

Scituate Zoning Board, March 15, 2012
TOWN OF SCITUATE MASSACHUSETTS

Scituate Zoning Board of Appeals
Meeting Minutes
March 15, 2012

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

The Scituate Zoning Board of Appeals held a public hearing on March 15, 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: Julie Johnson of Custom Home Designs, 260 South River Street Marshfield, MA 02050 requests M.G.L c40A Sec. 6 special permit/finding to construct an addition and dormer that will increase the gross floor area by more than 20% of the pre-existing non-conforming single-family dwelling located at 16 Fourth Avenue.

Julie Johnson of Custom Home Designs represented the applicant.

John Burton was also present.

Julie Johnson- the lot has three non-conformities. They would use the footprint of the existing deck that was 9-feet from the property line.

John Hallin- asked if the proposed dormer would increase the existing non-conformities.

Robin Gorman of 12 Fourth Street- spoke in favor of the project.

Richard Hoffman- spoke in favor of the application.

Tibbetts moved to grant special permit to construct the proposed addition per the plan dated January 23, 2012 by Neil Murphy, seconded by Trezise, all in favor, unanimous.

Second Application: Steven and Priscilla Grable of 51 Furnace Street, Marshfield, MA 02050 request M.G.L. c40A Sec6 special permit/finding to raze and reconstruct a pre-existing nonconforming single-family dwelling located at 43 Oceanside Drive.

Attorney Micahel Hayes represented the applicant.

Attorney Hayes- gave the existing conditions. The dwelling has been under agreement several times. The Grable's purchased the property last year and their proposal would scale back the original proposal. Brian Sullivan- asked if the previous ZBA decision got recorded.

Attorney Hayes- no, it had not. He felt the proposed was more in tune with the style of the neighborhood. This proposal would move the dwelling slightly away from the Hamacher's. The proposal would decrease the Oceanside non-conformity by a 1 ½ feet. The proposal would conform to the two rear setbacks on Eleventh Avenue and Marion Road. He is requesting a Finding.

Sara Trezise- would like the engineer to draw the setback arch on the plans.

Bill Hayes- spoke in favor of the application.

Peter Morin- asked if it would be going up because it is in the floodplain.

Steven Grable- yes, one foot.

Sullivan moved to grant the applicants finding in accordance with the Merrill Associates plan dated February 22, 2012, seconded by Tibbetts, all in favor, unanimous.

Third Application: Dan McAdam of 100 Worcester Lane, Waltham, MA 02451-7530 requests a special permit/finding or variance under M.G.L. c40A Section 6 and/or Section 10 to construct a non-conforming addition to the non-conforming dwelling, which was reconstructed in

1980. The dwelling is located at 157 Turner Road.

Doug Freezin of Duxborough Designs represented the applicant. Dan McAdam was present.

Doug Freezin- they would like to give the house a facelift. The house was non-conforming by setbacks and lot size.

Neil Duggan- it was destroyed during the Blizzard of '78' and they were allowed to rebuild in the same non-conforming footprint within a two year time frame.

Doug Freezin- they would like to extend the covered porches. The average setbacks was 15-feet; they would be greater than the average setback on the street.

Sara Trezise- they cannot use the garage as part of the average setback. She was not concerned with the front.

Peter Morin- had concerns with the Board's authority. He was not sure if they were asking for a finding or variance. If they were increasing a non-conformity by extending the porch along the side yard, why are they not asking for a variance.

Neil Duggan- answered that because the setback was 6.9 and they were asking to intensify it by two feet.

Brian Sullivan- the application was similar to a Fourth Avenue application they had several months ago. He spoke of the recent Humarock fires and their concern of having houses built so close together.

Neil Duggan- the SBC regulates fire protection.

Sara Trezise- she had a problem with the side setback.

Dan McAdam- there was an existing roof on the side. He was just looking to extend the covered porch all the way down.

Peter Morin- also had a problem with the side setback.

Neil Duggan- suggested doing a pergola.

Doug Freezin- asked if they could put a retractable awning.

Neil Duggan- that would not be considered part of the structure.

Peter Morin- asked if he was aware of the zoning issue on the property when he bought it.

Adam McAdam- yes, they were aware.

Peter Morin- they could withdraw the application if they were happy with having a retractable awning or a pergola.

Doug Freezin- it would start on the side and continue around the side.

The applicant requested to withdraw the application without prejudice.

Sullivan moved to allow the applicant to withdraw the application without prejudice, seconded by Tibbetts, all in favor, unanimous.

Niko Afanasenko of 303 Chief Justice Cushing Highway spoke to the Board informally regarding the 300-foot Green Way belt on Route 3A.

Morin moved to adjourn the meeting at 8:15 p.m., seconded by Sullivan, all in favor, unanimous.

Respectfully Submitted,

Nicole Harris