Harris was an extremely knowledgeable man, and his family and friends will sorely miss him.

Councilman Salisbury stated that he knew Bob Harris for many years and was his best man at his wedding, and he also re-iterated the fact that Mr. Harris was a very special man. He asked if the Council could adjourn in his memory and reserve a page in the minute's book in his honor.

Council President Richard sends his condolences to Mr. Harris's family.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by a roll call vote to open the Public Hearing for the Zone Change, second reading of the Juvenile Hearing Board and Elderly Tax Freeze Ordinances.

Councilman Marcello--aye

Councilman Salisbury—aye

Councilman Winfield--aye
aye

Council Vice-President Budway--

Council President Richard—aye
Councilman Marchant-aye

Councilman Farrar-aye

Motion passes, Public Hearing for zoning change on Assessor's Plat 50, Lot 2 Nipmuc Road from RR-120 Rural Residential to BL Limited Business.

Council President Richard said that he wanted to set a few ground rules for the public hearing. He said that the Council may or may not choose to make a decision on the zone change this evening. He feels that the Council will want to investigate the matter in more depth and also speak to other Town Departments such as Planning, Zoning and Conservation. He stated that everyone must agree to disagree and he will not allow this to become a debate amongst lawyers. He said if anyone has a comment to make it quickly and distinctly.

Council President Richard asked Mr. David Provonsil the Building Official for the advisory opinion from the Planning Board.

Mr. Provonsil said that the proposal would be generally in conformance with the Comprehensive Plan. The entire advisory opinion is attached to these minutes.

Attorney DiBona, 195 Phoenix Ave, Cranston, RI, a lawyer for Dosco Inc., explained the matter before the Council this evening. He said that Dosco Inc. would like to get a zone change for a parcel of land on Nipmuc Road. The 86 acre parcel is currently zoned RR-120, and they are here this evening to get it changed to BL (business limited) so that they construct a 92 unit condominium complex for people 55 and over. He said that the first step is to get the zone change from the Council, and then they will need to go before the Zoning Board for a special use permit. He said that the developer would also have to abide by HUD regulations and the condominium by-laws.

Council President Richard asked him if this zoning change was granted, how it could be guaranteed that the complex would stay 55 and older?

Mr. DiBona stated they if they violated the condominium by-laws, it would be discrimination through the HUD regulations.

Town Solicitor Gorham said that federal law does permit 55 and older complexes and does not feel that it is discriminatory, but he wants to know how it will be guaranteed to stay that way by the developer.

Councilman Marcello said that if the zone change is granted, it could have the stipulations that the only thing allowed in this zone is the condominium complex for 55 and older and no other businesses would be allowed.

Mr. DiBona stated that there would be some other services provided to the residents such as a community center and wellness center. He did state that there would be no commercial for profit businesses operated under the condominium association.

Mr. Steve Clarke, PE, from Commonwealth Engineering, (resume is exhibit A), has formulated a conceptual design for the 93 unit complex. He explained that in his design he has two means of access, one from Nipmuc Road and he is proposing to extend the end of Nipmuc Road to Hammett Road in Coventry. He said he has designed a

complex with single family, duplexes and triplexes gated communities. He said it would be served by two wells.

Councilman Marcello asked Mr. Clarke how many gallons of water are needed on a daily basis to supply a 93 unit complex and if that area can support the daily water needs?

Mr. Clarke said that he calculated that each unit would need 300 gallons per day. He also said that if the area that he reserved for the wells was not sufficient to supply the units those owners of this parcel also own a 50-acre parcel of land adjacent to this lot. He said this land is in the Town of Foster, and that it is land locked. He said if needed, they could put the wells on that parcel of land to supply the complex.

Councilman Marcello asked if it is a public water supply will the water have to be treated?

Mr. Clarke said there is a defined testing schedule for public water supplies that is mandated by the Department of Health. Mr. Clarke feels that they will have enough water on the parcel that is located in Scituate, but the other parcel is there just in case. He also stated that there will be individual septic systems for the complex. He said that they have hired Mr. Randall Aaron who is a conservation land planner that will work on the area that needs to be set aside for the septic systems. He will also use existing stone walls to maintain the colonial feeling. Mr. Clarke said that he would like to connect Nipmic Road to Hammett Road for emergency vehicles only.

Councilman Salisbury hopes that the planners have a concrete plan for additional access for the area and not to plan to use only Nipmuc Road.

Mr. Clarke said that they will need to plan for 5 acres of wet lands and 2-3 acres for the road ways, so now they will have approximately 75 acres for the buildings and grounds.

Councilman Salisbury asked how many units are being reserved for affordable housing.

Mr. Clarke replied that no units are being reserved for affordable housing.

Councilman Marchant asked about the snow removal and garbage pickup.

Mr. Clarke said that the condo complex will take care of 100% of snow removal and garbage pickup. He said they will have their own maintenance crew.

Council President Richard said that with a 75 acre parcel of land there could be a maximum of 25- 4 bedrooms homes, which would be approximately 100 bedrooms. If there are 93 -2 bedroom units it would be 180 bedrooms.

Anthony Winiarski, P.E. (resume enclosed) has been hired by the applicant to perform a traffic study. He said that there will be an increase in traffic on Nipmuc Road, but the current road condition can safely handle the increased volume. He explained that the current road is between 18-20 feet wide at the beginning of the road and between 14-16 feet at the end of the road. He said there are sharp turns and large trees and branches in the right of way. He explained that the peak hours are between 7:30-8:30 AM and 3:30-4:30 PM. He explained that he figured the traffic volume to the year 2010 and having both the condo complex and Scituate Highlands being built out. He said the rating scale is from A-F with "A" being the best. And this is determined by "how an

operator uses the road”. He said the a level of “C” is good. With the addition of the condo complex and Scituate Highland the rating would be a “B”, which is still above the average rating. He said that there should be some improvements on the road to make it safer, including cutting back the embankments and trees and moving some of the rocks that are close to the road to increase the visibility on the road.

Councilman Winfield asked when this report was completed.

Mr. Winiarski replied that it was finished today.

Councilman Winfield said he doesn’t feel comfortable accepting the report when the Council didn’t even have the time to read it prior to this public hearing. He further stated that it is very hard to ask questions when you don’t know the content of the report.

David Provonsil, Town Engineer, asked who will be responsible for the upgrades to Nipmuc Road.

Mr. Winiarski said that the feels that the applicant will do the upgrades to the road.

Ernie Marcure, Spruce Valley Road, asked Mr. Winiarski if it will be safe to walk or ride a bike on this road with the increased traffic.

Mr. Winiarski said that he feels that it will be safe if you are careful and that the person will have to exercise safety and caution.

Mr. Marcure asked if he felt that it would have an adverse affect on Old Plainfield Pike.

Mr. Winiarski said that he did not feel that it would have an adverse affect.

Brett Harrington, 800 Hammett Road, Coventry, stated that Hammett Road is the most direct way to the shopping centers in Coventry and if Nipmuc Road is continued out to Hammett Road, this would be the way that most of the people would travel. It would defer most of the traffic into Coventry.

Albert Gervais, 563 Hammett Road, Coventry said that he is against connecting Nipmuc Road to Hammett Road. He feels that the traffic will travel to Hammett Road instead of Old Plainfield Pike because it is a shorter route. He also feels that there will be an increase in accidents due to the fact that there will be a lot more cars on the roads.

Olga Youngkin, Hammett Road, Coventry, said that 55 years old is not old and that a lot of the units will still have teenagers residing in them, which means more cars, more traffic and more accidents. She also doesn’t feel that there will be enough water in that area.

Joseph Russo, Nipmuc Road, said that the number of accidents should not be averaged, he said that Florida has a lot of gated communities, but the majority of them are located off a four lane highway not a dead end country road.

Denise Saran, 26 Davis Road, Scituate, said that with a 55 and older community there will be a lot more stress on our rescue/emergency services. She asked if they had conducted an analysis to see if the Town can provide for the increase in services such as the senior van, Ride program etc.

Peter Sikes, Chapman Drive, Coventry stated that if they decide to connect Nipmuc Road with Chapman Road they would have to go through wetlands and open space and he feels that this is not a good idea.

Sandy Robbins, 322 Old Plainfield Pike, Scituate asked if the developer has ever sat on Old Plainfield Pike and seen all of the traffic and the high rates of speed that they travel. She said that there are a lot of children on the road and with more houses there will be more traffic and much more accidents.

Councilman Marcello asked if this traffic study took into account the service vehicles that will be going in and out of the unit.

Mr. Winiarski said that all these factors were taken into consideration.

Mr. Reggie Centracchio, Old Plainfield Pike, Scituate, told the Council that his well goes down 200-300 feet and still only gets 1 ½ gallons per minute. He feels that if these wells are dug, that it might hurt the water supply of the people already living in the area. He feels that an Environmental Impact Study should be performed before any decision is reached. He also feels that this project could adversely affect the surrounding Towns. He said that he is also concerned about the leaching facilities for so many units, where will all the run off go to, he said there are a lot of streams and ponds in the area and this could adversely affect them. Mr. Centracchio stated that this condo complex is going to put a great burden on the water supply, leaching capabilities and emergency services. He is afraid with the change in topography this might cause wells to go dry and streams and ponds to be adversely affected.

Joseph Tetreault, 715 Hammett Road, Coventry said that he feels that it is not practical to use the right of way that connects Nipmuc Road to Hammett Road and feels that it will put a lot of pressure on the emergency services and the environment. He said that he thought it was a great project in the wrong area.

Ellen Sheehan, Old Plainfield Pike, Scituate, stated that she is building a new home on Nipmuc Road and that when her well was dug, she had to go down 500 feet and then have it hydrofractured to just get enough water. She is also afraid that the developers will have to take private property to widen the road.

Mr. Joseph Lombardo, Consultant for Dosco Inc., said that the Council should study the financial impact study that stated how beneficial a project like this is to the community. He feels that it will bring in more tax revenue than it will expend because of the fact that there will not be many children to educate in a 55 plus condo complex. He also stated that this type of development would allow a lot of baby boomers to remain in Town. They will not have to look to other communities to buy a condo in.

Representative Carol Mumford suggested that since this parcel of land is out of the watershed area, but not in an area that is serviced by a public water supply, maybe the Town should seek an opinion from the Department of Health or DEM.

Mr. DiBona stated that the applicant would like to get the zoning change first before they undergo an Environmental Impact Study.

Councilman Marcello asked if the Conservation Commission has researched this project and what are their feelings.

Chris Modisette, Chairman of the Conservation Commission told the Council that the committee needs to review the information brought up tonight and decide if it is the right project in the right place.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to postpone voting on the Zone change until the Planning, Zoning, and Council can have a joint meeting to discuss the issue.

Motion made by Council Vice-President Budway, seconded by Councilman Winfield to approve the second reading of the Juvenile Hearing Board Ordinance which will allow Town Employees to serve on this Committee.

Councilman Marcello-nay

Councilman Salisbury-nay

Councilman Winfield-aye

Councilman Marchant-aye

Council Vice-President Budway-aye

Councilman Farrar-aye

Motion passes with 4 affirmative and 2 negative votes.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to approve the second reading of the Elderly Tax Freeze Ordinance.

Councilmen Salisbury and Marcello would like to revisit this ordinance at a later time to try to simplify the ordinance.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to close the Public Hearing.

Councilman Winfield recused himself from the approval of the minutes of November 10th and 22nd 2005.

Motion made by Councilman Marchant, seconded by Councilman Salisbury and voted by consent agreement to approve the November 10, 2005 Town Council minutes.

Motion made by Councilman Salisbury, seconded by Council Vice-President Budway and voted by consent agreement to approve the November 22, 2005 special Town Council minutes.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to approve the minutes of the closed session of October 13, 2005.

Motion made by Councilman Marchant, seconded by Councilman Farrar and voted by consent agreement to approve the abatements of \$389.80 and addition of \$1209.69.

During departmental reports, Chief William Mack informed the Town Council that the new police car has been ordered from MHQ and they will be outfitting the new car with the appropriate features. He also wanted to tell the Council that the police car that was damaged in an accident with a deer is currently being repaired. He said that the Federal Forfeiture Fund has recently given money to the Police department for the purchase of a voice-activated feature and safety modular on the lap top computers that are in the police cars.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to place and file all departmental reports.

During audience participation, Richard Audet, 865 Plainfield Pike asked the Council the status of the negotiations with the State for the property on Esek Hopkins Road for the proposed Middle School.

Council President Richard told him that the State Properties Committee was waiting for a response from the Providence Water Supply Board. They have received a favorable response and now the Town is waiting to hear what the final decision is. He told Mr. Audet that the Middle School Building Committee is also investigating alternative sites.

Motion made by Councilman Winfield, seconded by Councilman Salisbury and voted by consent agreement to reappoint Chief William Mack, Deputy Chief Charles Collins, Robert Budway, Richard Iverson, Gerald Rounds and Edwin Rogers to the Traffic Safety Committee for a term expiring December 2006.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to reappoint Cheryl Dexter to the Conservation Committee for a term expiring December 2008.

Motion made by Councilman Salisbury, seconded by Councilman Winfield and voted by consent agreement to reappoint Margaret Long the Blood Coordinator for a term expiring December 2006.

Motion made by Councilman Salisbury, seconded by Council Vice-President Budway and voted by consent agreement to reappoint David D. Ellingwood to the Land Trust for a term expiring December 2010.

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by roll call vote to open the Public hearing for the renewals of Junk and Second Hand sales licenses and to hear the request by Bentley's Tavern to be open on January 1, 2006 and the extension of their hours on December 31, 2005.

Councilman Winfield-aye

Councilman Marchant-aye

Councilman Salisbury-aye

Council Vice-President Budway-aye

Councilman Farrar-aye

Councilman Marcello-aye

Council President Richard-aye

Motion passes the Public Hearing is open.

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by consent agreement to approve the renewal of the Junk license for Harry J. Hall III expiring December 31, 2006 pending the payment of all taxes and compliance with all Town Ordinances.

Motion made by Councilman Marcello seconded by Councilman Marchant and voted by consent agreement to renew the Second Hand Sales Licenses expiring December 31, 2006 pending the payment of all taxes and compliance with all Scituate Ordinances. (list herewith)

Councilmen Winfield and Marcello recused themselves from the next agenda item.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to allow Bentley's Tavern to be open until 12 midnight on December 31, 2005 and to be allowed to open on January 1, 2006 until 12:30AM.

Michael Marcello, Danielson Pike, Scituate thinks the credibility of the Scituate Town Council has been compromised this evening. He distinctly remembers that at the last meeting Councilman Salisbury made Mr. Lang promise if the Council extended his

hours, that he would not come back before the Council again until it needs to decide about his liquor license.

Mr. John Winfield, Hartford Pike, Scituate, told the Council that every time Mr. Lang comes before the Council, they roll over and play dead and that anything he asks for is granted.

Council Vice-President Budway said that he is disappointed that Mr. Lang has another request in front of the Council, and he feels that the audience member from last month characterized Mr. Lang as nibbling at the Council but he realizes that it is New Year's Eve and that an establishment needs to be open after midnight to do any business at all the entire evening. He feels that this was a reasonable request on the part of Mr. Lang and that he conducts a good business. He feels that the characterization of the Council rolling over and playing dead is not fair.

Mr. Marcello stated that he does not feel that it is Mr. Lang's fault but the Council's.

Denise Saran, Davis Road, Scituate stated that she feels that the Council always conducts itself at the highest level and they are doing a wonderful job.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by a roll call vote to close the Public Hearing.

Councilman Marcello-aye	Councilman Winfield-aye
Councilman Marchant-aye	Council Vice-President Budway-aye
Councilman Salisbury-aye	Councilman Farrar-aye
Council president Richard-aye	

Motion passes and the Public Hearing is closed.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to approve the Firearm Sales licenses pending the payment of all taxes and compliance with all Scituate Ordinances expiring December 31, 2006. (list herewith)

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to approve the Juke Box licenses for Edna Sauriol, d/b/a Cindy's Diner, pending the payment of all taxes and compliance with all Scituate Ordinances expiring December 31, 2006.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to approve the Hawker's and Peddler's licenses pending the payment of all taxes and compliance with all Scituate Ordinances expiring December 31, 2006 (list herewith).

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to approve the Private Investigators licenses expiring December 2006. (list herewith)

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to table the appointment to the Juvenile Hearing Board until the January 2006 Town Council Meeting.

Motion made by Councilman Marchant, seconded by Council Vice-President Budway and voted consent agreement to accept with regret the resignation of Thomas Muehlberg from the Recreation Committee.

Councilman Marchant wanted to personally thank Mr. Muehlberg for all of his hard work and dedication to the Recreation Committee. He said that he was on the Committee when Tom was appointed Chairman 18 years ago. He said that he always attended events such as the fishing derby and was instrumental and planning events for both the seniors and children in our Town. Councilman Marchant said that he will be sorely missed by the Committee.

Council President Richard asked Town Clerk Long to send Mr. Muehlberg a letter of appreciation for the many years he served on the Recreation Committee.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to table the request to purchase Town owned land at 56 Hope Furnace Road until the January 2006 Town Council meeting.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to award the bid for the statistical revaluation to Certified Revaluation Company for a bid price of \$72,500, of which the Town of Scituate is responsible for \$14,500.

Councilman Marcello and Salisbury both stated that they were pleased with the letter that addressed the Council's concerns from Mr. Dupre, and they feel that the concerns have been adequately addressed.

Motion made by Councilman Marchant, seconded Council Vice-President Budway and voted by consent agreement to pay early expenses of \$45,057.77 regular Council expenses of \$21,511.31 and supplemental Council expenses of \$ 112,265.42 for a total of \$178,834.50.

During Council remarks, the entire Council wished everyone a happy and healthy holiday season.

Councilman Marcello wanted to congratulate Scituate resident Andrea Dorr who was recently inducted into the New England Tennis Hall of Fame. He also wanted to mention that he felt it would be a good idea to have a work session with the Planning Board in regards to the Zone change on Nipmuc Road.

Councilman Winfield mentioned to the Town Council that in reviewing the School Committee minutes, it was mentioned to try to exclude some scheduled maintenance from the budget to keep it below the 5.5% cap.

Councilman Winfield asked if the meeting could be adjourned in Mr. Robert Harris memory and that a page in the minute's book be dedicated to him.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to adjourn at 11:20 PM and to keep the minutes of the meeting previously closed to the public; closed pursuant to RIGL 42-46-4 and 42-46-5 and allow the Town Clerk 14 days to prepare the minutes of the meeting.

Attest:

Margaret M. Long, Town Clerk

