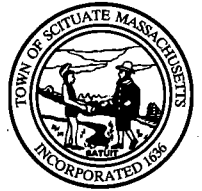


Town of Scituate

ZONING BOARD OF APPEALS

600 Chief Justice Cushing Hwy.
Scituate, Massachusetts 02066
(781) 545-8716



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Decision of the Scituate Zoning Board of Appeals on the application of Drift-Way, LLC for a Special Permit/Finding under MGL c. 40A, §6 and Sections 820, 950.2D, 520.6.34, 520.6.35 of the Scituate Zoning Bylaw and that the Board of Appeals may grant to allow the applicant to redevelop the premises into a three (3) story nineteen (19) unit multi-family building at 7 New Driftway, Scituate, MA.

The application was received, advertised and a public hearing was duly held on March 16, 2023 with the following members of the Zoning Board of Appeals hearing the application:

George Xixis, Chairman
Susan Harrison
Christopher Carchia

The property is owned by the applicant, Shepard Realty Trust, as evidenced by a deed dated June 21, 2005 and recorded at the Plymouth County Registry of Deeds in Book 30782, Page 90. The property is known as 7 New Driftway as depicted on the "Plan of Land in the Town of Scituate, Mass 7 New Driftway" prepared by Erik Schoumaker, P.E., McKenzie Engineering Group dated July 12, 2021 and revised January 27, 2023 ("Site Plan") and upon other plans supplied by applicant as described in the application. According to the Town of Scituate Assessor's Field Card, submitted by the applicant, the existing medical building located upon the property was constructed in 1967. The lot contains 54,385 square feet. The property has 602 feet of frontage on New Driftway. The premises is located in the Water Resource Protection District, Zone A and Zone II and Saltmarsh and Tideland Conservation District and Floodplain and Watershed Protection District. The Zoning Board of Appeals is the permit granting authority for such districts pursuant to Zoning By-Law §460, §470, §950.2D, §520 and MGL c. 40A §6.

The applicant was represented at the hearing by Walter B. Sullivan of Sullivan & Comerford, P.C. Mr. Sullivan explained that the premises contains 54,385 square feet and is improved with a vacant medical building with bituminous concrete driveways, parking and associated utilities. The Planning Board granted Site Plan Administrative Review and Special Permit on November

17, 2022. The existing condition shows the premises having 28,572 square feet of impervious material. The applicant shall construct a nineteen (19) unit multi-family building. In the process, the applicant shall remove portions of the impervious material and as a result, the site will only have 16,190 square feet of impervious material when the applicant's project is completed. Additionally the specific districts involved indicate the following:

Water Resource Protection District

Existing: 28,572 square feet (52.7%)
Proposed: 16,190 square feet (29.8%)

Zone A

Existing : 24,121 square feet (44.3%)
Proposed: 15,557 square feet (28.6%)

Zone II

Existing : 26,108 square feet (48.8%)
Proposed: 16,194 square feet (29.8%)

Overlapping Zone A and Zone 4

Existing : 21,182 square feet (38.9%)
Proposed: 15,557 square feet (28.6%)

The applicant proposes to raze the existing structure and redevelop the site by removing pavement from the premises. The applicant does not propose to introduce any new non-conformities. It is well settled that pre-existing non-conforming uses may be extended or altered provided that there is a finding by the Board of Appeals that the extension or alteration shall not be substantially more detrimental to the neighborhood.

In Zone A of the WRPD of the Scituate Zoning By-Laws encourage infiltration of surface water into the ground so as to filter the water and minimize the possibility that surface water finds its way into the town's drinking water. From the materials submitted by the applicant, it is clear that the impervious materials at the site are being reduced and drainage is being provided and the Water Resource Protection District requirements are being met to the extent practicable. Moreover, this is a redevelopment project and as such the rooftop runoff is being treated to the extent practicable.

Upon review of the application, related materials, and hearing testimony from the applicants' representatives, the Board made the following finding:

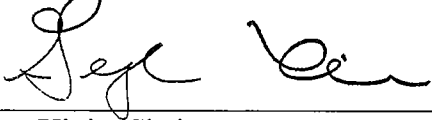
- A. That the proposed Special Permit/Finding under Scituate Zoning By-Law §820, §950.2D, §520.6.34, §520.6.35 and MGL c. 40A §6 to allow the applicant to construct a three (3)

story nineteen (19) unit multi-family building at 7 New Driftway Scituate, MA was appropriate.

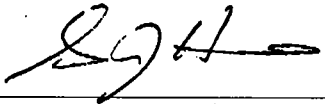
- B. That the proposed multi-family building is not substantially more detrimental to the surrounding neighborhood. In fact, the proposed development shall not be detrimental to the Zoning District as the applicant will reduce impervious material and the proposed use will not alter the character of the zoning district. Moreover, the proposed development will not be injurious, noxious or offensive to the neighborhood.

Based on the foregoing, the Board unanimously voted to GRANT the applicants' request for a Special Permit/Finding pursuant to Scituate ZBL §460, §470, §950.2D, §520.6.34, §520.6.35 and MGL c. 40A §6 of the Town of Scituate Zoning By-Laws, to allow the applicant to construct a three (3) story nineteen (19) unit multi-family building at 7 New Driftway Scituate, MA pursuant to the Site Plan and application materials.

SCITUATE ZONING BOARD OF APPEALS



George Xixis, Chairman



Susan Harrison



Christopher Carchia

This decision was filed with the Town Clerk on July 3, 2023

Appeal of this special permit may be made pursuant to MGL Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of filing of the decision with the Town Clerk.

This special permit 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 expiration of the appeal period of twenty (20) days.

The Zoning Board of Appeals certifies that it has complied with all statutory requirements of MGL c. 40A, Section 9 and 11, and will file copies of this decision with the Town Clerk. The Zoning Board of Appeals further certifies that it has taken into consideration all testimony rendered at the Public Hearing, the comments and suggestions of other boards which have reviewed and made comments on the plans.