

Scituate Zoning Board, November 17, 2011
TOWN OF SCITUATE MASSACHUSETTS

Scituate Zoning Board of Appeals
Meeting Minutes
November 17, 2011

PRESENT: Peter Morin, Chairman, Brian Sullivan, Sara Trezise,
Edward Tibbetts and John Hallin.

The Scituate Zoning Board of Appeals held a public hearing on November 15, 2011 at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:00 P.M.

Continued from November 17, 2011: Frank R. Snow of PO Box 242, Greenbush, MA 02040 requests a Special Permit under section 610.2 B of the Scituate Zoning Bylaw to create a 50-foot frontage lot at 543 Country Way.

Frank Snow was present.

Frank Snow- gave the dimensions of the lot. There were no wetlands on the lot.

Brian Sullivan- asked what would happen with the house and garage.
Frank Snow- they would like to save the house and have kept it secured as best they can.

They would be removing a lot of the moldings and would try to take it back to the original colonial style.

Joyce Freeman- spoke in favor of the application.

Sullivan moved to grant the 50-foot frontage special permit per the plan from Ralph Cole, seconded by Hallin, all in favor unanimous.

Catherine Fogarty C/O Anthony S. Construction and Roofing requests

M.G.L. c40A Sec 6 special permit/finding to raze and reconstruct pre-existing non-conforming single-family dwelling at 14 Fourth Avenue.

Catherine Fogarty was present.

John Hallin- asked about the garage.

Catherine Fogarty- a new foundation would be installed.

Neil Duggan- felt the Board could approve a one-story house in the same footprint. The main structure in the front would remain unchanged. The guesthouse would be razed and reconstructed.

Peter Morin- asked why they were not making the dwelling more conforming.

Neil Duggan- they would avoid installing a lot of the fire protection if they moved the dwelling back a few feet.

Peter Morin- asked did she discuss with her contractor moving the structure away from the property lot.

Neil Duggan- they would save money in fire protection by moving it back 5-feet. He would like to see it moved 5-feet over and 5-feet back.

Richard and Wendy Hoffman from 15 Fifth Avenue- the guesthouse abuts their rear fence and was less than 3-feet from the setback. There have been tenants in the past who have played loud music and kept them awake at night. He wanted the Board to enforce the Bylaw and have the structure conform to the setbacks. He believed the fence belonged to them.

Gary Anthony from Anthony's Construction arrived at 8:00 P.M.
Peter Morin- gave an overview of the discussion to Mr. Anthony.

Gary Anthony- received information that the fence was three feet onto his client's property.

Peter Morin- if that was true they should not proceed with the hearing until it is cleared up. He would like to see the structure moved 5-feet or more if possible.

Gary Anthony- the back could be moved towards Fourth Avenue.

Brian Sullivan- would like to see 8-feet back and 6-feet toward the side.
Sara Trezise- the applicant should think about what she wants. Ms. Trezise was willing to give her the 6-feet and 6-feet.

Catherine Fogarty- she would lose most of her yard.

Gary Anthony- they first thought to raise the house and put a new foundation under it.

Mr. Hoffman- would like to see 8-feet and 6-feet setbacks.

Trezise moved to grant the application to raze and reconstruct the guest house with the provision that the structures southeast and southwest corners were moved off the lot lines by 5-feet, also the Board would require a new plot plan be filed prior to the issuance of a building permit.

Sullivan moved to amend the motion with the provision to the southeast and southwest corners would be moved off the lot lines by 6-feet and 5-feet and the applicant could conform anyway they needed to, seconded by Morin, all in favor, unanimous.

Graham and Stephanie McGirr of 34 Kent Street requests M.G.L c40A Sec 6 special permit/finding to construct an addition to a pre-existing non-conforming single-family dwelling located at 34 Kent Street.

Julie Johnson from Custom Homes Design was present.

Graham McGirr was present.

Julie Johnson- when the site was subdivided there was a viewing easement in the deed. They would be adding a second story,

mudroom and three-car garage that would remain out of the view easement. The current lot was non-conforming due to setbacks. They were trying to maintain a turn-around in the driveway.

Peter Morin- they should pull it back within the setback. He was concerned with adherence to the language of the Bylaw.

Julie Johnson- if they need them to move forward they would be willing to do that.

John Hallin- it would be an improvement if they could conform to the setback.

Brian Sullivan- it makes sense to slide it over to the meet the setback. Peter Morin- asked Mr. McGirr what his thoughts were.

Graham McGirr- they wanted to give the view easement more room.

Peter Morin- if they slide the addition three feet to left would that be satisfactory to him.

Graham McGirr- it's not ideal but he would be all right with it.

Julie Johnson- she would bring it back to Ross Engineering and asked them to move it back a foot.

Peter Morin- the rear southwest and northwest corners should both be within the setback. He would like to see leeway given to the southwest corner.

Neil Duggan- requested that the plan be amended to reflect what the Board approved.

Peter Morin- the decision would read that the applicant would file a revised plan prior to the issuance of the building permit.

Tibbetts moved to grant the request with the condition that the rear addition would conform to all setbacks and a revised plan would be

filed prior to the issuance of the building permit, seconded by Morin, all in favor unanimous.

Sullivan moved to adjourn 8:25 P.M., seconded by Tibbetts, all in favor, unanimous.

Respectfully Submitted,

Nicole Harris
Inspections/Zoning Department