

**Scituate Zoning Board of Appeals
Meeting Minutes
October 18, 2018**

The Scituate Zoning Board of Appeals held a public hearing on October 18, 2018 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: Edward Tibbetts, Acting Chairman, Anthony Bucchere and Tom Cavanagh.
Also Present: Bob Vogel, Building Commissioner and ZEO.

First Application: Richard LaMarre of P.O. Box 941, Hanover, MA 02339 requests a Special Permit/Finding pursuant to M.G.L. Chapter 40A, Section 6 and/or Section 810.2 and Section 470.6F of the Scituate Zoning Bylaw and/or any relief that the Board of Appeals deems necessary to allow the construction of an addition to the pre-existing, nonconforming single family dwelling at **9 Brunswick Street, Scituate, MA (Assessor's Map 72, Block 16, Parcel 3)** increasing the gross floor area by more than 20 percent.

Representing the Applicant: Registered Engineer, Gregory Morse of Morse Engineering

Mr. Morse explained that the Applicant's home at 9 Brunswick was centrally located on the sight. The proposed addition would be located on the East side of the building. The dwelling is on a nonconforming lot in the R-3 District and Scituate watershed and overlay district. The lot has 5600 square feet with 80 feet of frontage on Brunswick. The structure is also nonconforming with the front yard setback at 14.8 feet. The current floor area is 1176 square feet and although the proposed addition complies with front, side and rear setbacks; it increases the gross floor area by more than 20%.

Mr. Hallin introduced Brian Sullivan as a new member of the Zoning Board.

Mr. Sullivan confirmed with Mr. Morse that the proposed addition was set way back and that the two story addition would not create any additional encroachments.

Mr. Cavanagh clarified that the existing 1,176 of gross floor area would increase to 2,102 square feet because the square footage on the plan differed.

Mr. Morse confirmed that was correct and said that the dwelling was in the Flood Plain Overlay District at AE 13. He also said all of the habitable space is above the flood elevation and that there would be no basement. The Applicant would be appearing before Conservation next week and would be FEMA compliant.

Mr. Vogel said he would review the elevation requirements when he received the Building Permit Application.

Mr. Sullivan made a Motion to grant Richard LaMarre of Hanover, MA a special permit pursuant to section 810.2 and MGL Chapter 40A, Section 6 for his proposed addition in accordance with the plan dated August 31, 2018 by Morse Engineering and the application presented at the hearing to increase the existing dwelling by greater than 20% and the Flood Plain relief under 470.6F with the following conditions:

1. Such improvements must be consistent with the requirements of the National Flood Insurance Program.
2. Any improvements must be consistent with those provisions of the State Building Code (780 Code of Massachusetts Regulations) pertaining to flood resistant construction, in consultation with the Building Commissioner.

3. Any improvements shall not affect the natural drainage patterns of the watercourse.
Motion seconded by Mr. Tibbetts, All in favor, unanimous.

Second Application: Joseph P. Norton II of 11 Collier Road, Scituate, MA 02066 requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and/or Sections 810.3 and 820 of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant to raze and reconstruct the pre-existing, nonconforming building at **8 Allen Place, Scituate MA (Assessor's Map 50, Block 3, Parcel 21-A)** increasing the gross floor area by more than 20 percent.

Mr. Sullivan recused himself regarding this Application due to a previous business relationship with Mr. Norton.

Mr. Norton explained that he owned Mullaney's Fish Market at 8 Allen Place which had been constructed in 1946. His business has been there for 39 years. He was requesting a Special Permit to raze and reconstruct the existing building for a new facility for wholesale, retail and processing. There would be no change in use. He said they were proposing to square off the building and stay at 11.7 feet. The Westerly setback would be 3.5 feet narrower, and the Easterly setback would be decreased by around 5 feet from where the building is located currently. We have 30 feet of frontage that will remain. We are proposing to add a processing plant in order to process more fish from the fisherman in Scituate which will help the fisherman of Scituate. The building is currently on Town sewer. They have 4 existing parking spaces. We are proposing an ADA compliant ramp.

Mr. Tibbetts talked about the proposed loading dock and the 4 foot easement.

Mr. Norton replied that they already had secured the easement. .

Mr. Hallin asked if there were any other comments.

Frank Mirarchi of 67 Creelman Drive said he supported Mr. Norton in his request for a new processing plant because there are 5 fishing vessels that unload in Scituate Harbor and they are having a difficult time competing with the fish that is coming in from all over the world at lower prices. This new plant would improve the margin by selling the local brand at a more competitive rate.

Fred Ayers of 15 Allen Place said he was Mr. Norton's closest neighbor. He said Mr. Norton was a great neighbor and he supported his endeavor 100% because it would be great for the Town.

Mr. Cavanagh made a Motion for Joseph P. Norton II for a Finding for 8 Allen Place to raze and reconstruct the pre-existing nonconforming structure and move that the Board find that the existing property is nonconforming with respect to frontage, the right and left side setbacks, lot area and lot width and frontage; further that the Board find that the proposed reconstruction as shown in the plan prepared by Gregory Morse, Professional Engineer of Morse Engineering dated October 2, 2018 creates no new nonconformities, and to the extent that it intensifies or extends any existing nonconformities, such intensification is not substantial and not more detrimental to the neighborhood and therefore move that the Board grant the Finding on the application for Joseph P. Norton pursuant to Section 810.3 and M.G.L. Chapter 40A, Section 6.

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

Third Application: William O. and Julie A. Luethe of 16 First Avenue, Scituate, MA 02066 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 to construct an addition to the pre-existing, nonconforming single family dwelling at **16 First Avenue, Scituate, MA (Assessor's Map 35, Block 10, Parcel 5)** increasing the gross floor area by more than 20 percent.

Representing the Applicant: Registered Engineer, Gregory Morse of Morse Engineering

Also in attendance: William Luethe

Mr. Morse said he was representing Mr. Luethe and his wife at 16 First Avenue to request a Special Permit to allow an addition to their home. The lot itself is in the R3 Zone. It was constructed in 1928 and the front and side setbacks are nonconforming. The addition would be an in-law dwelling for their

Father. The current home is 1650 square feet and with the additional 750 feet, the new total would be 2400 square feet which would be 45.4% increase to the gross floor area. The addition does not create any new nonconformities. The Applicant has also applied to the Planning Board for the Assessory use. Mr. Hallin confirmed that the existing house and garage would remain.

Motion of the application of William O. Luethe and Julie A. Luethe submitted for the finding to build an addition on the pre-existing nonconforming structure located at 16 First Ave move to find that the structure is nonconforming with respect to both the right setback and front yard setback and the proposed addition plan prepared by Gregory Morse, Morse Engineering dated September 18, 2018, increasing the square footage by 45.4% will not intensify or increase any pre-existing nonconformities and to the extent that it does, it is not more substantial and not more detrimental to the neighborhood and therefore move that the Board grant a Special Permit/Finding on the application under Section 810.2 of the Scituate Zoning Bylaw and Chapter 40A, Section 6 of the M.G. L.

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

Fourth Application: Todd and Marissa Glowac of 75 Turner Road, Scituate, MA 02066 requests a Special Permit/Finding pursuant to M.G.L. Chapter 40A, Section 6 and/or Section 810.2 of the Scituate Bylaw to construct an addition to their pre-existing nonconforming residence at 75 Turner Road, Scituate, MA (Assessor's Map 4, Block 9, Parcel 19) increasing the gross floor area by more than 20 percent.

Representing the Applicant: Paulette O'Connell, AIA, LEED, AP of OCO Architecture Design
Also in attendance: Todd and Marissa Glowac

Ms. O'Connell said Todd and Marissa Glowac of 75 Turner Road were requesting a Special Permit/Finding to construct an addition to their home. She explained that they had a nonconforming lot and structure. The size of the lot is 9800 square feet which is just shy of the required lot size in the R3 Zone. The frontage is 97 feet instead of the required frontage which is 100 feet. The lot is larger lot than most of the other residences at 9800 square feet. The current home only covers 20% of the lot. The Addition is two story and would add 830 square feet which would add 49% to the gross floor area to the existing home but it is in keeping with the size of the other homes in the area. It is conforming on all setbacks except the front setback.

Ms. O'Connell also said she had two supporting letters from abutters.

Mr. Hallin confirmed that the existing driveway would remain.

Mr. Vogel confirmed that it was not in flood zone and on town sewer.

Mr. Sullivan made Motion to grant a Special Permit to Todd and Marissa Glowac of 75 Turner Road in accordance with 810.2 Scituate Bylaw and M.G. L. Chapter 40A to construct an addition to their home at 75 Turner Road in keeping with the plan by Webby Engineering date September 19, 2018 as presented at the meeting.

Seconded by Mr. Tibbetts, All in favor, unanimous.

Fifth Application: C & M Realty Trust of 55 Collier Road, Scituate, MA 02066 requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and/or Section 810.2 of the Scituate Bylaw to construct an addition to the pre-existing, nonconforming dwelling at 55 Collier Road, Scituate, MA 02066 (Assessor's Map 64, Block 6, Parcel 16) increasing the gross floor area by more than 20 percent.

Representing the Applicant: Registered Engineer, Gregory Morse of Morse Engineering
Also in attendance: Leonard Cubellis

Mr. Morse said he was representing Len and Ginny Cubellis at 55 Collier Road to request a Special Permit for an addition. The home is located at 55 Collier Rd and is in the R3 Zone and is on a nonconforming lot with an area of 7,500 feet. The lot has 75 feet of frontage and is 75 feet wide. The Applicant appeared before the board in 2012 regarding their dwelling which was constructed in 1928. The original dwelling was 2,000 square feet and the renovation for the special permit brought it up to 3,000 square feet. The Applicant is seeking an additional Special Permit for the area over the garage which will add 384 extra feet. It represents a 12.7% increase and is not creating any new nonconformities. There will be a small bump out in the back of the garage as shown on the drawing. Mr. Sullivan asked why the Board received a revised plan this evening. Mr. Morse explained that an abutter expressed concern about the bump out on the garage so they pulled it in 2 feet. Mr. Hallin confirmed that the eave overhang was 18" or less. Mr. Cubellis said they were also moving the garage door back which will allow more space for parking. Mr. Tibbetts asked why these improvements were not included in the original Special Permit Application in 2012. Mr. Cubellis said it was due to financial constraints. Mr. Cavanagh asked about the HVAC units and whether they would have to be relocated. Mr. Cubellis said they would be relocated to a balcony. Mr. Hallin asked if there were any comments from the audience. Alex Alvarez of 53 Collier Road introduced himself and said he was the neighbor that spoke with Mr. Cubellis regarding the bump out on the garage. He wanted to express that he was very pleased that he pulled the project back.

Mr. Cavanagh made a motion of the application of Leonard G. Cubellis and Virginia M. Cubellis Trustees of C & M Realty Trust for the application submitted tonight for a Special Permit/Finding to build an addition on the pre-existing nonconforming structure located at 55 Collier Road and move to find that the existing structure and lot area nonconforming as it relates to lot area frontage front yard setback and left side setbacks well as lot width and that the proposed addition as set forth with the plan by Morse Engineering dated September 19, 2018 increasing the square footage by 14.4% move to find that it will not increase any preexisting nonconformities to the extent that it intensifies or extends any existing nonconformities that the proposed addition is not substantially more detrimental to the neighborhood and move that the Board issue the special permit pursuant to Section 810.2 of the Bylaws and section 40.2 of the M.G.L. Chapter 40A. Motion seconded by Mr. Sullivan, All in favor, unanimous.

Mr. Tibbetts made a Move to accept the minutes of June 7 meeting minutes as emailed. Motion seconded by Mr. Cavanagh, All in favor, unanimous.

**Motion to adjourn at 7:50pm
Motion seconded by Mr. Cavanagh, All in favor, unanimous.**

Meeting adjourned at 7:50pm.

Respectfully Submitted,



Susan J. Tice