

# Town of Scituate

## ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY  
SCITUATE, MASSACHUSETTS 02066  
(781) 545-8716



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2010 DEC 21 A 9 23

Decision of the Scituate Zoning Board of Appeals on the application of the Scituate Harbor Yacht Club, 84 Jericho Road, Scituate, Massachusetts for a finding under M.G.L. Chapter 40A, Section 6 that would allow some pre-existing, non-conforming structures located at 84 Jericho Road to be razed and reconstructed.

The application was received, advertised, and a public hearing was duly held on November 17, 2010 as continued from October 20, 2010, with the following members of the Zoning Board of Appeals hearing the application:

Peter Morin, Chairman  
Brian B. Sullivan  
Sara Trezise  
John Hallin, alternate member

The property located at 84 Jericho Road, is in the A-3 residential district and is owned by the applicant pursuant to a deed recorded with the Plymouth County Registry of Deeds in Book 1784 at Page 535 and Certificate of Title No. 6921 on file with the Registry District of Plymouth County. The applicant was represented by Attorney Steven M. Guard of Norwell, MA and with him were Paul Maribito of Ross Engineering of Norwell, MA and Can Tiriyaki of Tiriyaki Architectural Design of Cohasset, MA.

The existing structures and uses do not comply with the current zoning bylaw requirement as to the front yard setback or uses allowed as a matter of right in the district. The applicant proposes to raze and reconstruct certain existing structures currently used as storage lockers for its members and alter the location of said structures so as to be no closer to the front property line than five (5) feet; a decrease in the current closest non-conforming setback of 1.9 feet, now existing and, to raze and reconstruct each such existing structure consistent the plans dated June 16, 2010 of Ross Engineering, filed and reviewed by the Board and part of the public record. The applicant also proposes to raze certain structures oriented to the rear of the premises which are currently used as storage lockers for its members, portions of which are located within the Flood Zone VE or so called velocity zone. The applicant proposes to construct a single building with a roof deck in the area of such lockers outside of said velocity zone, for the purpose of relocating an existing snack bar currently located on and servicing the premises.

After a public hearing which was well attended by both the members of the applicant club and many neighbors and abutters as well, the Board made the following findings, based upon the applicant's representations:


1. The use of the premises and the structures thereon are pre-existing non-conforming;

2. The razing and reconstruction of the locker structures, so as to be no closer than five (5) feet to the front property line is less non-conforming than the closest non-conforming setback of 1.9 feet now existing and is therefore not substantially more detrimental to the neighborhood than the current pre-existing nonconforming structures;
3. The construction of a single building in the area of existing lockers outside of the velocity zone and an extension of the existing deck area is not substantially more detrimental to the neighborhood than the existing structures.

The Board approves the application based on the plans as submitted and finds that such proposed use and plans are not substantially more detrimental to the neighborhood than the buildings and uses now existing and that the Applicant has met the standard for the issuance of a Special Permit, and therefore the Board did vote unanimously to issue a Special Permit subject to the following conditions:

1. There shall be no increase in the overall height of the existing lockers from their current maximum height of 10 foot 8 inches.
2. There shall be no live entertainment allowed on the proposed roof deck nor shall there be any amplified noise.
3. The maximum lighting allowed on the roof deck shall comply with the minimum applicable building code requirements relating to safety.
4. The roof deck shall close no later than 11 pm.
5. The maximum height of the handrail of the roof deck shall be the minimum required by the applicable building code.
6. Any landscape buffer used shall not exceed the height of the existing fence.

ZONING BOARD OF APPEALS

  
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Peter Morin

  
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Brian Sullivan

  
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Sara Trezise

Filed with the Town Clerk on: December 21, 2010.

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.