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**Scituate Zoning Board of Appeals
Meeting Minutes
March 19, 2015**

PRESENT: Sara Trezise, Chairman, Ed Tibbetts, Frank Lynch and Anthony Bucchere.

The Scituate Zoning Board of Appeals held a public hearing on March 19, 2015 at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:00 P.M.

Continued from February 19, 2015: Request for the Zoning Board of Appeals to review changes with regard to 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 30)

The applicant requested to continue the hearing until the April 16, 2015 meeting per a letter dated March 18, 2015(see file).

Mr. Lynch moved to allow the applicant to continue the hearing to the April 16, 2015 meeting, seconded by Mr. Tibbetts, all in favor, unanimous.

Continued from February 19, 2015: Paulette and John O'Connell of 2 Curtis Avenue, Scituate request a special permit/finding pursuant to Section 620.4 of the Scituate Zoning Bylaw to allow the construction of an addition to their pre-existing non-conforming home at 2 Curtis Road.

The applicant requested to continue the hearing until the April 16, 2015 meeting per a letter dated March 18, 2015(see file).

Mr. Lynch moved to allow the applicant to continue the hearing to the April 16, 2015 meeting, seconded by Mr. Tibbetts, all in favor, unanimous.

Kenton L. Bongarzone of 17 Gates Circle, Scituate requests a variance in accordance with M.G.L. Ch. 40A Section 10 from Section 520.4 of the Scituate Zoning Bylaw requiring a 150 ft. "no disturb" buffer zone from a tributary to allow construction of a single family dwelling at 5 Williamsburg Lane in Scituate, MA.

Representing applicant: Adam Brodsky, Esq., Greg Morse of Morse Engineering.

Documents presented: Copy of site plan, two letters from Adam Brodsky dated December 30, 2014 and February 17, 2015.

Mr. Brodsky presented the board with a background and history of the property which was created in 1955. In 1970 the owners granted the town an easement for a drainage pipe. This man made drainage channel emptied in to the Old Oaken Bucket Reservoir. At a town meeting in 1987 a bylaw was adopted and the Water Resource Protection District was created. As part of this bylaw a non-disturb 150' buffer zone was included. In 2011 wetlands were indicated on the town mapping. Mr. Bongarzone hired Mr. Brad Holmes, a Professional Wetland Specialist who identified an intermittent stream on the property. An Order of Conditions was obtained from the

Conservation Commission in 2012. In an unrelated project also during 2012, Massachusetts Department of Environmental Protection reviewed the drainage channel and determined it was not an intermittent stream, but rather a tributary to a public water supply. This included the ditch up to the headwall. Mr. Brodsky noted the lot would be non-buildable without a variance granted, as almost the entire lot lies within the 150' non-disturb buffer zone. He also discussed three criteria considered when a variance is requested: circumstances related to the shape and/or topography of the property, no substantial detriment to the public good should the relief requested be granted and a substantial hardship to the applicant should the relief requested be denied.

Mr. Morse presented the plot plan with an explanation of the septic system proposed for the sight explaining to the board the septic system is a Fast system which removes nitrogen from the effluent better than other septic technologies.

Mr. Tibbetts pointed out the lot was a preexisting, nonconforming lot prior to the Water Resource Protection Zone bylaw in 1987.

Dana and Matt Duggan, 18 Williamsburg Lane, Scituate: Lived in the home for 40 years. Had concerns about possible wildlife disruption as well as possible health concerns.

Mrs. Bongarzone, 17 Gates Circle, Scituate: If there was never a chance we would not be here in front of the Zoning Board of Appeals.

Ms. Trezise explained the purpose of this hearing is limited to zoning. Matters concerning wildlife and health concerns do not fall under the zoning bylaws.

Subsequent extensive discussion among the board ensued. Ms. Trezise requested clarification from Mr. Brodsky and Mr. Morse regarding water resource protection and defining "hardship" to the applicant in the event the request for a variance is denied. Mr. Brodsky requested a continuance to further address concerns of the Board.

Mr. Bucchere moved to continue the hearing to the May 21, 2015 meeting, seconded by Mr. Lynch, all in favor, unanimous.

Minutes from December 18, 2014 and February 19, 2015 Zoning Board of Appeals meeting presented for approval.

Mr. Lynch moved to approve minutes as presented, seconded by Mr. Tibbetts, all in favor, unanimous.

**Motion to adjourn by Mr. Lynch, seconded by Mr. Bucchere, all in favor, unanimous.
Meeting adjourned at 9:00pm.**

Respectfully Submitted,

Anne Kelly