

BOARD OF SCITUATE
TOWN CLERK

Scituate Zoning Board of Appeals
Meeting Minutes
June 16, 2016

2016 JUL 22 AM 9:04

RECEIVED

PRESENT: Sara Trezise, Chairperson, Frank Lynch, Ed Tibbetts and Anthony Bucchere.
Also Present: Neil Duggan, Building Commissioner and Zoning Enforcement Officer.

The Scituate Zoning Board of Appeals held a public hearing on June 16, 2016 at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:00 P.M.

First Application: John Boyd of 4 Sunset Avenue, Hull, MA 02045 requests a M.G.L. Chapter 40A, Section 6 Finding/ Special Permit to encroach 36" into a pre-existing, nonconforming front yard setback with a roof overhang at the property located at **83 Surfside Road, Scituate, MA (Assessor's Map 15, Block 1, Parcel 41)**.

Representing the Applicant: Joseph Kasmouski, Contractor.

Mr. Kasmouski explained the proposed overhang between the second and third story on the dwelling which was built on 1910 in the R3 residential zone. The existing nonconforming front setback is 26.3' where 30' is required. The proposed overhang would reduce the front setback to 23.2'.

The Board confirmed the proposed overhang would intensify the existing nonconformity, but does not increase it.

There were no public comments.

Mr. Bucchere motioned for the Board to find that the proposed second floor roof extension does not create any new nonconformities at the site, but does increase the existing front and right front facing existing nonconformity, though it is not substantially more detrimental to the surrounding neighborhood pursuant to the plan by Ross Engineering dated May 2, 2016, revised June 7, 2016 and by HC Design dated September 2, 2014. Motion seconded by Mr. Lynch, all in favor, unanimous.

Second Application: Ana and Philip Bard of 26 Kimball Road, Arlington, MA 02474 request a Special Permit/ Finding in accordance with Scituate Zoning Bylaw Sections 810.2, 950.2B, 950.2D and/or M.G.L. Chapter 40A, Section 6 and/or any other relief the Board of Appeals may grant, that the razing and reconstruction, extension and/or alteration of a pre-existing, nonconforming single family residential dwelling at **8 Holmes Street, Scituate, MA (Assessor's Map 73, Block, 13, Parcel 12-F)** will be less nonconforming, and will not be substantially more detrimental or injurious to the neighborhood, than the existing nonconforming structure.

Representing the Applicant: Jeff DeLisi, Esq. and Jeff Hassett, Registered Engineer, Morse Engineering.

Attorney DeLisi reviewed the application stating the existing dwelling was constructed in 1950 and is located in the R3 residential zone. The preexisting, non-conforming lot borders the South River. The non-conforming front yard setback is currently 24' where 30' is required. The proposed plan to raze and reconstruct the dwelling would reduce the non-conformity to 25'. The proposed single family dwelling will be elevated on piles in accordance with the 2016 FEMA map with the existing shed to remain as shown on the site plan. Existing square footage is 1396 with the proposed plan showing a 37% increase in square footage to 1912.

Mr. Duggan complimented the Applicant on the very attractive design.

Ms. Trezise opened the meeting for public comment.

Diana Rogers of 10 Holmes Street inquired about the elevation of the proposed dwelling and expressed her objection to the obstruction of her existing views of the river.

Ms. Trezise explained the new dwelling would be built in accordance with the 2016 FEMA flood maps.

Daniel Smith of 3 Garfield Street asked if the footprint would remain the same.

Ms. Trezise stated the proposed plan shows no substantial change to the existing footprint with the exception of an additional deck.

Mr. Lynch moved on the application for a Special Permit at 8 Holmes Street to find the existing structure is nonconforming with respect to the front setback and the proposed reconstruction will not be substantially more detrimental to the neighborhood than the existing structure based on a plan by Morse Engineering dated 5-16-16 and revised 6-16-16 and therefore the Special Permit be granted.

Motion seconded by Mr. Bucchere, all in favor, unanimous.

Third Application: (Continued from May 19, 2016) George Egan of 131 Glades Road, Scituate, MA requests a M.G.L. Chapter 40A, Section 6 Finding/ Special Permit to extend a nonconforming rear yard setback by adding a second floor to the existing dwelling staying within the existing footprint. The property is located at 131 Glades Road, Scituate, MA (Assessor's Map 5, Block 3, Parcel 49).

Representing the Applicant: Paul Mirabito, Registered Engineer, Ross Engineering.

Mr. Mirabito explained to the Board the encroachment on to the abutting property will be rectified increasing the setback to .6'. According to the Assessor's card, the existing dwelling was constructed in 1966.

Ms. Trezise explained before the Board can act on an application the Applicant must prove when the dwelling was built and that the nonconformity existed before the law. In the case of setbacks, the laws were established in 1956. The photo shown on the Assessor's card does not support the year built.

Mr. Tibbetts clarified and added the Applicant must prove when the house was built or that the house which replaced the original is substantially in the same placement on the lot.

The Applicant was encouraged to pursue options which may include, but not limited to, ariel photographs.

The Applicant requested a continuance to the July 21, 2016 hearing.

Ms. Trezise moved to allow the Applicant to continue the hearing to the July 21, 2016 meeting. Motion seconded by Mr. Bucchere, all in favor, unanimous.

Fourth Application: Peter and Gina Princi, Trustees, of 51 Turner Way, Norwell, MA request a Special Permit/ Finding under M.G.L. Chapter 40A, Section 6 to raze and reconstruct a pre-existing, nonconforming single story garage at **134 Humarock Beach Road, Scituate, MA (Assessor's Map 71, Block 5, Parcel 11-0).**

Representing the Applicant: Walter Sullivan, Jr., Esq. and Brian Taylor, Registered Engineer, Stenbeck and Taylor.

Attorney Sullivan explained the application to the Board stating the garage was constructed in 1925. The proposed reconstructed garage would be a two story garage with living space above and would be joined to the existing dwelling via temporary foot bridge.

Mr. Duggan explained to the Board that after researching Humarock Beach Road he confirmed that the road does not exist as a street, but may instead exist as a right of way. Because it does not meet the standards for a street there are no setback requirements.

Mr. Taylor confirmed and stated all homes on Humarock Beach Road have deeded rights of way.

Ms. Trezise informed the Applicant because of these unusual circumstances no Special Permit is needed from the ZBA.

The Applicant requested to withdraw the application without prejudice.

Mr. Tibbetts moved to accept the Applicant's request to withdraw without prejudice. Motion seconded by Mr. Bucchere, all in favor, unanimous.

Fifth Application: (Continued from April 21, 2016) JMGH Family Realty Trust, P.O. Box 948, Hanover, MA 02339 requests a Special Permit/ Finding under M.G.L. Chapter 40A, Section 6 and/ or Section 810.3 to allow the razing and reconstruction of a pre-existing, nonconforming multi family dwelling at **93-97 First Parish Road, Scituate, MA (Assessor's Map 49, Block 3, Parcel 1).**

Ms. Trezise explained to the public the Applicant has met with the Design Review Committee and has requested to continue the ZBA hearing to the July 21, 2016 meeting in a letter dated June 10, 2016.

Mr. Tibbetts moved to allow the Applicant to continue the hearing to the July 21, 2016 meeting. Motion seconded by Mr. Bucchere, all in favor, unanimous.

Sixth Application: (Continued from May 19, 2016) Jonathan Aprea of 23 Shipyard Drive, Hingham, MA requests a M.G.L. Chapter 40A, Section 6 Finding/ Special Permit on behalf of John M. Creedon to raze a single story nonconforming garage and construct a two story garage in a larger footprint keeping the same nonconforming setbacks. The property is located at 4 Grasshopper Lane, Scituate, MA (Assessor's Map 7, Block 7, Parcel 2).

In a letter received via e-mail and dated June 14, 2016 the Applicant requested to withdraw the application without prejudice.

Mr. Tibbetts moved to allow the Applicant to withdraw the application without prejudice. Motion seconded by Mr. Lynch, all in favor, unanimous.

Request for Modification of Comprehensive Permit- Stockbridge Woods: Stockbridge II Realty Trust requests a modification to the Comprehensive Permit. The primary changes are to allow (1) the transfer of the Comprehensive Permit to the new buyer by allowing the permit to be sold to Scituate Stockbridge Woods, LLC (2) make some non-material changes to the provisions of the agreement to reflect more typical construction conditions and requirements for the Stockbridge Woods project located off Stockbridge Road, Scituate, MA.

The Applicant requested to continue the hearing to the July 21, 2016 meeting per a letter dated June 16, 2016 (see file).

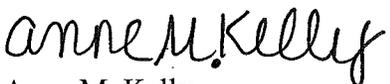
Mr. Bucchere moved to allow the Applicant to continue the hearing to the July 21, 2016 meeting. Motion seconded by Mr. Lynch, all in favor, unanimous.

Minutes presented for approval.

Mr. Tibbetts moved to approve May 16, 2016 minutes. Motion seconded by Mr. Lynch, all in favor unanimous.

Meeting adjourned at 8:10pm.

Respectfully Submitted,


Anne M. Kelly