

**Scituate Zoning Board of Appeals  
Meeting Minutes  
February 28, 2019**

The Scituate Zoning Board of Appeals held a public hearing on February 28, 2019 at the Scituate Public Library located at 85 Branch Street, 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.

Mr. Cavanagh recused himself due to a professional relationship with the Applicant.

**First Application: Kelly and Susan Killeen of 185 First Parish Road, Scituate, MA** request 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 accessory structure on a pre-existing, nonconforming property located at **185 First Parish Road (Assessor's Map 44, Block 3, Parcel 60)** increasing the gross floor area by more than 20%.

Mr. Killeen introduced himself as the owner of 185 First Parish Road and Professional Engineer from CHA Companies of Norwell, MA. He said he prepared the site plan for his application. He was requesting a Special Permit/Finding for a pre-existing nonconforming lot of 17,924 square feet under Section 530 of the Scituate Zoning Bylaw for an Accessory Dwelling. The existing dwelling is 1562 square feet and proposing to add 720 square feet which would be a 46% increase. This exceeds the allowable 20% by the Scituate Zoning Bylaw. All setbacks for the new dwelling would comply with the allowable current zoning setbacks. He has filed with the Planning Board for a permit as well and they are awaiting the decision from the Zoning Board. A Stormwater permit was also filed.

Mr. Bucchere confirmed that the entirety of the structure would be in the building envelope.

Mr. Tibbetts confirmed that the square footage included only living space.

Mr. Vogel asked about the septic system.

Mr. Killeen said they remodeled the house approximately a year ago made allowances at that time to include the bedroom in the proposed dwelling.

Mr. Sullivan made a Move to grant the relief under the section of 810.2 to allow the construction of an accessory dwelling of up to 720 square feet in accordance with SECTION 530 of the Scituate Zoning Bylaw.

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

**Second Application: Derek Flodin of 57 Ridge Hill Road, Scituate, MA** requests a Special Permit/Finding pursuant to M.G.L. Chapter 40A, Section 6 and/or Section 810.2 of the Scituate Zoning Bylaw allow the construction of an addition to the pre-existing, nonconforming dwelling and property at **57 Ridge Hill Road (Assessor's Map 55, Block 2, Parcel 28)** increasing the floor area by more than 20%.

**Representing the Applicant: Richard Rockwood of Rockwood Design, Inc.**

Also in Attendance: Derek and Sheelah Flodin

Mr. Rockwood explained that the lot was nonconforming. The Applicant was requesting a Special Permit/Finding because of the lot size for a two story addition in the rear of the house. The Applicant has a 4 bedroom septic system in place and the current home is 3 bedrooms.

Mr. Vogel said the farmer's porch encroaches into the setback but it does not increase the encroachment.

Mr. Cavanagh made a motion of the application for Derek Flodin, 57 Ridge Hill Road, Scituate, Ma for a Special Permit/Finding pursuant to M.G.L. Chapter 40A, Section 6 and/or Section 810.2 of the Scituate Zoning Bylaw pursuant to the plan dated January 10, 2018 prepared by EET of 465 Furnace Street, Marshfield, MA that this board grant the request for a Special Permit and that it is not more substantially detrimental to the surrounding neighborhood.

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

**Third Application: John Dolan of P.O. Box 1, Greenbush, MA 02040** requests a Special Permit/Finding at 13 Wampatuck Avenue, Scituate, MA pursuant to M.G.L. Chapter 40A, Section 6 and/or Section 810.2 of the Scituate Zoning Bylaw to allow construction of an addition to the pre-existing, nonconforming dwelling and property at **13 Wampatuck Avenue (Assessor's Map 39, Block 7, Parcel 7)** increasing the floor area by more than 20%.

Mr. Dolan represented himself. The front of the house is nonconforming and the lot is nonconforming. He explained that the request was for a single story addition to the front of the house.

Mr. Bucchere stated that the addition would be a significant increase to the nonconformity.

The Board had a discussion regarding how detrimental the addition would be to the neighborhood.

Mr. Tibbets commented on the lot's unusual size.

Mr. Sullivan moved to grant special permit/finding to John Dolan of P.O. Box 1, Scituate, MA under M. G.L. Chapter 40A, Section 6 and/ or Section 810.2 of the Scituate Zoning Bylaw to extend the pre-existing, nonconforming front yard encroachment to 12.7' in accordance with the plan dated January 30, 2019 prepared by Cavanaro Consulting, provided that the aforementioned addition remain one story and that it is not more substantially detrimental to the surrounding neighborhood.

Motion seconded by Mr. Tibbets, all in favor, unanimous.

**Fourth Application: (Continued from January 17, 2019)** 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, Block 2, 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**

Mr. O'Shaughnessy made a request to continue the hearing. He has been working with his engineers to supply the necessary documents needed for Peer Review. He said it was taking longer than expected.

Mr. Bucchere explained that he had a telephone conversation with the Applicant's engineer and Mr. O'Shaughnessy to ensure that Dakota had been supplying the information to CEI.

Requesting they Continue until next meeting. He explained that they believe there would be enough time to follow up at the next meeting as DEP has been working with Mr. DeBenedictis to ensure that the time constraints were met.

Mr. Tibbetts made a Move to continue the application to our next scheduled meeting.  
Motion seconded by Mr. Cavanagh, All in favor, unanimous.

**Fifth Application:** Request for Modification of Comprehensive Permit issued to SEB/Herring Brook LLC ("SEB") on October 3, 2018 allowing development of a 60 unit apartment community at **126 and 132 Chief Justice Cushing Highway (Assessor's Map 58-1-8-A and 568-1-5-0).**

The Board explained that they were unable to locate the last applicant.

Mr. Bucchere made a motion that in the event the applicant was against extending any required timelines under the statute to our next meeting, that we hereby rule that in the absence of further presentation from the applicant, we must find that the change is substantial. Motion seconded by Mr. Tibbetts, All in favor, unanimous.

### **III. PRESENTATION:**

**[NOTICE] Warrant Article Parcel 17-19-5, Adam J. Brodsky, Esq., Drohan Tocchio & Morgan, P.C.**

Mr. Brodsky will be presenting the Citizen's Petition and proposed Map to extend the Humarock Village Residential Overlay Zoning District.

**Representing the Applicant: Adam J. Brodsky, Esq.**

Also in Attendance: Ken Duval and Scott Herzog

Mr. Brodsky said the Applicants purchased 21 Central Avenue. The property is located partly in the Humarock Business District and partly in the Humarock Village Residential Overlay Zoning District. In the past the boat yard was removed from the overlay district and we are simply asking to return it to the overlay district to maximize the use of the property.  
The Board acknowledged that they agreed it would be support the Article.

### **IV. APPROVAL OF MINUTES**

Meeting Minutes approved for the following Public Hearings:

8-30-18  
9-20-18  
10-2-18  
10-18-18  
11-15-18

Meeting adjourned at 8:00pm

Respectfully Submitted,

Susan J. Tice