

Town of Scituate

ZONING BOARD OF APPEALS

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Decision of the Scituate Zoning Board of Appeals (herein after the Board) on the application of Anderson Incorporated of 331 Gannett Road, Scituate for a Special Permit/Finding under Massachusetts General Laws Chapter 40A Section 6 to change the pre-existing non-conforming use at the Applicants address to a more restrictive use or a use not substantially different in character as permitted under section 820 of the Zoning Bylaw.

The application was received and advertised and a Public Hearing was duly held on February 15, 2007 with the following members present.

John Danehey, Chairman
Agnes Rona
Brian Sullivan
Sara Trezise

The applicant was present and was represented by Attorney Richard Henderson of Henderson and Henderson of Cohasset, MA and Paul Mirabito of Ross Engineering in Norwell, MA. The property is owned by the Applicant pursuant to deeds recorded at the Plymouth County Registry of Deeds at Book 213, Page 452, Book 2733, Page 202 and Book 10,421, Page 271. The parcel has 2.2 acres of land with 165.05 feet of frontage on Gannet Road.


The property straddles the Business district in North Scituate and the A-2 Residential Zone. The site consists of six buildings, a radio tower and seven above ground ten thousand gallon fuel storage tanks. The applicant has been running his family's heating oil business at this location since the early 1900's and prior to the adoption of zoning in Scituate. The Board found the applicant's use of the property was in fact a pre-existing non-conforming use.

The existing storage tank facilities date from the 1940's through 1960's. The Applicant proposed to renovate and relocate its fuel storage tanks in to three thirty thousand gallon tanks. The new tanks will be covered by a canopy and incorporate enhanced containment measures and therefore will be safer and better concealed to the abutters. The applicant represented that the location of the new building takes into account the proximity of wetlands to the site. The site as proposed will be used for the same purpose. There is no change to the pre existing non-conforming use. However, the Applicant proposes to add 20,000 gallons in storage capacity to the site. Since the new storage tanks would meet all environmental and safety requirements in effect in 2007. In addition, the Applicant proposes to operate only one new tank at a time, thereby decreasing maximum spillage in the unlikely event of any problems at the site. Therefore, the safety of the site will be

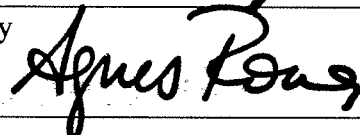
enhanced and, the proposed change is not more detrimental or injurious to persons, property or improvement in the area.

For the above reasons, the Board unanimously voted to find the application as proposed will meet the requirements of section 820 of the Bylaw in that it will not be substantially more detrimental to the people property or improvements in the area. Furthermore, the Board voted unanimously to GRANT the Applicants request for a Special Permit under M.G.L Chapter 40A Section 6 to modify the pre-existing non-conforming business use in the residential district.

ZONING BOARD OF APPEALS




John Vanehey



Agnes Rona



Brian Sullivan



Sara Trezise

Filed with the Town Clerk on 5-11-07

This Special Permit/Finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County of Deeds after the appeal period of twenty (20) days.

Appeal of any decision of the Zoning Board of Appeals may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.