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**Scituate Zoning Board of Appeals  
Meeting Minutes  
December 17, 2015**

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**PRESENT:** Sara Trezise, Chairman, Frank Lynch and John Hallin.

**Also Present:** Neil Duggan, Building Commissioner and Zoning Enforcement Officer.

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The Scituate Zoning Board of Appeals held a public hearing on December 17, 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.

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**First Application: Jamie Herlihy and Alicia Spradlin of 4 Jericho Lane, Scituate, MA** request a M.G.L. Ch. 40a, Section 6 Special Permit/Finding to construct an addition to their pre-existing nonconforming single family dwelling at **4 Jericho Lane, Scituate, MA (Assessor's Map 45, Block 2, Parcel 61).**

Representing the Applicant: Greg Morse, Registered Engineer of Morse Engineering.

Mr. Morse recounted the application to the Board for the property which is located within the R3 zoning district. The existing structure was built circa 1850 and has a square footage of 1446. Nonconformities are in the front yard setback which is 9' where 30' are required. The average front yard setback on the street is 18.9'. The proposed plan includes a 2 story addition on the right side as well as a one story addition in back. The square footage of the proposed plan is 2593, an increase of 79%.

Mr. Lynch stated while the proposed plan shows an intensification of the existing nonconformity, it does not create any new nonconformities.

Ms. Trezise stated the proposed plan is not a substantial detriment to the neighborhood.

Mr. Hallin agreed and said the proposed size is not overpowering for the neighborhood.

There were no comments from the public.

**Mr. Lynch made a motion on the application of Jamie Herlihy and Alicia Spradlin of 4 Jericho Lane in Scituate for a Special Permit to construct an addition to their single family dwelling to find the existing structure is nonconforming in front yard setback and that the proposed 2 story addition will not increase any nonconformities, but that the two story addition on the side of the house will intensify the existing nonconformity and that the Board further find that the proposed additions are not a substantial detriment to the neighborhood relative to the rest of the neighborhood, and that therefore a Special Permit be granted. Motion seconded by Mr. Hallin, all in favor, unanimous.**

**Second Application: Brian and Christine McGowan of 9 Briarwood Lane, Scituate, MA** request a Special Permit/Finding in accordance with M.G.L. Ch. 40A, Section 6 to add an attached garage to the nonconforming single family dwelling extending a preexisting front and rear yard nonconformity at **132 Lawson Road, Scituate, MA (Assessor's Map 33, Block 4, Parcel 4).**

Representing the Applicant: Paul Mirabito, Registered Engineer of Ross Engineering.  
Documents Presented: Architectural plans for submission to the file.

Mr. Mirabito explained to the Board the property is located within the R2 zoning district and was built in 1954. The nonconformities are within the lot area, front yard setback (25.5') and rear yard setback (27.4') where 30' is required. The proposed garage addition would have a less nonconforming front setback. The rear nonconformity on the right side of the house would be extended as set forth in the plan. The side yard setbacks for the house and garage will be conforming.

Mr. Hallin asked if the plan shows a two story garage.

Mr. Mirabito clarified the proposed plan includes a one story, two car garage.

Mr. Duggan stated that according to the bylaws the proposed garage is by definition, a two story structure.

There were no comments from the public.

**On the application of Brian and Christine McGowan for a Special Permit/ Finding to add a two story attached garage to 132 Lawson Road Mr. Lynch moved to find the existing structure is nonconforming with respect to both the front and rear setback, that the proposed addition does not increase the existing nonconformity in the front, but does slightly increase the rear nonconformity by 3" and that the proposed addition is not a substantial detriment to the neighborhood compared to the existing structure and, therefore, that the Board grant a Special Permit. Motion seconded by Mr. Hallin, all in favor, unanimous.**

**Third Application: BTZ Realty Trust, Leo Costello, Trustee of 29 Longmeadow Road, Scituate, MA** requests a variance to Section 720.7C of the Scituate Zoning Bylaws to allow the Applicant to apply to the Planning Board for a Special Permit to construct a common driveway at **29 Longmeadow Road, Scituate, MA (Assessor's Map 26, Block 6, Parcel 20)** in accordance with M.G.L. Ch. 40A, Section 10 and Section 950.2C of the Scituate Zoning Bylaw.

Representing the Applicant: Greg Morse, Registered Engineer, Morse Engineering.

The Board requested clarification with regard to the intent of the Applicant.  
Mr. Duggan explained the Applicant cannot apply to the Planning Board as the bylaw does not allow a common driveway at the end of a cul de sac. The Applicant had applied to the Conservation Commission for a Notice of Intent to cross a wetland, but the Conservation

Commission requested the Applicant seek alternate means of access which would not result in the filling of a wetland resource and exhaust all alternatives. This included the ZBA application for a variance to Section 720.7C.

Mr. Morse described the application in detail to the Board and explained that Mr. Costello owns 25 acres of property which abuts Fieldstone and Bittersweet Drive. The Applicant is seeking to construct two (2) single family dwellings on their property at lots 30 and 31 Fieldstone Road. On the plan presented to the Conservation Commission the common driveway was proposed to be 16' wide and 60' crossing over the wetlands at 29 Longmeadow Road. Mr. Morse explained the lots are fully compliant with legal frontage not on the cul de sac. Mr. Costello wishes to circumvent the unique soil condition by coming off the cul de sac to lots which are otherwise buildable off a straight piece of a subdivision road.

Mr. Hallin stated that the applicant does have access to the two lots, though he may not consider it desirable.

Mr. Lynch expressed concern over the safety issue the proposed plan presents with respect to emergency vehicles safely accessing the properties.

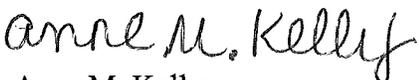
The Board reviewed and discussed each of the three criteria to be overcome in order to grant a variance concluding that the wetland soils may be the unique characteristic of the property, though a substantial hardship to the landowner is undefined and no substantial cause to vary from the law was present.

**On behalf of the Applicant Mr. Morse requested a withdrawal of the application without prejudice.**

**Mr. Lynch made a motion to adjourn. Motion seconded by Mr. Hallin, all in favor, unanimous.**

Meeting adjourned at 8:05pm.

Respectfully submitted,



Anne M. Kelly