

**Scituate Zoning Board of Appeals
Meeting Minutes
January 17, 2019**

The Scituate Zoning Board of Appeals held a public hearing on January 17, 2019 at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:00 P.M.

Present: Anthony Bucchere, Chairman, Edward Tibbetts, Thomas Cavanagh, Brian Sullivan

Also Present: Bob Vogel, Building Commissioner and ZEO.

First Application: (Continued from December 20, 2018) Sylvain Dumet of 55 Greenfield Lane, Scituate, MA requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and/or Section 810.2 of the Scituate Zoning Bylaw and/or relief that the Board of Appeals may grant to raze and reconstruct the pre-existing, nonconforming building at **55 Greenfield Lane, Scituate MA (Assessor's Map 54, Block 1, Parcel 17).**

Mr. Sullivan said this is a Continuance from December 20 for a special Permit/Finding and the Applicant has since requested that they be permitted to withdraw their application without prejudice.

Motion seconded by Mr. Tibbetts, All in favor, unanimous.

Second Application: Amy L. Lagomarsino, Trustee of 272 N. Montclair Avenue, Glen Ellyn, IL 60137 requests a Variance pursuant to M.G.L. Chapter 40A, Section 10 to allow the building/maintenance of an existing shed located within the required R3 side setback area of the pre-existing, nonconforming property located at **15A Collier Avenue, Scituate, MA (Assessor's Map 8, Block 5, Parcel 13).**

Representing the Applicant: Attorney Anthony Panebianco of Drohan, Tocchio and Morgan PC

Also in Attendance: Amy L. Lagomarsino

Mr. Panebianco introduced himself and explained he was representing Ms. Lagomarsino of 15A Collier Avenue. He referred to the letter sent by Robert Vogel, Building Commissioner, to the applicant, dated October 23, 2018 which stated that the structure being constructed at 15A Collier Rd must adhere to the setbacks of the R-3 Zone. Mr. Panebianco explained that due to the unique shape of the land and location of the dwelling, meeting setbacks would be virtually impossible.

There was much discussion among the Board about other options for the location of the shed. They discussed that this was creating a new nonconformity and they asked the applicant if they could relocate it to the opposite corner where they could meet setbacks.

Mr. Panebianco said they would have to dig up part of the bluestone patio in order to relocate it and it would not be in a convenient location. Mr. Panebianco argued that he had a case for a Variance.

Both Mr. Tibbetts and Mr. Sullivan said that Variances are granted very sparingly and as long as the shed could be relocated to meet setbacks, they could not consider granting one.

Mr. Cavanagh said this did not create a hardship as it was not a necessity but a convenience.

Mr. Bucchere wanted it noted that the Board received 3 letters opposing the Applicant's request.

Mr. Bucchere asked whether any of the neighbors would like to comment.

Jonathan Leet of 14 Ocean Ave

Mr. Leet said that he is an abutter of Ms. Lagomarsino and he does not consider the structure a shed but a garage. He said it is also located on the property line and he does not support granting a Variance.

Mr. Panebianco said he appreciated the neighbor's position but he said the structure will blend in.

Tom Higgins of 12 Collier Ave

Mr. Higgins said granting this variance would set a bad precedent especially since they could relocate the structure to adhere to setbacks.

Mr. Panebianco spoke with the applicant and said he would like to request to withdraw the application.

Mr. Tibbetts made a Move to allow to withdraw the application for a variance without prejudice.

Motion second by Mr. Sullivan, All in favor, unanimous.

Third Application: Darryn P. Campbell of 57 Acorn Street, Scituate, MA requests a Special Permit/Finding pursuant to M.G.L. Chapter 40A, Section 6 to allow the construction of an addition to the pre-existing, nonconforming dwelling at **57 Acorn Street, Scituate, MA 02066 (Assessor's Map 32, Block 9, Parcel 12)** increasing the gross floor area by more than 20%.

Representing the Applicant: Brendan Sullivan, P.E., P.L.S., of Cavanaro Consulting, Inc.

Also in attendance: Darryn Campbell

Mr. Sullivan started by explaining that the lot was created in 1958 and that the dwelling was built in 1962. The lot is located in the R-2 district and it is comprised of almost 2300 square feet. There is supposed to be 60 feet of frontage due to the fact they are located on a cul-de-sac and they measure at 52 feet, so they are lacking frontage. The Applicant is requesting a Special Permit for a 2 story addition including a garage with a master suite above, which would increase the living area by 64%.

Mr. Cavanagh asked if the home was on Town Sewer or Septic.

Mr. Campbell said there is a Septic System located in the rear of the house.

The Board members clarified that the frontage is the only relief the Applicant is seeking.

Mr. Sullivan confirmed.

Mr. Cavanagh made a Motion on the Application of Darren P. Campbell at 57 Acorn Street, Scituate, MA his request for a special permit pursuant to MGL Chapter 40A, Section 6 to allow the construction of an addition to a conforming dwelling on a nonconforming lot as depicted on the plan prepared by Cavanaro Consulting dated 12/12/18 that this Board grant the Special Permit.

Motion seconded by Mr. Sullivan, All in favor, unanimous.

Fourth Application: Request for Modification of Comprehensive Permit issued on February 10, 2003 and most recently modified on September 1, 2017 for the property at 90 Stockbridge Road, Scituate, MA (Assessor's Map 054, Block2, and Parcel 28): Dakota Partners, Inc. and Stockbridge II Realty Trust requests a modification to the Comprehensive Permit granted under M.G.L. Chapter 40B, Sections 20-23, as amended, to change the number of units from seventy four (74) units in fourteen (14) buildings to sixty-eight (68) units in thirty four duplex buildings and to modify the grading. The property is located at **96-100 Stockbridge Road and off Stockbridge Road (Assessor's Maps 54-2-28, 54-2-28A, 54-2-28B and 54-2-28C).**

Representing the Applicant: Attorney Michael O'Shaughnessy

Also in Attendance: Mark Pilotte, VP Development, Dakota Partners and Richard R. DeBenedictis, P.E.

Mr. O'Shaughnessy we are requesting changes to the Comprehensive Permit. The Board determined the change was substantial when the request was presented at January's meeting and I would like to present the changes along with Mr. DeBenedictis.

Mr. Bucchere requested information during the presentation regarding:

1. How has the change impacted the impervious area? Will there be more or less, where was it moved to with the change?
2. Several sources have brought up the subject of new or additional or new peer review.
3. Coordination with the Fire Department and whether that has been completed.

Mr. O'Shaughnessy explained that Mr. Pilotte met with the Fire Chief and he requested change in location for Fire Hydrants. The Stormwater changes have been reviewed by DEP. This project was reviewed by ConCom but effectively went from ConCom to DEP and they issued the final Order of Conditions. As far as grading changes it will be explained tonight and we do not believe it is significant.

Mr. DeBenedictis made a presentation with the site plan regarding the changes from 74 units to 68 duplex units. Due to market changes, duplexes are more marketable. The roads will stay the same. He said the Stormwater stayed the same and the pond at the entrance will not change. He said the grading is easier with duplexes because of the smaller total building coverage. There will be exceptional percolation with the 68 two bedroom units. Stormwater was not affected by the change. DEP's final Order of Conditions will be amended to reflect the duplexes. The retaining wall has been removed and there will be a stone berm instead. The impervious area would be reduced because there would be less asphalt with the garages instead of parking lots. Overall the new design is better for the site.

Mr. Bucchere reported that after discussion with Town Counsel and Brad Washburn, Director of Planning and Development, the recommendation was to have the changes go through Peer Review.

Mr. Bucchere asked if there were any comments from the abutters.

Michael Clark of 103 Stockbridge Road

He said he would encourage Peer Review regarding surface water, additional impervious area and how the water is collected and treated. He would also like to request traffic review for Stockbridge Road.

Mr. O'Shaughnessy objected saying the cost of the Permitting should not continue to escalate.

Jennifer Ventresco of 88 Stockbridge Road

She said her concern was about the drainage and how it would affect her property. She wanted to know who she could speak to regarding the traffic review and the entrance next to her property.

Mr. Bucchere said there would be no traffic light or stop sign. There has been a reduction in units and therefore there would be no need for traffic review. The project has been approved so traffic is not on the table.

Joe Ventresco of 88 Stockbridge Road said he was concerned on how the project will proceed.

Mr. Sullivan asked the Ventresco's whether they have seen the plans for the project. He invited them to review them. He also told them they were available in the Building Department for review.

Mary Jane Sylvester of 114 Greenfield Lane

Her concern was the location of the entrance. She was told it would be 96 Stockbridge Road but there has been clearing for another entrance at 90 Stockbridge Road. There are many roads that merge near 90 Stockbridge and she is hoping that is not the official entrance.

Mr. Bucchere confirmed with the Applicant that the entrance would be 96 Stockbridge Road.

Attorney: Reduced back to the original amount.

Mr. Bucchere said the Hearing was closed to public comment.

Mr. Bucchere conferred with the Board regarding the scope of the Peer Review such as changes to impervious surface, drainage and stormwater.

Mr. Sullivan made a Move to retain an engineer with a retainer cost of \$5000.00 and the scope of work completed within 30 days. The Hearing will be continued until next Public Hearing scheduled on February 28, 2019.

Meeting adjourned at 9:00pm.

Respectfully Submitted,

Susan J. Tice