

Scituate Zoning Board, April 19, 2012
TOWN OF SCITUATE MASSACHUSETTS

Scituate Zoning Board of Appeals
Meeting Minutes
April 19, 2012

PRESENT: Peter Morin, Chairman, Brian Sullivan, Sara Trezise and Edward Tibbetts.

ALSO PRESENT: Neil Duggan, Building Inspector/Zoning Enforcement Officer.

The Scituate Zoning Board of Appeals held a public hearing on April 19, 2012 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: Elinor P. Nichols of PO Box 205, North Scituate, MA 02060 requests a variance from lot frontage requirements pursuant to M.G.L. c40A, section 10 for her lot on 2 Baileys Island.

The Board referred to a letter submitted (see file) by the applicant's attorney Richard Henderson requesting to continue the hearing until May 17, 2012.

Tibbetts moved to allow the applicant to continue the hearing until the May 17, 2012 hearing, seconded by Sullivan, all in favor, unanimous.

Second Application: Joan Hopkins and Kenneth Nielson of 116 Stockbridge Road, Scituate are appealing the Building Inspectors denial of their request for enforcement dated March 13, 2012 at the property located at 106-108 Stockbridge Road.

The Board referred to a letter submitted (see file) by the applicant's attorney Adam Brodsky requesting to continue the hearing until May 17, 2012.

Tibbetts moved to allow the applicant to continue the hearing until the May 17, 2012 hearing, seconded by Sullivan, all in favor, unanimous.

Third Application: William R. Carven, JR of 14 Buttonwood Lane, Scituate, MA 02066 requests M.G.L. c40A Sec 6 special permit/finding to raze and reconstruct pre-existing non-conforming single family dwelling and increase the existing gross floor area by more than 20 % at 14 Buttonwood Lane.

Paul Maribito from Ross Engineering and Edward McLaughlin were both present.

William Carven was present.

Paul Maribito- There was a new septic installed. The lot did not have required frontage it was only 50-feet, however the lot area did comply. It is non-conforming as to lot width as well. It is currently a one story dwelling and they were increasing the size to accommodate the family.

Sara Trezise- asked to see architectural plans.

Paul Maribito- they did not have any yet. The applicants were on a limited budget and wanted to know if they could do the proposal before paying to have the plans done.

Edward Tibbetts- 34.5 feet is an odd number for lot width.

Peter Morin- asked if they would have a problem changing it to 34-feet. The applicant did not have an issue with that.

Peter Morin- would like to specify that they could build in a footprint of 34' by 36' and also met side setbacks, front yard setback per the plans.

Sullivan moved to grant the special permit/finding provided that the setbacks conform to the revised plan to be submitted by the applicant stating footprint of 34' by 36' and met side setbacks, front yard setback per the plans, seconded by Tibbetts, all in favor, unanimous.

Fourth Application: Abraham Murray of 4 Collier Road, Scituate requests M.G.L. c40A, Sec 6 special permit/finding to raze and reconstruct pre-existing non-conforming single family dwelling and enlarge existing gross floor area by more than 20% at 4 Collier Road.

Abraham Murray was present.

Allison Alessi was the architect representing the applicant.

Allison Alessi- new house would move back by 4.5 feet, proposed foundation would be a little more than 1,000 feet. It would be a 40% increase. They were proposing 2.5 stories. They did a study of the street and the elevations were similar to the houses on the street. The footprint would not change except for the 4.6 foot increase expansion in the back.

Edward Tibbetts- asked if the proposed porch was covered in the front.

Allison Alessi- yes.

Peter Morin- addressed non-conforming lots with many severe non-conformities. He asked why they couldn't decrease or make the setbacks conform.

Abraham Murray- they could try and conform, but feels making the setbacks 8 and 8 would give them a shotgun style house. They really wanted to keep with the character of the existing house.

Neil Duggan- suggested making a bigger setback to avoid the cost of fire protection because the houses were so close. Mr. Duggan felt that the 5-foot setback was the magic number for the SBC.

Peter Morin- the Board would like to see a 5-foot setback on the side yard.

Abraham Murray- was worried about his driveway, which was on that side. He didn't want to be forced to park on the street.

Tibbetts moved to grant the request with the condition that the southerly side yard setback shall not be less than 8-feet and the northerly side yard setback shall not be less than 5-feet and the gross living area no greater than 3,000 square feet, seconded by Trezise, all in favor, unanimous.

Fifth Application: Request for a modification of the Comprehensive Permit issued on January 16, 2003 to Stockbridge II Realty Trust. The project is located at 90 Stockbridge Road (assessors Map 054, block 2, parcel 27).

Attorney Robert Galvin from Galvin & Galvin represented the applicant.

Michael Juliano of Juliano Enterprises was also present.

Attorney Galvin- the current owners have partnered up with Juliano Enterprises. Michael Juliano is also currently building a project in Duxbury. He referred to his letter to the Board dated March 19, 2012 (see file). They were proposing changes to the style of the project. The proposal would be to change the garden style units with townhouse style with three and four units. They needed to increase the number of units but were reducing the number of bedrooms. They would reduce the bedrooms from 156 to 148. This style would meet a need in the community. The applicant was also proposing to make changes to some of the wording of the permit. They would also like to use vinyl siding. There were new products on the market that don't look like vinyl siding. They will also need to make a modification to the project eligibility letter. Lastly, he mentioned the Amesbury SJC case.

Brian Sullivan- the Boards concerns in the past had nothing to do with the construction but rather the sale of the units. Mr. Sullivan asked Attorney Galvin if he felt that this was out of the Boards control.

Attorney Galvin- it was under the control of the Regulatory Agency now not the local Boards. He offered to write a letter to the Board outlining what he felt was applicable under the Amesbury case.

Peter Morin- asked if he would like to write a modified decision.

Robert Galvin- would be happy to do this.

Peter Morin- asked if he thought that if a condition were unenforceable, if so; why not just leave it in.

Mr. Juliano- in his Duxbury project, Mass Housing kicked it backed to the Town to have them delete the wording and conditions. The Town's counsel also agreed.

Sara Trezise- liked the plan. She would like to see the parking removed from the center.

Mr. Juliano- he had changed it and felt it would come down to the engineering in the end. They have a total of 188 spaces and 44 additional spaces. They may change it under a technical review.

Man that was part of team- spoke in favor of the center parking. He felt people would ultimately park on the green areas if you they did not provide parking near the units.

Neil Duggan- would like to have an administrative way for the applicant to meet with the neighbors to work out issues. He felt there were a lot of items that the neighbors should be involved in.

Peter Morin- asked Attorney Galvin what changes did he feel were not substantial.

Attorney Galvin- he referred to the regulation. The only issues that are arguable were the style of the units and changes of the housing ownership.

Brian Sullivan- felt it was a substantial change to the neighborhood and it should be advertised and noticed.

Mr. Juliano- Mass Housing would not let them proceed without the Town's approval.

Neil Duggan- Attorney Galvin was representing Stockbridge II Reality Trust. Mr. Duggan pointed out that the Board would need to make a decision tonight or request an extension from the applicant.

Attorney Galvin- they would grant the extension and would be willing to have a public hearing.

Peter Morin- the abutters would be noticed about a public meeting and the meeting would be added to the May agenda.

Brian Sullivan and Sara Trezise both felt it is a substantial change.

Sullivan moved to find that the proposed was a substantial change and that a hearing would open on May 17, 2012, seconded by Sullivan, all in favor, unanimous.

Morin moved to adjourn the meeting at 8:30p.m., seconded by Sullivan, all in favor, unanimous.

Respectfully Submitted,

Nicole Harris
Inspections/Zoning Department