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

PRESENT: Sara Trezise, Chairman, John Hallin, Frank Lynch and Anthony Bucchere.
Also Present: Bob Vogel, Scituate Building Inspector.

The Scituate Zoning Board of Appeals held a public hearing on July 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.

First Application Signifex LLC, Paul Kukstis (Manager), 9 Seventh Avenue, Scituate, MA. The applicant seeks to amend a Special Permit issued to him on April 10, 2014 and recorded at Plymouth County Registry of Deeds on May 1, 2014. This Special Permit authorized Signifex LLC to add a two story addition to a preexisting, non-conforming structure. The applicant seeks to amend this Special Permit or be granted a new Special Permit pursuant to M.G.L. Chapter 40A, Section 6 to raze and reconstruct the single story structure on the site at **165 Front Street, Scituate (Assessor's Map 50, Block 1, Parcel 33).**

Mr. and Mrs. Kukstis explained to the Board after having design and engineering plans presented to them they realized the retrofitting required would not make financial sense. The building was constructed around 1940, and the existing foundation is insufficient to support the proposed addition. The new building would stay within the existing footprint. The Board discussed amending the existing Special Permit or granting a new Special Permit. It was unanimously agreed upon to amend the existing Special Permit.

Ms. Trezise opened the meeting to public commentary.

Sara Blanchard of 165A Front Street: Concerned about parking as the proposed structure is larger.

Ms. Trezise explained the business space is reduced, though the building would be larger. The second floor would no longer be for business use, but rather residential. Under the parking by-laws parking space remains the same.

Mary McIntosh of 56 Gilson Road asked what style of building is proposed and whether it would be in keeping with the neighborhood.

Mr. Kukstis assured Ms. McIntosh the building quaint and would be in keeping with the area.

Julie Hawkins of 157 Front Street: Concerned about losing the tree in front which provides needed shade.

Mr. and Mrs. Kukstis stated it would be necessary to trim the tree, though they would be mindful of the tree during construction.

Mr. Lynch moved on the application of Signifex LLC to amend the existing Special Permit heard and granted on March 20, 2014 and filed with the Town Clerk on April 10, 2014 to permit the Applicant to raze and rebuild the foundation and first floor. All Conditions remain as set forth in the original Special Permit, seconded by Mr. Hallin, all in favor, unanimous.

Second Application: Raymond C. and Alma G. Morrison, 22 Tichnor Court, Scituate request a special permit under Section 610.2.B of the Scituate Zoning Bylaws to permit the creation of a 50-ft. frontage lot at **22 Tichnor Court in Scituate, MA.** (Assessor's Map 45, Block 2, Parcels 39 & 40).

Representing the Applicant: Jeff Hassett, Civil Engineer, of Morse Engineering.
Documents on File: Site plan dated June 24, 2015 submitted by Morse Engineering.

Mr. Hassett stated the property is located in the R3 residential zone and is 1.4 acres. Two lots are proposed. The first lot would be where the existing home and shed are currently located. It has double the upland area and meets all setbacks. A shed sits on the proposed property line and would be relocated. The proposed second lot would require zoning relief to create a 50' frontage which would provide an access way to the lot. Wetlands fall off the property lines. Final plans would be submitted to the file on Friday, July 17, 2015 which show the lot as having the required 20,000 square feet of upland area.

Mr. Hallin acknowledged all requirements had been met, and clarified that shed would be relocated off the second lot. He inquired about the drainage pipe.

Mr. Hassett stated the drainage pipe would not be disturbed.

Mr. Lynch stated there could be no further subdividing of this lot, and this would be a condition of the Special Permit.

Mr. Hallin explained to the audience that the property owner would give up their right to ever further divide the lot should the Special Permit be granted.

Ms. Trezise opened the meeting to public commentary.

Janet D'Angelo, 2 Harbor View Road, was concerned about the location of the septic system. She made it known to the Board that an application to connect to the sewer system on Harbor View Road was applied for and subsequently denied. Flooding and water run off on to neighbor's driveways resulted in a second drainage pipe being installed several years ago on her property to address drainage issues.

Mr. Hassett stated a storm water permit would be required prior to the issuance of a building permit.

Ms. Trezise further explained that the Board of Health would address septic issues and appropriate permitting. Conservation Commission would require a storm water permit.

Richard Stellar of 28 Porter Road was now aware that Conservation Commission and Board of Health would address his concerns. He asked for clarification on the subdividing of the lot. Though they would be prohibited from further dividing the lot, could they grant an easement?

Ms. Trezise explained the easement question was not the ZBA area of expertise, nor would it be discussed at this meeting. She encouraged Mr. Stellar to consult an attorney for further input.

Mr. Hallin moved to grant the request of Raymond C. and Alma Morrison of 22 Tichnor Court for a Special Permit under Section 610.2 of the Scituate Zoning Bylaws to create a 50' frontage lot at 22 Tichnor Court (Assessors Map 45, Lot 2, Parcels 39 and 40) subject to conditions of submission of wetlands plan delineating upland and septic plan number 14-383 stamped and dated 7/16/15. Additionally conditioned there be no further subdivision of the parcels, seconded by Mr. Lynch, all in favor, unanimous.

Third Application: K & E Construction, 209 Broadway, Hanover, MA requests M.G.L. Chapter 40A, Section 6 Special Permit/ Finding to raze and reconstruct a pre-existing, non-conforming single family dwelling at **55 Gilson Road, Scituate, MA (Assessor's Map 60, Block 01, Parcel 25)**.

Present: John Rehm of K and E Construction.

Representing the Applicant: Kevin Grady of Grady Consulting, LLC.

Mr. Grady gave a brief history of the property to the Board. The structure was built in approximately 1930, therefore predating zoning. It is located in the R-3 zone and is nonconforming in frontage and area. The existing structure shows cracks in the foundation as well as a wet, moldy basement. The proposed plan would meet side and rear setbacks and be farther back from the street than the existing structure, though not meeting the required setback of 30 feet. The nonconformity will not increase.

Ms. Trezise asked what the square footage of the existing structure is.

Mr. Grady stated it is 916 square feet. The proposed residence would be 2760 square feet, an increase of more than 20%. The finished floor area would be on the first and second floor. There is no intention to finish the basement.

The Board discussed their concern over the increase in size of the new dwelling over the existing structure on a lot of this size.

Mr. Grady ensured the Board that numerous homes in the Gilson Road neighborhood have been reconstructed at more than 20% of the previous size with total square footage larger than the proposed structure.

Ms. Trezise opened the meeting to public commentary.

Colleen Carlson of 53 Gilson Road told the Board her 1922 bungalow is 1900 square feet and sits on a 5100 square foot lot. Her driveway is next to the proposed home, and she was concerned about storm water run-off and the size of the home taking over small lots around it.

Ms. Trezise explained that a storm water permit has been applied for. Storm water issues would be reviewed and addressed through that process.

Joanne Papandrea, 1 Bassin Lane, asked for clarification of the lot frontage width. She was concerned with environmental issues including toxic materials and debris settling on to her property during demolition and subsequent construction as she maintains a food source organic garden. Additionally, she requested if the pine tree which is on the property line needs to be trimmed for construction, please hire a qualified arborist to do so.

Mr. Grady explained the tree would be saved if possible, though access to the property during construction may prohibit that.

Carla Litchfield of 46 Gilson Road asked how wide the proposed home is.

Mr. Bucchere stated the proposed dwelling is 53' wide.

Catherine Doherty of 56 Gilson Road expressed concern over the size of the proposed home and wondered if it would be detrimental to the scale of the neighborhood.

Mary McIntosh of 56 Gilson Road also expressed concern over the size of the proposed home as well as parking along such a narrow road.

Michael Carlson of 53 Gilson Road was concerned that his driveway was encroaching on the lot line of the applicant at 55 Gilson Road.

Ms. Trezise explained this issue would be out of the jurisdiction of the ZBA, rather an issue to be addressed possibly through the Land Court. Furthermore, conveying a portion of the property at #55 to the owner of #53 would increase the nonconformity of #55 which would likely not be something the applicant would have any interest in pursuing. Ms. Trezise encouraged the neighbors to work together, acknowledging their concerns but understanding that change is a constant. Communication between the neighbors and the contractor should be pursued to alleviate any further concerns.

Mr. Lynch echoed Ms. Trezise's concerns, while also recognizing change is a constant.

Mr. Lynch made a motion on the application of K&E Construction for a Finding/Special Permit to raze and reconstruct a preexisting, nonconforming dwelling at 55 Gilson Road and that the Board find the property is nonconforming with respect to lot area, width, front yard setback and lot frontage, that the proposed reconstruction of the dwelling will be less nonconforming with respect to front yard setback and that the proposed structure will intensify the nonconformities but will not be substantially more detrimental to the neighborhood than the existing non-conforming lot, structures or use, seconded by Mr. Bucchere, all in favor, unanimous.

Request for amendment to Special Permit issued September 15, 2009, and as previously amended: Re. South River Partners, LLC and Scituate Affordable Housing Trust-property at 163 Stockbridge Road.

Representing South River Partners, LLC: Walter Sullivan, Esq.

Mr. Sullivan requested the Affordable Housing Trust take ownership of the affordable housing project located at 163 Stockbridge Road and reimburse Mr. Solimando for monies spent constructing the home. The Town still owns the property and planned subdivision has not yet been filed with the Registry of Deeds. Recording the deed and plan with the Registry would allow the Town Counsel to authorize NSTAR to move forward with electrical installation contract. The board has referred the matter to town counsel to work through the various issues with the applicant and the Affordable Housing Trust and advise the Board on what further action is to be taken. The applicant is in agreement and hopes all the details can be resolved by the next meeting.

Minutes from June 18, 2015 ZBA meeting presented for approval.

Motion to approve minutes from June 18, 2015 by Mr. Bucchere, seconded by Mr. Lynch, all in favor, unanimous.

Motion to adjourn by Mr. Lynch, seconded by Mr. Hallin, all in favor, unanimous.

Meeting adjourned at 8:55pm.

Respectfully Submitted,

Anne M. Kelly

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