

**Town of Scituate**

TOWN HALL  
300 Chief Justice Cushing Highway  
Scituate, MA 02066

March 8, 2007



**Conservation Commission**

Telephone: (781) 545-8721  
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Mr. John Danehy  
Chairman  
Zoning Board of Appeals  
Town of Scituate  
600 Chief Justice Cushing Highway  
Scituate, MA 02066

Re: Watson Farm 40B Development and Open Space Proposal

Dear Mr. Danehy: John

The Conservation Commission would appreciate a courtesy copy of any documents produced by the Zoning Board of Appeals and its consultants concerning the above-referenced project. In addition, copies of your meeting minutes would also be helpful in keeping the Conservation Commission informed on your progress. I will ask the Conservation Assistant to coordinate with the ZBA Secretary in this regard. Our consultant, Horsley Witten Group, will be forwarding copies of their review documents for the ZBA's information.

If there is any information we can provide, or as is common practice in other communities for 40B reviews, should you require any advice in interpreting the local Wetlands By-Law and Regulation, the Commission would be happy to do so.

Finally, the Conservation Commission has requested that the Board of Selectmen and Planning Board assist us in reviewing the Open Space proposal for the project. The Commission feels it is unfortunate that the ZBA believes it cannot seek input from other Boards and Commissions in Town when reviewing these types of projects. As you know, other communities actively seek input from other Town Boards and Commissions. We encourage you to reconsider your position.

Please feel free to contact me in should you have any questions.

SCITUATE CONSERVATION COMMISSION

Michael F. Clark, P.E.  
Vice-Chairman



## MEMORANDUM

Date: March 8, 2007

To: Mr. Michael F. Clark  
Vice-Chairman,  
Conservation Commission

From: John F. Danehey  
Chairman,  
Zoning Board of Appeals

### Re: Herring Brook Meadow 40B and Open Space Proposal

Thank you for your letter dated March 8, 2007. The Zoning Board of Appeals is always open to sharing information in an effort to avoid duplicating work. As you know, this is a very important project that is being proposed in a sensitive area of town and the information helps both Boards to arrive at a just result.

As for the meeting of the Board of Selectmen and Conservation Commission, the Board feels it would be inappropriate for them to discuss these matters outside of the Comprehensive Permit Public Hearing process. Open space is of great concern as is density, traffic flow, drainage, septic, aesthetics, and ingress/egress to name a few. These issues are not only of paramount concern for the project itself and the prospective unit owners, but also for the neighbors who will be directly affected by the Board's decision relative to these matters.

For the Board to discuss, independently, open space without fully evaluating all the potential issues that may impact the site and surrounding homes would be premature and a signal that the Board values this issue more than others. The ZBA needs to treat all issues equally and then prioritize them based upon the input from consultants, town boards and officials, legal counsel, and most importantly, citizens.

Please, do not take the declination of the Conservation Commission's offer as a sign that the Board does not want to participate in a discussion on open space with other boards. I believe the appropriate procedure under the law, while there is a pending 40B application, is for the Board to discuss it during an open hearing. Therefore, I would propose that the Board will notify the Conservation Commission, Planning Board and the Board of Selectmen when it intends to discuss this issue in order to afford everyone, including the citizens and applicant, the opportunity to attend and discuss it in an open meeting forum.

JFD/nmh

Enclosures

Cc: Board of Selectmen