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Scituate Zoning Board of Appeals

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Meeting Minutes

September 17, 2015

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Amended

PRESENT: Sara Trezise, 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 September 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.

Request for As Built Approval: Whitcomb Pines Condominium Comprehensive Permit submittal of two sets of As-Built plans for approval.

Representing the Applicant: Mr. Jack Livingston and Mr. Stephen Callahan.

Mr. Livingston provided a status update of the five remaining units under construction. Four had been sold and one remained available.

Mr. Duggan reviewed the plans and stated documentation had been submitted verifying conditions had been satisfied. Sidewalks are in place, proper setbacks from wetlands have been met, a Certificate of Compliance was issued by DPW several years ago, the septic plan was approved years ago and a maintenance plan for the septic system is in place. Additionally, a mandatory maintenance plan and an engineer certified and stamped plan were submitted to the ZBA file, as required in the conditions.

Ms. Trezise thanked Mr. Livingston for his years of dedication to the project and congratulated him on a job well done. Mr. Livingston thanked the Board and stated it was a great ten year project.

Mr. Hallin made a motion to accept the master deed site plan for Whitcomb Pines condominiums, job #1310 dated August 14, 2015, seconded by Mr. Lynch, all in favor, unanimous.

First Application: Marvell Homes, LLC, Paul Sheerin, Manager of 48 Ocean Avenue, Scituate, MA request a Special Permit/Finding pursuant to M.G.L. Ch. 40A Section 6 and for any other relief the Board deems necessary to raze and reconstruct the pre-existing, non-conforming single family dwelling at **12 Pond View Extension, Scituate, MA (Assessor's Parcel 14, Block 1, Parcel 8).**

Representing the Applicant: Mr. Michael Hayes, Esq.

Mr. Hayes gave the Board a brief history of the property which is located in the R3 residential zone. The existing dwelling on the property was constructed in 1850 and is nonconforming in lot area and frontage. The front setback is also nonconforming. The proposed new structure has an 18' front setback. The side setback and rear setback would be conforming, though the front yard nonconforming setback would be slightly extended.

Ms. Trezise questioned the chimney and Mr. Bucchere noted the 3' extension would create a new nonconformity.

The Board requested a full scale certified plot plan which includes the existing and proposed square footage of the dwelling be submitted for review. The Applicant requested a continuance to the October 15, 2015 meeting.

Prior to the Board moving on a motion, Ms. Trezise opened the meeting to public comment.

David Klein of 9 Pond View Ave. Ext. stated although he had renovated his home he believes the proposed reconstruction of the dwelling would be more detrimental to the neighborhood. The road is just 15' wide. Mr. Klein was concerned about issues related to construction equipment and trucks on such a narrow road. Additionally, removal of a berm has created a 20' puddle on his property. He did not believe there was any way the applicant would have drainage.

Mr. Duggan stated a Storm Water permit would be required prior to Building permit issuance for this project. He explained a certified engineer is required to initiate a storm water review followed by a peer review. An administrative review does not require notice; however sending the Planning Board an email requesting notification and updates is acceptable.

Tom McNamee of 6 Pond View Ave. Ext. questioned the integrity of right of way being maintained.

John Blondell of 550 Hatherly Road stated his property is within a conservation district and he has had issues related to poor drainage.

Mr. Duggan explained to the audience that prior to Building Permit issuance the Planning Board, Conservation Agent, Health Agent, Fire Department and D.P.W. review applications and must approve.

Trisha Duffy of 562 Hatherly Road told the Board she had not experienced standing water problems. The berm alleviated standing water.

Mr. Hayes requested a continuance to the October 15, 2015 ZBA meeting.

Mr. Lynch moved to continue the application of Marvell Homes, LLC, Paul Sheerin, Manager for a Special Permit/Finding pursuant to M.G.L. Ch. 40A, Section 6 to raze and reconstruct the pre-existing, non-conforming single family dwelling at 12 Pond View Extension, Scituate to the October 15, 2015 ZBA meeting, seconded by Mr. Bucchere, all in favor, unanimous.

**Second Application: Susan and Mark Daileader of 5 Martha's Lane, Scituate, MA request a Special Permit/Finding in accordance with M.G.L. Ch. 40 A, Section 6 to construct an addition to their pre-existing, nonconforming dwelling located at 12 Graves Avenue, Scituate, MA (Assessor's Map 22, Block 7, Parcel 4) 11.8' from Montvale Avenue. Current setback is 12.7' from Montvale Avenue.
Representing the Applicant: Paulette O'Connell, Architect.**

Ms. O'Connell gave the Board a brief description of the property which is located in the R3 residential zone where a 30' setback is required. A second story addition constructed facing Montvale Ave. On the side facing Graves Avenue, the deck would be reduced and stairs added to access the front entrance. No alterations are proposed to the garage.

Mr. Bucchere asked if the proposed structure would be an increase of more than 20% to the living area.

Ms. O'Connell stated the proposed increase would be 26.4%.

Mr. Hallin noted a minor extension of the existing nonconformity for the purpose of a gas fireplace and lessening the front porch, as well as the addition of stairs to the front of the house, made sense.

Mr. Duggan noted although the property is in the flood plain the proposed addition would not be deemed a substantial improvement, thus not requiring the structure be elevated.

There were no comments or questions from the public.

Mr. Lynch moved on the application of Susan and Mark Daileader of 5 Martha's Lane, Scituate for a Special Permit/ Finding under M.G.L. Ch. 40A, Section 6 the Board find the preexisting non-conforming dwelling and proposed addition will not increase any nonconformities in all respects except the side setback which will intensify the nonconformity approximately one foot and this will not be any more detrimental to the neighborhood as compared to the existing structure and therefore the Board allow the Special Permit be granted, seconded by Mr. Hallin, all in favor, unanimous.

Third Application: Michael Inglis of 1 Christmas Tree Lane, Marshfield, MA request a Special Permit/ Finding pursuant to M.G.L. Ch. 40 A, Section 6 to raze and reconstruct a pre-existing, non-conforming dwelling located at **32R Brunswick Street, Humarock, MA (Assessor's Map 72, Block 5, Parcel 4).**
Representing the Applicant: Darrin Grady of Grady Consulting.

Mr. Grady gave the Board a description of the property located in the R3 residential zone. The rear and one side setback are conforming with the other side setback being 10.5'. The existing dwelling is 1158 square feet and proposed dwelling would be 1816 square feet. This represents an increase of 36%.

Mr. Duggan stated the property is not on the Scituate flood plain, though it is in a flood zone on the FEMA Flood maps.

Ms. Trezise noted the proposed front setback reduces the nonconformity and the proposed structure does not intensify or result in any additional non-conformities.

Ms. Trezise opened the meeting for public comments.

Joan Walsh of 36 Brunswick Street asked which way the front door was proposed to face.

Mr. Grady stated it would face Brunswick Street.

There were no additional comments from the public.

Mr. Bucchere made a motion on the application for a Special Permit/Finding on the application of Michael Inglis of 1 Christmas Tree Lane, Marshfield for a Special Permit/Finding to raze and reconstruct the structure at 32R Brunswick Street, Humarock with a plan submitted by Grady Consulting dated August 19, 2015 referencing job number 15-198, with the Board finding none of the existing nonconformities were increased or intensified and the proposed structure is not a substantial detriment to the neighborhood, seconded by Mr. Lynch, all in favor, unanimous.

Fourth Application: Stanley and Lynne Vozzella of 109 Harbor View Road, Milton, MA request a Special Permit/Finding in accordance with M.G.L. Ch. 40A, Section 6 to raze and reconstruct the pre-existing, nonconforming dwelling located at 31 Lowell Street, Humarock, MA (Assessor's Map 71, Block 5, Parcel 9). Representing the Applicant: Darrin Grady of Grady Consulting.

Mr. Grady gave the Board a description of the property which is located in the R3 residential zone and stated the property is nonconforming in frontage, lot width and front and rear setbacks. The proposed new structure will reduce existing nonconformities in the front and rear setbacks. The side setbacks are conforming. The existing square footage is 1784, with the proposed square footage being 4682. This represents an increase of 162%. The first floor is proposed to be 1432 sq. ft., the second: 1625 sq. ft. and the third floor proposed to be 1625 sq. ft.

Mr. Lynch notes the proposed plan does not intensify any existing nonconformity.

There were no public comments.

Mr. Lynch moved on the application of Stanley and Lynne Vozzella of 109 Harbor View Road, Milton, MA request a Special Permit/Finding in accordance with M.G.L. Ch. 40A, Section 6 to raze and reconstruct the pre-existing, nonconforming dwelling located at 31 Lowell Street, Humarock. The Board finds the existing property is nonconforming with respect to lot area, frontage, lot width, front setback and rear setback and that the proposed new construction does not increase any existing nonconformities and reduces nonconformities with front setback and rear setback and therefore, under Gale, no further finding being required and that the Special Permit be granted with a plan submitted by Grady Consulting dated August 19, 2015 referencing job #15-041, and subject to submittal of a new plan revised to show existing square footage, increase in square footage and percentage of increase, seconded by Mr. Hallin, all in favor, unanimous.

Minutes from the ZBA meeting on August 20, 2015 were presented for approval.

Mr. Lynch moved to approve the minutes from the August 20, 2015 ZBA meeting with correction of typographical error, seconded by Mr. Hallin, all in favor, unanimous.

Meeting adjourned at 9:30pm.

Respectfully Submitted,

Anne M. Kelly

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