

**Scituate Zoning Board of Appeals
Meeting Minutes
November 15, 2018**

The Scituate Zoning Board of Appeals held a public hearing on November 15, 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: John Hallin, Chairman, Edward Tibbetts, Tom Cavanagh, Brian Sullivan
Also Present: Bob Vogel, Building Commissioner and ZEO.

First Application: Irving and Mary Jane Versoy of 44 Captain Pierce Road, Scituate, MA requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 610.2B of the Scituate Zoning Bylaw to allow the creation of a fifty foot frontage lot for Lot 1 on the submitted Plan of Land for the pre-existing nonconforming property at **44 Captain Pierce Road, Scituate, MA (Assessor's Map 27, Block 3, Parcel 16).**

Representing the Applicant: James Garfield, Engineer of Morse Engineering

Mr. Garfield explained that he was representing the Versoy's, the owners of Lot 1, 44 Captain Pierce Road requesting a Special Permit/Finding for a 50 foot frontage lot on the public way of Captain Pierce Road. They are in the R-2 District with the lot area of 42, 025 feet. It has been noted that the lot will not be further subdivided and they have an approved Form A from the Planning Board.

Mr. Hallin confirmed that the wetlands had been addressed.

Mr. Sullivan commented that the land had been owned for over 70 years by the current owner and this bylaw was written specifically for estate lots. The current home will stay intact and will remain as only 2 house lots.

Mr. Cavanagh asked about a third lot. Mr. Garfield said they were only addressing lot 1 at this time.

Mr. Hallin asked if there were any comments.

David Becker of 50 Captain Pierce Road wanted clarification on the Application. He said that his first concern was the 100 foot trees that would have to be removed for the driveway. Secondly, he purchased his home 33 years ago to be in a wooded area with large lots. He said he did not want to look at 3 houses.

Mr. Tibbetts clarified that it did not mean that all the trees would be removed because a driveway would not typically be 50 feet wide. In terms of density it would continue to be one of the largest lots around. He further stated that he appreciated Mr. Becker's concerns but this plan would limit the potential for 3 homes where there could have been 4.

Michael Kelleher of 35 Captain Pierce Road said his concern was safety. There had already been a dozen accidents and adding another driveway would increase the likelihood of additional accidents.

Mr. Tibbetts commented again that they would actually be reducing what they could potentially do with the amount of land they own. He said that the original house is being preserved and he applauded the applicant for that.

Mr. Hallin said that the application is an allowed use per the bylaw. The precedent had been set. Mr. Jon Stonis said he lived across the street at 45 Captain Pierce Road. It was his understanding that there was a drainage pipe underground from 44 Captain Pierce Road that property through

his yard. He asked if that would become more of an issue and was concerned about drainage.

He asked how he could find out about plans for drainage.

Mr. Hallin explained that Storm Water would be reviewed when the building permit was submitted.

Ms. Stonis said she was concerned because the water table was already high and there were many flooded basements in the area. She wanted to know whether they would be invited to hear what would be done about drainage.

Mr. Tibbetts explained that most of Scituate is on impermeable land and an engineer would be required to submit a solution for drainage.

Mr. Sullivan move to grant applicant Irving and Mary Jane Versoy a 50 foot lot in accordance with the plan of Stephen Moran of Morse Engineering dated October 17, 2018 under Section 610.2B of the Scituate Zoning Bylaw.

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

Second Application: Joseph Annese of 60 Collier Road, Scituate, MA requests a Finding in accordance with Scituate Zoning Bylaw Sections 810.2, 950.2D, and/or G.L. Chapter 40A, Section 6, and/or any other relief that the Board of Appeals may grant, that the razing and reconstruction, change, extension, or alteration to the pre-existing nonconforming single-family residential dwelling, on a pre-existing nonconforming lot, at **60 Collier Road, Scituate, MA (Assessor's Map 64, Block 0, Parcel 12)** will not be substantially more injurious to the neighborhood, than the existing structure or use.

Representing the Applicant: Attorney Jeff DeLisi, Ohrenberger, DeLisi and Harris LLC and Brendan Sullivan, P.E., P.L.S., of Cavanaro Consulting, Inc

Mr. Hallin stated for the record that a letter was received from Adria Gallagher, an abutter of Mr. Annese in favor of his application to raze and reconstruct.

Mr. DeLisi said he and Mr. Sullivan were representing Mr. Annese's request for a Special Permit/Finding for a raze and reconstruct. The home was built in 1930 and is not currently dimensionally conforming on the front and side setbacks. The lot area is about half the size of the required 10, 000 square foot zoning. It has about 50 feet of frontage. The property is two stories story at approximately 1296 square feet. The proposed dwelling would have 3,166 square feet with a gross increase of 144%. The proposed reconstruction would eliminate the front and side nonconformities. There would be a basement in the new dwelling.

Mr. Sullivan said the plan has been approved by the North River Commission and there was no Storm Water or Conservation review necessary.

Mr. Hallin applauded that they reduced the front and side setback. He confirmed they were on town sewer.

Mr. Vogel asked what the ramification would be on the view corridor.

Mr. Sullivan said it was reviewed by the North River Commission and they set where the view corridor is measured from.

Tracy Kelly of 60 Collier Road said she was 100% behind Mr. Annese's application.

Mr. Tibbets made a Move to grant the application of Joseph Annese of 60 in accordance with the site plan of 60 Collier Road by Cavanaro Consulting dated 8/20/18 in accordance with 810.2 B.

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

Third Application: Patrick and Elizabeth Reynolds of 47 Brook Street, Scituate, MA requests a Finding in accordance with Scituate Zoning Bylaw Sections 810.2, 950.2D, and /or G.L. Chapter 40A, Section 6, and/or any other relief that the Board of Appeals may grant, that the change, extension, or alteration to the pre-existing nonconforming single-family residential dwelling, on a pre-existing nonconforming lot, at **47 Brook Street, Scituate, MA (Assessor's Map 50, Block 6, Parcel 13)** will not be substantially more detrimental or injurious to the neighborhood, than the existing structure or use.

Representing the Applicant: Attorney Jeff DeLisi, Ohrenberger, DeLisi and Harris LLC and Brendan Sullivan, P.E., P.L.S., of Cavanaro Consulting, Inc.

Mr. DeLisi said he was representing Patrick and Elizabeth Reynolds of 47 Brook Street. is a conforming lot but the structure is non-conforming. The lot area is 2 and half times the minimum required area and the dwelling was constructed in 1927. The Applicant is requesting to maintain the existing house but add a covered porch to the front of the house. There will be a two story addition on the East side of the house with a second floor which will be used as storage. The additions on the West side will extending the front porch and include a Master Bedroom on the second floor. This proposal with the second story will add 513 square feet of living space which exceeds the 20% threshold under Section 810.2B which would require a Finding from the Board.

There was discussion about setbacks.

Mr. Vogel said he will review the plans when submitted to the Building Department and have the Mr. Hallin said it looks like the addition on the West side creates and increase in the front setback. Mr. Sullivan said the addition would be configured with the same front setback as the original house which makes it possible to reconfigure the bedrooms.

Mr. Vogel said this would have to go before the Conservation Commission. Mr. Sullivan said they were on Conservations Agenda for the next meeting. He also said that he would have to review the Flood elevation when the Building Permit Application was presented.

Mr. Cavanagh made a Motion on the application of Patrick and Elizabeth Reynolds of 47 Brook Street Scituate MA in their request for a Special Permit/Finding pursuant to Section 810.2B of the bylaw move that the Board find that the lot is pre-existing, nonconforming and that the proposed addition is not substantially more detrimental or injurious to the neighborhood than the existing structure or use and I move that the Board grant the application.

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

Request for Extension of Comprehensive Permit: Stockbridge Realty Trust requests an extension of the 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, Block 2, Parcel 28).**

Representing the Applicant: Attorney Michael O'Shaughnessy

Also Present: Mark Pilotte, V. P. Development, Dakota Partners

Mr. O'Shaughnessy said they were requesting a 3 year extension of the Comprehensive Permit dated February 10, 2003. The extension expires on February 19, 2019. We are making the request because we have gotten behind on construction drawings. The previous person involved, Mr. Obrien, became ill over the summer and the drawings were delayed. Mr. Pilotte became involved in end of September and we have received an extension on all of our other permits and we are requesting the same from this Board.

There was a discussion between Board members because Mr. Sullivan said that this project had begun twenty years ago. They discussed that they are not opposed to an extension but felt 3 years was too long. They agreed on a 1 year extension with conditions.

Mr. Tibbetts made a Motion that the Board modify paragraph 17 of the original Comprehensive Permit as follows: The Comprehensive Permit shall expire on February 23, 2020 if the Applicant has not for whatever cause commenced construction on this project. Furthermore, the Applicant agrees to provide a substantial progress report by May 1, 2019 and appear before the Board before the May 16, 2019 scheduled meeting. Motion seconded by Mr. Cavanagh, All in favor, unanimous.

Meeting adjourned at 8:10pm.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Susan J. Tice".

Susan J. Tice