

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
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Decision of the Scituate Zoning Board of Appeals on the request of Signifex LLC, Paul Kukstis (Manager), 9 Seventh Avenue, Scituate, Massachusetts (hereinafter, the "**Applicant**") to revoke or rescind the Amended Special Permit issued by the Board following the hearing on July 16, 2015 to allow the Applicant to raze and reconstruct the single story structure at 165 Front Street, Scituate, MA.

The written request dated August 20, 2015 was received, advertised and a public hearing was held on August 25, 2015. The following members were present and voted at the public hearing:

Sara Trezise, Chair
John Hallin
Francis M. Lynch

The Applicant was present at the public hearing by and through its Manager, Paul Kukstis, who presented the request.

The subject property 165 Front Street, Scituate, is a condominium unit owned by the Applicant, see Unit Deed recorded with the Plymouth County Registry of Deeds at Book 42004, Page 250, and Master Deed, Book 41855, Page 1 (hereinafter, the "**Property**"). It is located in the HB Zoning District and is not located with the Water Resources Protection District. The Property is approximately 14,315 square feet. It is non-conforming where 8 feet is required and the existing setback is 5.8 feet.


The Applicant informed the Board that its plan to raze the existing foundation and first floor and construct a new structure had been met with opposition from the condominium association. The Applicant stated that it desired to avoid litigation and hoped to resolve things with those who had raised objection. The Applicant asked the Board to revoke its decision to amend the previously granted Special Permit allowing the Applicant to raze the structure.

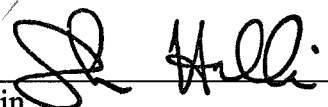
Other than the Applicant, no one appeared with questions and comments or to oppose the request. The Board discussed the advantages of avoiding litigation wherever possible and encouraged the Applicant to try to work things out amicably.

Based upon the information provided at the public hearing, and the Board's knowledge of the project from the earlier hearing, the Board of Appeals found that the Applicant had demonstrated that the request to revoke or rescind the Amendment to the Special Permit was reasonable and made in good faith.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicant's request to revoke and rescind the Board's Decision to Amend the April 10, 2014 Special Permit to allow the Applicant to raze the foundation and first floor of the structure at 165 Front Street and to construct a new structure in accordance with the April 10, 2014 Special Permit and the Site Plan Showing Proposed Addition #165 Front Street, by Morse Engineering Co., Inc., dated March 10, 2014, revised June 8, 2015. The decision of the Board does not change the April 10, 2014 Special Permit and the conditions set forth therein, which remains in full force and effect. Further the Board's decision to revoke and rescind the Amendment to the Special Permit is without prejudice to the Applicant renewing its request to amend the Special Permit so long as such request is made in accordance with the Zoning Bylaws of the Town of Scituate and Massachusetts General Laws.


Sara Trezise


Francis M. Lynch


John Hallin

Filed with the Town Clerk and Planning Board: SEPTEMBER 2, 2015

This Finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry 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. Ch. 40, Section 17, and shall be filed within twenty (20) days of the date of filing the decision with the Town Clerk.