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**Scituate Zoning Board of Appeals
Meeting Minutes
April 16, 2015**

PRESENT: Ed Tibbetts, Acting Chairman, John Hallin, Frank Lynch and Anthony Bucchere.
Also present: Neil Duggan, Building Commissioner, and Zoning Enforcement Officer

The Scituate Zoning Board of Appeals held a public hearing on April 16, 2015 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 March 19, 2015: Request for the Zoning Board of Appeals to review changes with regard to the Comprehensive Permit issued on January 16, 2003 to Stockbridge II Realty Trust. The project is located at 90 Stockbridge Road (Assessors Map 054, block 2, parcel 30)

The applicant requested to continue the hearing until the May 21, 2015 meeting per a letter dated April 16, 2015(see file).

Mr. Lynch moved to allow the applicant to continue the hearing to the May 21, 2015 meeting, seconded by Mr. Hallin, all in favor, unanimous.

Continued from February 19, 2015: Paulette and John O'Connell of 2 Curtis Avenue, Scituate request a special permit/finding pursuant to Section 620.4 of the Scituate Zoning Bylaw to allow the construction of an addition to their pre-existing non-conforming home at 2 Curtis Road.

The applicant requested to withdraw the application per a letter dated April 9, 2015(see file).

Mr. Lynch moved to allow the applicant to withdraw the application without prejudice, seconded by Mr. Hallin, all in favor, unanimous.

Alice's House, Inc. (by Janet C. Gibson, President) of 815 Union Street, Marshfield, requests a special permit and/or finding in accordance with Scituate Zoning Bylaw Sections 810.2, 830, 950.2B, 950.2D, and/ or G.L. Ch. 40A, Section 6, and/or any other relief that the Board of Appeals may grant that the razing and reconstruction, extension, and/or alteration of a pre-existing nonconforming single family residential structure that was destroyed by fire on March 8, 2012, and a pre-existing nonconforming accessory structures thereto, on a pre-existing nonconforming lot at 112 Humarock Beach Road, Scituate, MA (Assessor's Parcel 72-1-13-F-R) will be less nonconforming, and will not be substantially more detrimental or injurious to the neighborhood, than the destroyed and/or existing nonconforming structure(s) or use(s).

The applicant requested to continue the hearing to the June 18, 2015 meeting per a letter dated April 14, 2015(see file).

Mr. Hallin moved to allow the applicant to continue the hearing to the June 18, 2015 meeting, seconded by Mr. Bucchere, all in favor, unanimous.

Benjamin Goulston, Trustee of 240 Walcott Road, Chestnut Hill requests a Special Permit under Section 610.2B to allow the construction of a single family dwelling on a lot containing 50 feet of frontage, 50 feet lot width and at least two times the required area of upland for the zoning district, all in conformance with said Section 610.2 B of the Bylaw, or any other relief the Board of Appeals deems appropriate on **Longley Road, Scituate, MA (Assessor's Parcel 34-16-13F)**

Representing the Applicant and Mr. Paul Sheerin of Marvel Homes, LLC (new owner of said property): Attorney Mike Hayes.

Mr. Hayes explained to the Board three circumstances which have occurred since the Special Permit was filed with the Town Clerk March 14, 2011. The first being the decision was never recorded with the Registry of Deeds. Secondly, in the plan of 2014 the lot was approved by the Land Court. Finally, a discrepancy in the 2010 Special Permit with two statements.

"...construction is completed within two years following the issuance of the Special Permit". The following paragraph states "This Special Permit/finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County of Deeds after the appeal period of twenty (20) days."

Mr. Hayes sought issuance of a new Special Permit or a modification of the Special Permit issued in 2010 with the Land Court approved plan numbered 4226.5 being the plan of record.

Mr. Bucchere asked why not record the other plan and change the lot numbers.

Mr. Hayes explained the lot was owned by two entities- one a trust and the other a corporation. The Land Court wanted the title combined in to one entity.

The Board discussed the necessity of an amended decision to the Special Permit granted in 2010 versus a new Special Permit.

Mr. Duggan explained that in order to modify the existing Special Permit the board would need to adopt the interpretation of the original Special Permit stating "This Special Permit/finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County of Deeds after the appeal period of twenty (20) days." The adoption of the other statement would prohibit a modification as it extinguishes the decision.

This explanation satisfied the board, and they opted to proceed with a modification to the Special Permit granted in 2010.

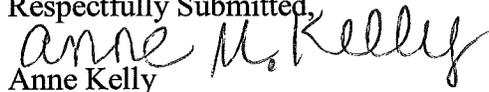
Mr. Bucchere moved to amend the Special Permit granted on December 15, 2012 to amend all reference from the plan presented on that date to substitute in Land Court plan number 4226.5 and to confirm said Special Permit shall be effective two (2) years from the date of recording of amended plan, seconded by Mr. Lynch, all in favor, unanimous.

Minutes from March 19, 2015 Zoning Board of Appeals meeting presented for approval.

Mr. Tibbetts moved to approve minutes as presented, seconded by Mr. Bucchere, all in favor, unanimous.

**Motion to adjourn by Mr. Lynch, seconded by Mr. Bucchere, all in favor, unanimous.
Meeting adjourned at 7:30pm.**

Respectfully Submitted,


Anne Kelly