

# Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY  
SCITUATE, MASSACHUSETTS 02066  
(781) 545-8716



Decision of the Scituate Zoning Board of Appeals ("the Board") on the application of Ms. Heidi AH Condon of HC Design, PO Box. 238 Cohasset, MA ("the Applicant") for a Finding/ Special Permit under Massachusetts General Law ("MGL") 40A Section 6 and Scituate Zoning Bylaw ("SZB") 1020.2 to amend the Special Permit granted by this Board on April 15, 2008, which permit is incorporated by reference herein, to amend the design of the house presently under construction pursuant to that Special Permit by adding a 14 foot x 30 foot "widows walk" to the existing roof and to extend the attached garage with a 3 foot x 11 foot 8 inch bump out window at 29 Bayberry Road, Scituate, Massachusetts ("subject property").

The application was received, advertised and the public hearing was held on June 18, 2009 with the following members of the Zoning Board of Appeals hearing the application:

Sara J. Trezise, Acting Chairman  
Edward Tibbetts  
John Hallin

PROPOSED PROJECT: The Board reviewed the following documents provided by the Applicant. Architectural plans prepared by HC Design, Cohasset, MA, dated April 3, 2009. Several photographs of the partially completed dwelling and the neighborhood and abutting properties.

The present application to amend the Special Permit of April 2008 by adding the bump out window in the garage was in response to abutters request to improve their view of the property. The present design has no windows in the large garage wall, which faced the neighbors.

The proposed bump out window would be cantilevered from the sidewall from the garage, which would remain unheated. It would add square footage to the garage, which would be utilized as a workbench. There were no objections from any of the neighbors to this proposed amendment to the permit.

The second proposed amendment to the Special Permit of April 2008 was the addition of a widow's walk to the flat rubber roof. This proposed amendment was also in response to a request from a neighbor.

The Applicant wanted to enclose the roof with a 40 inch railing, provide access to the roof and the HVAC equipment that would be installed there by way of a ships ladder from inside the dwelling. The current permit put a height restriction on the construction of 35 feet at the ridgeline, although the town by-laws provide for a maximum height restriction of 40 feet. Installing the HVAC system on the roof would take the equipment

out of the flood plain and reduce the noise factor.

While there were several letters from neighbors in support of this change, other neighbors were present at the Public Hearing and spoke in opposition to the proposed widows walk.

After considering all of the evidence presented, pursuant to Section 1030.2 of the Bylaw, the Board finds that a) the modifications to the design of the dwelling are not substantial and would not be substantially more detrimental or injurious to persons, property or improvements in the vicinity.

THEREFORE, the Board unanimously voted to GRANT the Applicants request for to amend the Special Permit under SZB Section 1020.2 and under MGL Chapter 40A Section 6 to add a 14' x 30' "widows walk" and to extend the attached garage with a 3' x 11' 8" bump out window to the dwelling located at 29 Bayberry Road provided that the construction is completed within two years of the issuance of this permit and subject to the following conditions:

1. That the railing surrounding the widow's walk be inset on all sides by 18 inches and no higher than 3 foot 6 inches.

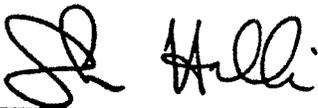
ZONING BOARD OF APPEALS



Sara Trezise, Acting Chairman



Edward Tibbetts



John Hallin

Filed with the Town Clerk on:

This Special Permit will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry of Deeds after the appeal period of twenty (20) days.

Appeal of any decision of the Zoning Board of Appeals may be made pursuant to M.G.L. Chapter 40 A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.