

Scituate Zoning Board, August 18, 2011
TOWN OF SCITUATE MASSACHUSETTS

Scituate Zoning Board of Appeals
Meeting Minutes
August 18, 2011

PRESENT: Peter Morin, Chairman, Sara Trezise, and John Hallin.
The Scituate Zoning Board of Appeals held a public hearing on August 18, 2011 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: Frank R. Snow of PO Box 242, Greenbush, MA 02040 requests a Special Permit under section 610.2 B of the Scituate Zoning Bylaw to create a 50-foot frontage lot at 543 Country Way.

The applicant requested to continue the application (see file) until the September 15, 2011.

Trezise moved to allow the applicant to continue until September 15, 2011, seconded by Hallin, all in favor, unanimous.

Second Application: Request for an extension of the Comprehensive Permit issued on January 16, 2003 to Walden Woods, LLC. The project is located off Stenbeck Place (assessors Map 45, block 16, parcel 30).

Attorney Devon was present.

Attorney Devon- the mortgage and finance climate has not changed. The applicant believes they would be receiving the funding within 6 months.

Peter Morin- asked about substantial changes and if the applicant had a funding letter.

Attorney Devon- they were trying to get another one and were only in

front of the Board to ask for an extension and no other changes.

Louis Chin – their opposition was due to the environmentally sensitive land. He also mentioned a Boston Globe article. He pointed out a discrepancy of the cost of the land.

Attorney Devon- the pro-forma was submitted to the Zoning Board for review and Board voted to approve the project with the original pro-forma.

Peter Morin- asked if one of the disputed facts had to do with the land cost and was there any finding of fact in the land court decision.

Attorney Devon- could not remember. The comprehensive permit itself was litigated and adjudicated.

Peter Morin- asked was the land cost \$800, 000.00.

Attorney Devon- the property was to be sold by the Walden's to the developer.

Louis Chin- he wanted to make the ZBA aware of this.

An Audience Member- had concerns with the building being secured. She also wanted to know if it could be extended indefinitely.

Attorney Devon- he would mention the security issues to his client.

Peter Morin- as long as the housing market and economy flounder this could drag on.

Treize moved to find that that request was not a substantial change and the permit was extended for 18 months from September 9, 2011, seconded by Hallin, all in favor, unanimous.

Third Application: Request for an extension of the Flood Plain & Watershed Protection District Special Permit issued on November 16, 2009 by the Planning Board and the Special Permit issued October 19,

2009 by the Zoning Board of Appeals to Diamond Development Realty Trust of PO Box 1480, Duxbury, MA 02331 for the property located at 102 Scituate Avenue.

Steve Borjorlund was present.

Steve Borjorlund- this was a request for extension because the person who was purchasing the property was having trouble with financing. The length of the permit had been extended under the Governor's Extension Act. The Flood Plain Special Permit had a condition that stated the special permit was not valued until filed. The Planning Board but in a condition that it would expire if not filed within 6 months. Mr. Borjorklund spoke about the FAQ question on the Extension Act. The financiers of the project wanted a piece of paper that stated the permits were valid.

Peter Morin- asked what the effective date of the Governor's Extension Act was.

Steve Borjorklund- August 15, 2008 to August 15, 2010, it would take effect August 1, 2010.

Peter Morin- a conservative attorney would argue that the permit expired after 60 days because it was not filed.

Steve Borjorklund- he would like the Board to extend the permits.

Sara Trezise- suggested amending the decision by taking out the 60 day condition.

Trezise moved to find that virtue of Section 173 c 240 Acts of 2010, the Board finds that the Flood Special Plain permit had been extended by the provision of that statue as well as 40a section 6, seconded by Trezise, all in favor, unanimous.

Fourth Application: MaryEllen Winn of 26 Peggotty Beach Road requests M.G.L c40A, Sec 6 special permit/finding and a flood plain special permit under Section 470.6 (F) of the Scituate Zoning Bylaw to

construction an addition that exceeds 25% of the gross floor area of the pre-existing non-conforming single-family dwelling located at 26 Peggotty Beach Road.

Maryellen Winn- she applied for a building permit and the Building Inspector had her apply for the special permits.

Peter Morin- asked how much she was adding.

Maryellen- she thinks by 50%.

John Hallin- asked if the existing house would remain.

Maryellen- yes, she is living in it.

Peter Morin- she was on a very small lot. He would like to have the exact square footage of the addition and square footage of the existing and proposed and the percentage.

Maryellen- she would get the info from her architect. She requested a continuance so she could get the information.

Hallin moved to extend the application until September 15, 2011, seconded by Trezise, all in favor, unanimous.

Fifth Application: David and Evelyn Henry of 8 Gannett Road requests M.G.L. c40A, Sec 6 special permit/finding to raze and reconstruct pre-existing non-conforming single-family dwelling at 8 Gannett Road.

Paul Mirabito from Ross Engineering represented the applicant.

Paul Mirabito- there were two dwellings on the lot. The applicant would like to raze and reconstruct the front dwelling. The increase would be less than 20%. He submitted the endorsed plan from the Planning Board.

Sara Trezise- asked if lot 1 was where the house would go.

Paul Mirabito- answered yes.

John Hallin- asked about the elevation.

Paul Mirabito- 19.5, they were going to elevate it a couple feet.

Hallin moved to approve the request per the plan submitted by Ross Engineering, seconded by Trezise, all in favor, unanimous.

Morin moved to adjourn 8:00 P.M., seconded by Sullivan, all in favor, unanimous.

Respectfully Submitted,

Nicole Harris
Inspections/Zoning Department