

**Scituate Zoning Board of Appeals
Meeting Minutes
September 20, 2018**

The Scituate Zoning Board of Appeals held a public hearing on September 20, 2018 at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:00 P.M.

Present: John Hallin, Chairman, Edward Tibbetts, Tom Cavanagh, Brian Sullivan
Also Present: Bob Vogel, Building Commissioner and ZEO.

First Application: Representing the Applicant: Richard Servant of Stenbeck and Taylor Inc.

Mr. Servant explained that this property was severely storm damaged. The Applicant is requesting a Special Permit to raze and reconstruct the home. The new structure will be the exact same footprint with the exception of the staircase. We are seeking a finding for raze and reconstruct for a nonconforming structure with the same setbacks as existing home. We have received approval from the Town's Conservation Department.

Mr. Tibbetts asked if there were any questions from the Board members or the audience.

Mr. Bucchere made a Motion that the board find in the application of David Keyes for the property at 236 Central Avenue to allow the raze and reconstruction of the dwelling as shown on the plan prepared by Stenbeck and Taylor dated May 2, 2018, and that the board find that said reconstruction will not create any new non conformities that to the extent it intensifies any of the existing nonconformities that such intensification is not substantially detrimental to the neighborhood and that the construction will comply with Section 470.F. Note the plan was revised June 25, 2018.

Motion seconded by Mr. Cavanagh. All in favor, unanimous.

Second Application: Kerry Dowlin of 50 Kenneth Road, Scituate, MA requests a Special Permit/Finding in accordance with Scituate Zoning Bylaw Section 810.2 and/or any other relief that the Board of Appeals may grant to construct an addition to the pre-existing, non- conforming single family dwelling at 50 Kenneth Road, Scituate, MA (Assessor's Map 40, Block 10, Parcel 9).

Representing Kerry Dowling: Paul Mirabito from Ross Engineering Company.

Mr. Mirabito explained that the Applicant would like to remove the existing addition on the back of the home and replace it with a new structure. The rear setback would be 23.3 feet instead of 20 feet. We would extend the right side of the home ten feet to the rear which would extend the existing 5.7 foot nonconforming setback another ten feet. There would be no increase in the existing impervious area.

Mr. Tibbetts asked Mr. Mirabito to clarify that they would be increasing the living area by 13.5% and that they would be squaring off the back end of the structure and roofline.

Mr. Mirabito confirmed.

Mr. Vogel said he did not have any concerns.

Mr. Bucchere made a Motion that the board find in the application of Kelly Dowling for the property at 50 Kenneth Rd to allow the addition as shown on the plan drawn by Ross Engineering, dated April 10, 2018 that the proposed addition will not create any new nonconformities and does not increase such conformities that such increase will not be substantially more detrimental to the surrounding neighborhood. Motion seconded by Mr. Cavanagh. All in favor, unanimous.

Third Application: Chief John Murphy, Scituate Fire Department of 800 CJC Highway, Scituate, MA requests a Special Permit pursuant to Section 710.5E of the Scituate Zoning Bylaw to allow the utilization of an electronic sign board for public safety information dissemination located in front of the Public Safety Building at 800 CJC Highway, Scituate, MA (Assessor's Map 25, Block 1, Parcel 1) as pre-determined during construction.

Representing the Applicant: Chief John Murphy, Scituate Fire Department.

Chief Murphy presented paperwork to the Board to explain why the Electronic Sign Board would be a beneficial tool for Emergency Management, Fire and Police to disseminate information to the public. He explained that a conduit would run from dispatch center. It would be setback from the road and would not hinder visibility for cruisers, trucks or pedestrians. He said there is storm evacuation information on Media, Email and Social Media but this would create another avenue to provide emergency information. Chief Murphy said he felt the Electronic Sign Board would be effective on Route 3a because it would catch the bulk of the community. MEMA director has provided written support regarding the electronic sign. It has been funded through the Building Committee and Columbia gas has donated 10,000 for this specific use.

Mr. Bucchere asked where the sign would be located. Chief Murphy said ten to twelve feet south of the main entrance toward Mann Lot Road so it can be effectively seen. The sign would be double sided.

Mr. Tibbetts said the Board received communication from the Planning Board on 18th of September and he asked Ms. Burbine, Chair of the Planning Board to clarify their comments. Ms. Burbine said because the sign is located in such a congested area the Planning Board members are not enamored by having a lighted sign. She asked whether they had considered a sign similar to the one in front of Scituate High School. She was concerned that we would be setting a precedent with a lighted sign.

Mr. Bucchere responded noting that this application was for a Special Permit and would not set a precedent. He said a digital sign could be prepared at a moment's notice and if there was ever a need for that type of sign, this is would be the time.

Chief Murphy said that the homes in the area would not be able to see the sign. He understood that it was a tough intersection but it would be well past Mann Lot Road and it would not interfere with the sightline.

Mr. Cavanagh asked about the hours of the sign. Chief Murphy explained that it would be primarily to disseminate public safety information and he would be open to discussion regarding hours for the sign.

Cynthia Olsen 38 Gannett Pasture Lane

Ms. Olsen said she believed the electronic sign was not consistent with town values. She was opposed to the size of the sign and did not feel that it would be environmentally friendly. Ms. Olsen asked how much information the sign would display and whether it would flash. Chief Murphy said the messages would be clear and concise and that the sign would not flash.

Mr. Cavanagh clarified that the sign would only be used when necessary.

Chief Murphy confirmed that it would be for impactful messages.

Mr. Bucchere made a Motion that the board find on the application for the Town of Scituate, Public Safety Building that the sign proposed would fall under town bylaw section 710.5E and therefore be allowed as of right.

Motion seconded by Mr. Cavanagh. All in favor, unanimous.

Fourth Application: Stephen and Mary Louise Bohn of P.O. Box 635, Dover, MA 02030 request a Finding in accordance with Scituate Zoning Bylaw Sections 810.2, 950.2D and/or M.G.L. Chapter 40A, Section 6 and/or any other relief that the Board of Appeals may grant, that the alteration, extension or structural change to the pre-existing nonconforming single family residential dwelling on a pre-existing nonconforming lot at **25 Circuit Avenue, Scituate, MA (Assessor's Map 51, Block 1, Parcel 10)** will not be substantially more detrimental or injurious to the neighborhood than the existing structure.

Representing the Applicant: Attorney Jeff DeLisi of Ohrenberger, Harris and DeLisi.

Mr. DeLisi said the application is for an addition to the pre-existing, nonconforming single family dwelling. There would be a gross increase in floor area of 4%. The reason the Applicant is before the Zoning Board is because the dwelling is dimensionally nonconforming and there is insufficient frontage and lot width.

Mr. Vogel said this particular Zoning Bylaw should be revised so that this type of application could be approved by the Building Department instead of making an applicant appear in front of the Zoning Board.

Mr. Cavanagh made a Motion for the applicant, Stephen and Mary Louise Bohn of 25 Circuit Ave that the Board find that the lot is pre-existing, nonconforming as it relates to frontage and width and the proposed drawing by Ross Engineering dated August 25, 2018 said addition is not substantially detrimental and that we grant the finding.

Mr. Bucchere seconded. All in favor, unanimous.

Fifth Application: Douglas Smith of 1 Cole Parkway, Scituate, MA requests a Finding in accordance with Scituate Zoning Bylaw Sections 820, 950.2D and/or M.G.L. Chapter 40A, Section 6 and/or any other relief that the Board of Appeals may grant, to authorize the change of the pre-existing, nonconforming use(s) of **1 Cole Parkway (Assessor's Map 50, Block 7, Parcel 23)** to a specified use not substantially different in character or not substantially more detrimental or injurious to the neighborhood than the existing nonconforming use(s).

Representing the Applicant: Attorney Jeff DeLisi of Ohrenberger, Harris and DeLisi.

Mr. DeLisi explained that he was representing Douglas Smith who owns the Bowling Alley in the harbor and has owned it for a couple of decades. He said that essentially Mr. Smith would essentially like to convert his office on the third floor to an apartment where he would reside. Uses in the building are conforming but the parking spaces are not. If the office was changed to residential use it would mean the parking would decrease to 2 parking spaces. In addition to the Bowling Alley the building consists of the coffee shop and hardware store which are conforming.

Mr. Bucchere questioned why the applicant needed to be in front of the Zoning Board.

Mr. DeLisi said he had spoken to Bob and due to an abundance of caution we decided to come before the Zoning Board.

Mr. Bucchere said that they should be applying for a Special permit for the accessory dwelling through the Planning Board.

Mr. DeLisi said he disagreed. Mr. DeLisi argued his point that the Board could grant the permit under Section 820.

Mr. Bucchere said since Section 530 of the Zoning Bylaws exists, I am cautious about granting a Finding or Special Permit from this Board.

Mr. Tibbetts read the definition of Accessory Dwelling and said it is pretty clear that we have to call this an Accessory Dwelling.

Mr. Tibbetts offered whether the Board can make a Finding to support that the change would not be more detrimental to the Town.

Mr. Cavanagh questioned Mr. DeLisi what he considered an alteration.

Mr. DeLisi said he is not sure what was intended as an alteration when this Bylaw was written.

Mr. Tibbetts made a Motion for a finding under Section 820 that the proposal to alter the existing office portion of the non-conforming Bowling Alley to a residential use for the

property's owner is not more substantially detrimental than the existing non-conforming use. Mr. Bucchere seconded, Mr. Cavanagh nay.

Meeting adjourned at 8:35pm.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Susan J. Tice". The signature is written in dark ink and is positioned above the printed name.

Susan J. Tice