



Town of Scituate  
Planning Board  
**Special Permit – Site Plan – Conway Building  
80 Front St.**

**Decision:** APPROVED with Conditions  
**Applicant:** JPC/Scituate Realty Trust, John E. Conway and Patricia E. Conway, Trustees  
**Date:** July 31, 2007  
**Location:** 80 Front St.  
**Assessor's Lot:** 50-7-18-0 (Building No. 2)

Members Hearing Special Permit: Donald Walter, Chairman; William Limbacher, Donna Chisholm, Mary Patricia Brennan, and Mark Fenton.

**Background:** The property is an 18,714 sq. ft. acre parcel which contains four buildings. The land is in the Harbor Business District and is currently developed with several buildings containing office and retail uses. The applicant requested a Site Plan Special Permit from the Planning Board as required under Scituate Zoning Bylaw Section 770.

**Procedural Summary:** The application for a Special Permit was filed with the Town Clerk and the Planning Board on February 26, 2007. A Public Hearing before the Planning Board was duly advertised and notices sent to all abutters in accordance with MGL Chapter 40A. The Public Hearing was opened on April 26, 2007, and continued by mutual agreement between the Board and the applicant to June 28, 2007, and July 12, 2007, when the Public Hearing was closed. On July 26, 2007, the Planning Board voted to approve the Special Permit with conditions.

**Hearing Summary:** The applicant was represented by his attorney, Walter Sullivan Sr. , his engineer, Paul Mirabito, and his architect, Don Lonergan. Mr. Conway introduced the concept by telling the Planning Board the parcel he owns in Scituate contains several buildings. The building at 80 Front St. is over one hundred years old. The applicant had worked with the Design Review Committee and the Commission on Disabilities in developing the plans. The building will have three stories. The first floor will have retail shops and the second and third floors will have office space. The architect, Don Lonergan, described the design as traditional. The façade will have brick and shingles, with vinyl shutters. Roof runoff will be picked up by gutters that will connect to catchbasins in Front St. The Planning Board asked if a telephone pole on Front St. could be eliminated, but the engineer said it served many other buildings on Front St. and had to remain. There was discussion of the design of the building, the logistics of construction and the trash pickup. There was also extensive discussion of zoning in relation to parking, the role of the Board of Selectmen with respect to Cole Parkway, and the use of alternative modes of transportation to serve the building.

**Public Input:**

Joseph Hayes, the Chairman and CEO of Scituate Federal Savings Bank, said the new building would be a very positive contribution to Scituate Harbor. He has 40% less parking in his lot because of internet banking. His parking is down 40%.

Dr. Gordon Price said he thought that the architecture in the Harbor is a hodgepodge, and the design of the newer buildings in the Harbor has been a good thing. He thought the shingles and color of the proposed building would fit in well with the Harbor. The merchants have been waiting for the parking lot at Cole Parkway to be full.

Doreen Close, Summer Street, said she thought the parking was not grandfathered and the Planning Board should not give away Cole Parkway. She thought the architecture was repetitive and suggested breaking up the building into smaller sections to give it the feel of smaller buildings. She asked about the bylaw that says that the third floor has to be set back. The Planning Board told her it would meet the setback.

Lisa Fenton of 25 Crescent Ave. said it was important to increase Scituate's tax base. She thought the Planning Board shouldn't use the parking bylaw to deny projects. She said the town doesn't want more cars but we do want the people.

Lenore BonTempo of 91 Front Street said during the day that parking lot is empty. There are parking spaces for business. The parking space is there for when people want the business. She thought it was simple.

Bob Warner said he had been in Scituate Harbor for 24 years. He liked this project; he liked Jack as he is a very professional person. Jack got the business people excited when he was head of the Chamber. The downtown needs to have a face lift. He was very surprised by the parking issue.

Mike McGowan, Chairman of the Design Review Committee, said he thought the Planning Board was between a rock and a hard place. He didn't think anyone thinks that 25 more cars would cause an overflow. Maybe there should be a long term macro study of all the parking public/private in Harbor. You may find that on paper you may not have enough but there should be common sense.

John Danehey, Selectman, said the project is certainly necessary. Parking is a concern. He had not read a letter from Town Counsel regarding the zoning issues related to parking. If you look at Scituate Zoning Bylaw Section 760.2 there is some ambiguity. Clearly the applicants are giving benefits such as the walkway. The Design Charette showed the need for greenspace and suggested taking away parking. He agreed with Mike McGowan that there is a need for study, so the town will know the capacity of Cole Parkway for projects going forward.

Michael Hayes of First Parish Rd. said he agreed with his brother (Joseph Hayes.) Scituate Zoning Bylaw Section 810 does not apply here. That is for non conforming uses. The Planning Board should use their common sense. They shouldn't go by what some people intend it to say. The letter from Town Counsel is absurd. We need business in the Harbor. You can't worry about what the future brings. If you want to change things then change the bylaw. Anyone who says there is a parking problem is lying. There is no parking problem now. We are talking about now and not 20 years down the road. Set up a committee to analyze the future use of Cole Parkway. If this town does not grow it will die. He is asking the Planning Board not to allow it to die.

**Findings of fact:**

Based on the testimony given during the Public Hearings on this Special Permit, the Planning Board makes the following Findings of Fact:

1. The property that is the subject of this Special Permit is a 18,714 sq. ft. lot in the Harbor Business Zoning District.

2. This lot currently contains four buildings: a 3,992 sq. ft. four-unit building at 84-92 Front St. which contains Larry's Barber Shop, the Nail Care Center, Kukstis Sign Shop and an Irish goods shop; a 6,372 sq. ft. three-story building at 80-82 Front St. which contains Jack Conway Real Estate and other offices; a 5,466 sq. ft. building which contains a bead shop and other uses; and a 6,372 sq. ft. office building at 50 Cole Parkway.
3. The applicant, JPC Realty Trust, filed an application with the Planning Board for a Site Plan Special Permit on February 26, 2007.
4. There is no on-site parking for this site. Historically, all parking has been provided by public parking. The applicant has provided an analysis of parking demand showing that with the proposed new retail and office building, the site will require 130 parking spaces.
5. In 1988, the site contained the 302 seat Satuit Bar and Restaurant. Scituate Zoning Bylaw Section 760.6 requires one parking space for every four seats in a restaurant, and the restaurant required 76 parking spaces. In 1988, the site would have required 162 parking spaces in total.
6. Section 760.2 of the Scituate Zoning Bylaw states that structures and land uses in existence on January 1, 1988 are not subject to the requirements of the Zoning Bylaw so long as they are not enlarged or changed in a manner that increases their parking needs. The amount of parking now required, 130 spaces, is less than the amount previously required.
7. The Zoning Board of Appeals approved a Section 6 finding authorizing the use of parking for this site in Cole Parkway.
8. The proposed public walkway and bike racks will encourage non-vehicular transportation.
9. In an effort to refine the appearance of the building, the applicant had three meetings with the Design Review Committee, on March 21, 2007, April 18, 2007 and May 16, 2007.
10. The construction of the new building will allow improvements to the existing sewer connection, which includes a manhole located under the building. The new sewer and water hookups will be required to meet current DPW specifications.
11. Adequate parking will be provided. Other adequate and appropriate facilities will be provided to assure the proper operation of the proposed use or structure, including the methods of disposal for sewage, refuse and other wastes safety, and adequacy of water supply and distribution. Through the improvements to this site and the proposed public walkway, adjoining premises will be further protected against possible detrimental and offensive methods of utilizing the site.
12. The Site Plan meets the standard of review for Site Plan Special Permits of Section 770 of the Scituate Zoning Bylaw.

**Decision:** Based upon the findings of fact, a motion was duly made and seconded to approve the Special Permit with conditions.

1. All construction shall be completed according to a Site Plan for 80 Front St. by Ross Engineering Company Inc., dated February 22, 2007, and elevations by DRL Associates, Inc., dated 4/11/2007, revised 6/8/2007, with the exception of any modifications needed to conform to these conditions.

2. All construction shall comply with all requirements of the State Building Code, including CMR 521, Accessibility Requirements; the Conservation Commission, Board of Health, DPW and Fire Chief, including location of hydrants, sprinkler system, fire lanes and other requirements.
3. All construction shall comply with requirements of the National Flood Insurance Program.
4. Following the demolition of the existing building, a supplemental site plan shall be prepared showing the existing locations of the utility lines and the proposed relocations of said utility lines, in accordance with the requirements of the Department of Public Works. If requested by the DPW, the applicant shall submit construction details for curb cuts, water, and sewer service for DPW approval. This approval extends to the final design of the drainage system including the structures inside and external to the buildings.
5. The components of the drainage system shall be maintained according to an Operation & Maintenance Plan approved by the DPW and the Conservation Commission. The applicant or its successor in title shall be responsible for the maintenance of the drainage system shown on the plan or as modified by the DPW.
6. All materials including white cedar siding shall be as per the Design Review Committee memo to the Planning Board of May 20, 2007, except that these may be improved in cost and quality subject to the approval of the Design Review Committee and Planning Board if desired by the applicant.
7. The third floor setback of the reconstructed building shall be in accordance with Zoning By-Law Section 620.1 (third paragraph).
8. The public walkway access easement to and from Front Street and Cole Parkway shall be granted to the Town of Scituate, subject to the approval of the Board of Selectmen, so as to assure perpetual availability for such purposes.
9. No change of the retail or office uses shall be undertaken without an amendment of the site plan special permit. The uses on this site shall in no event require more than 130 parking spaces.
10. The use of Cole Parkway for tenant, staff and customer parking shall be subject to approval of the Board of Selectmen. The applicant must obtain any other required zoning approvals for increased use of the parking in Cole Parkway prior to applying for a building permit. All parking shall be in accordance with Zoning By-Law Section 760.2.
11. The dumpsters shall be leak-proof with tight fitting covers and shall be maintained in a secure area behind the reconstructed building as shown on the "Supplemental Site Plan Showing Dumpster Location & Security" by Ross Engineering Company Inc. dated April 5, 2007. No trash shall be stored outside except inside the dumpster.
12. A rack for eight (8) bicycles shall be installed in the secured area on the owner's property at the rear of the reconstructed building for tenant and employee use; and another rack for eight (8) bicycles shall be placed in Cole Parkway, subject to the approval of the Board of Selectmen, for use by the public.
13. The property owner shall maintain all common areas including the walkway where the public easement is proposed, window boxes and planted areas.

14. A pre-construction conference will be held prior to the start of construction, and shall include the applicant, their engineers, their contractor, a representative of the DPW, the Conservation Agent, Building Commissioner and Town Planner.

15. Detail of lighting fixtures and signage shall be provided to the Planning Board prior to issuance of the first occupancy permit. The different businesses in the building shall use coordinating carved wooden signs.

16. Construction phasing, including the location of a staging area and schedules, shall be reviewed at the pre-construction conference. The hours of construction shall be limited to 7 AM to 7 PM weekdays and 8AM to 4 PM Saturdays, with no work to occur on Sundays, holidays or Heritage Days. The name of a contact person who is available at all times during construction shall be provided to the Building Department.

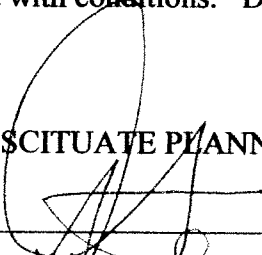
17. Noise mitigation and proper dust controls shall be used, with clean-up of all areas of the site as needed, and truck idling on the site or adjacent streets shall be kept to a minimum. There shall be no off-site parking or standing of construction vehicles. In no event shall Front St. be closed or blocked off during construction.

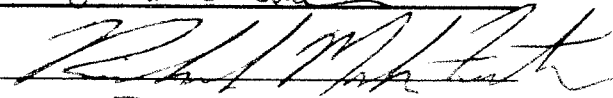
18. Prior to razing the existing buildings, the applicant shall provide a performance bond of at least \$15,000 to the town to guarantee completion of infrastructure and site work. The amount of the bond shall be reviewed and adjusted if needed at the pre-construction conference.

19. Any public property disturbed during construction shall be brought to like or better condition as previously existed prior to completion of the project.

**Vote:** Donald Walter, Chairman; William Limbacher, Mary Patricia Brennan, and Mark Fenton voted to approve the Special Permit with conditions. Donna Chisholm voted in opposition to granting the Special Permit.

SCITUATE PLANNING BOARD

  
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William Limbacher

  
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Donald Walter

  
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Mary Patricia Brennan

The Planning Board certifies that it has complied with all statutory requirements of MGL Chapter 40A, Sections 9 and 11, and will file copies of this decision with the Town Clerk. The Planning Board 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, and all plans and documents submitted by the applicant.