

**TOWN OF SCITUATE  
ZONING BOARD OF APPEALS  
Meeting Minutes  
February 27, 2020**

TOWN OF SCITUATE  
CLERK  
2020 DEC 23 AM 11:43

RECEIVED

**The Scituate Zoning Board of Appeals** will hold a public hearing at the Public Safety Building located at 800 Chief Justice Cushing Highway on **Thursday, February 27, 2020 at 7:00 P.M.** to consider the following requests:

---

**Present: Anthony Bucchere, Chairman, Tom Cavanagh, Ed Tibbetts, Brian Sullivan and George Xisis**

**Also Present: Robert Vogel, Building Commissioner/ZEO**

**Changes to Laurelwood Drive Plans**

**Paul Mirabito, Ross Engineering - Explained the changes to the original plan.**

Mr. Bucchere - Explained to a member of the audience what the change to the plan, that it was a minor change to the lot line of Lot A.

Mr. Tibbetts - Move to incorporate the plan presented this evening dated November 18, 2019 into the decision of our December meeting.

All in Favor - Unanimous.

**First Application: (Continued from January 16, 2020) Brian O'Neill, Sr., Esq. of 35 Gannett 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 to raze and reconstruct a pre-existing, nonconforming accessory structure increasing the gross floor area by more than 20%. The property is located at **35 Gannett Road, Scituate, MA. (Assessor's Map 15, Block 4, Parcel 7).**

Mr. Sullivan - The applicant has requested a continuance to our next month's hearing.

Mr. Tibbetts - Move to continue.

Mr. Cavanagh - Second.

All in Favor - Unanimous.

**Second Application: Maud Meulstee of 755 First Parish Road, Scituate, MA** requests a Special Permit/Finding pursuant to Section 810.2 of the Scituate Zoning Bylaw and/or M.G.L. Chapter 40A, Section 6 to allow the extension of an existing structure on a pre-existing non-conforming lot increasing the gross floor area by more than 20%. The property is located at **755 First Parish Road, Scituate, MA. (Assessor's Map 30, Block 2, Parcel 18)**

**Present – Maud Meulstee, Applicant**

Ms. Meulstee - Explained the intent of the project to turn the barn/garage into a small living space for her son.

Mr. Bucchere - Asked Mr. Vogel to confirm that the applicant is before the Board due to the lot size and if it is approved by the Board then she would need to go to the Planning Board for approval of an accessory dwelling.

Mr. Vogel - Confirmed.

Ms. Meulstee - Confirmed that she has already applied to the Planning Board.

Mr. Vogel - Went over the letter he had received from an attorney representing an abutter of the applicant opposing the project.

Ms. Meulstee- Clarified that there are two letters, one from the abutters and one from their attorney. She went over the main points of the letter from the abutter's with the Board.

Mr. Bucchere - Asked for clarification as to where the abutter's (The O'Connor's) property is located in relation to the applicant's property.

Mr. Sullivan - Confirmed what the project would entail and if they would be adding bedrooms?

Ms. Meulstee- Confirmed the project and that she is working with the Board of Health so the home and accessory dwelling will comply with the septic requirements.

Open to the Public -

Attorney Donald Nagle, representing Nancy and Michael O'Connor of 739 First Parish Road, Scituate.

Attorney Nagle- Reviewed Section 810.2A of the Scituate Zoning Bylaw.

Mr. Cavanagh - Read the next part of the section stating that the applicant may petition the Board for a finding.

Mr. Bucchere - Reviewed the wording in Section 810.2. Confirmed that nothing in Section 810 states that something cannot happen absolutely.

Mr. Tibbetts - Explained the reasoning behind this section of the Bylaw. It was intended for applicants who want to increase their gross floor area by more than 20% to be able to come to the Board to seek that relief.

Mr. Bucchere - (To Attorney Nagle) - Stated that he (Attorney Nagle) was misinterpreting 810 quite a bit. 810 gives applicants the right to apply for a building permit with a nonconforming lot if they are adding less than 20% to their home. 810 says if they are adding more than 20% and they have a nonconforming lot they can't go straight to the Building Commissioner and then be done, they have to go to the Building Commissioner and come to the Board for relief. That is what it says and that is how we (the Board) have interpreted it for a long time and I think that settles the question as to 810.2.

Attorney Nagle - Stated that having two residences on this property would be detrimental to the neighbors and to the neighborhood of the West End. He stated that it sets a bad precedence in a neighborhood that has always been rural

Mr. Bucchere - Asked if his clients had an accessory dwelling and how many buildings were on their lot.

Attorney Nagle - Stated they did not have an accessory dwelling and that there were two buildings on their lot. And that the second building is not a dwelling.

Mr. Bucchere - Is it a garage or more than a garage?

Attorney Nagle - It is a garage. My client's property is not before this Board.

Mr. Bucchere - Is the garage used as living space?

Attorney Nagle - There is a garage that is used as an office.

Mr. Bucchere - I am just trying to understand your client's property.

Ms. Meulstee - Disagreed with what was said regarding the building on the O'Connor's property. She stated in addition to their home they have a garage and a 540 sq. foot building that he showed her himself. There is a bedroom, bathroom and kitchen and that "her" (Mrs. O'Connor) brother stays in 3 months out of the year.

Mr. Bucchere - Asked if there was a third building on their lot.

Attorney Nagle - Then stated that there was a garage, the residence and a barn that was converted into an office

Mr. Bucchere - Asked for clarification as to how many buildings are on the lot.

Attorney Nagle - Stated that he stands corrected and there is a residence, garage and a barn used as an office.

Mr. Tibbetts - Asked for clarification if there was a bathroom in the office.

Mr. O'Connor - Stated that there was a bathroom but no kitchen or bedroom and that it was a big open space.

Mr. Bucchere - Stated that he was just trying to understand the characteristics of their property.

Mr. Sullivan - Asked in your opinion how would this be substantially detrimental to the neighborhood?

Attorney Nagle - Stated that a 912 square ft. single family residence is a lot different than two separate residences and the proposed accessory dwelling is just over the stone wall of my client's property. It undermines the sense of privacy that is enjoyed by everybody in the West End. In this case it is going to change the feeling of living in a rural area to all of sudden not having privacy.

Mr. Cavanagh - The accessory dwelling that is being proposed is an existing structure on the property.

Attorney Nagle- Stated that it is currently a garage and there is a difference between a garage and a dwelling that she has indicated to his clients that she intends to rent out.

Mr. Tibbetts - There are many other things this applicant could do with this property that could be more detrimental than an accessory dwelling. He stated that Attorney Nagle has not created any case that this accessory dwelling would be substantially detrimental.

Michael O'Connor

Mr. O'Connor - Stated that the applicant had sent them an email saying she was going to rent it out. He also stated that he did not want a separate family living next to his kitchen. He said he would rather see a 6000 sq. ft. home with a single family in it instead of her renting it out.

Mr. Bucchere - Stated that, that is not what is before the Board. He also confirmed that the storage space she is adding will not be able to be living space and/or a bedroom.

Ms. Meustlee - It is not her intention now to rent out the space, she wants it for her son and/or for family when they are visiting.

Mr. Sullivan - Move to grant the special permit and grant finding to Ms. Maud Meulstee of 755 First Parish Road under 40A Section 6 to permit the extension of an existing structure and the renovation of an existing structure on a pre-existing nonconforming lot at 755 First Parish Road in compliance with the plan dated February 19, 2019 from Webbe Engineering and that the accessory dwelling will not be more substantially detrimental to the neighborhood than the current pre-existing nonconformities on the lot. The renovation of the existing structure will not create any new nonconformities and to the extent that it may they are not substantially detrimental to the neighborhood.

Mr. Cavanagh - Second.

All in Favor - Unanimous.

**Third Application: (Continued from January 16, 2020) SLV/WW Scituate, LLC of 257 Hillside Ave, Needham, MA request a Special Permit pursuant to Section 710.2 of the Scituate Zoning Bylaw to allow the installation of signage at 126-132 Chief Justice Cushing Highway, Scituate, MA for the project known as Herring Brook Meadow (Assessor's Map 58, Block 1, Parcels 8A & 5).**

Andrew Tibma of SLV/WW Scituate, LLC

Mr. Bucchere - Confirmed the information received regarding the sign. He questioned why they need a sign so much larger than what is allowed under the Bylaw.

Mr. Tibma- Stated that they needed a larger sign because of all the information they need to go onto the sign.

Mr. Tibbetts - Gave some examples of signs that are smaller for other properties.

Mr. Sullivan - Raised the issue that people tend to speed on the stretch of road where the sign would be and the idea is that a bigger sign would be easier to read as people speed by.

Mr. Tibma - Stated the sign would be made of similar material as the scrim that is currently on the chain link fence and has metal grommets that would be zip-tied to the fence. It is a vinyl mesh banner.

Marcia Klein - ? CJ Cushing Hwy - Stated that she did not say she was opposed to the project just to a large sign. She stated she knows they need a sign but not such a large one.

Mr. Bucchere - Asked for reasons she opposes the sign as it is going on a fence that is already there.

Ms. Klein - Stated that the Board is giving them everything they want.

Mr. Tibbetts - Explained that if the applicant does not like the decision the Board makes regarding the sign they can appeal it.

Frank Kilduff, 125 CJ Cushing Highway

Mr. Kilduff - Stated that at the rate people drive by where the sign would be they may be able to get ¼ of the information that is written on it. He stated he does not see the point in putting a lot of information on the sign and the fence is temporary and the sign would violate the setback bylaws.

Mr. Bucchere - Stated that it was his understanding that they would be approving the sign as temporary in cohesion with the fence.

Mr. Kilduff - I did not see the duration on the information.

Mr. Bucchere - We have not gotten to that point yet, and he has no intention of approving a permanent sign anywhere near this large.

Brian Lannon - 133 CJ Cushing Highway -

Mr. Lannon - Raised the issue of the scrim blowing off as mentioned in prior meetings. Questioning the strength of the metal grommets holding it onto the fence. He also questioned which section of the Bylaw the sign would fall under.

Mr. Bucchere - 710.2 C which allows a sign of up to 100 sq. ft. with the Board's approval.

Mr. Sullivan - Asked Mr. Lannon if he knew how far apart the grommets were on the tarp that blew off.

Mr. Lannon - Thought they were about every 2-3 feet.

Sarah Lannon - 133 CJ Cushing Highway

Ms. Lannon - Asked where the sign would be placed. Is it the north or south gate?

Mr. Bucchere - The north gate.

Mr. Cavanagh - Stated that on the plan that was submitted it looked like it was on the north gate.

Mr. Bucchere - It will be to the right hand side of the north gate.

Sandra Higgin, 25 Hollycrest - Questioned the amount of affordable units and costs.

Mr. Sullivan - Those rates are not set by the developer.

Mr. Bucchere - The purpose of the sign is to provide information while the project is being constructed, when the project is constructed, the fence comes down and the sign comes down.

Mr. Kilduff - Asked for confirmation that if it is approved when the fence goes the sign goes?

Mr. Tibbetts - Asked Mr. Tibma how long they would have the sign up for?

Mr. Tibma - Stated that they would be looking for about one year or until spring 2021.

Mr. Xixis - Suggested that if this sign comes down as the tarp did then it would not go back up.

Mr. Bucchere - Agreed short of a named storm if it comes down again the applicant would need to appear before the Board again.

Mr. Bucchere - I have a motion to grant the special permit requested by the applicant for a 12x5 foot sign consistent with the depiction photograph submitted with the application a special permit be granted under 710.2C and that the special permit be granted with the conditions that sign is secured and attached to the right side of north construction entrance on the existing temporary construction fence, that the sign shall exist up to and including March 1, 2021 with any extension of that to be a request made to this Board and with a further condition that the sign should be better secured than the construction fence and screening has been done in the past and that if whatever is used to secure it fails in something short of a named storm that the applicant will need to reapply for said sign.

Mr. Sullivan - Second.

All in Favor - Unanimous.

**Fourth Application: Leo & Mary Ann Zona of 20 EA Joseph Way, Norwell MA request a Special Permit/Finding pursuant to Section 810.2 of the Scituate Zoning Bylaw and/or M.G.L. Chapter 40A, Section 6 to allow the extension of a pre-existing non-conforming structure increasing the gross floor area by more than 20%. The property is located at 10 Michael Avenue, Scituate, MA. (Assessor's Map 64, Block 5, Parcel 12)**

**Representing the Applicant: Brendan Sullivan of Cavanaro Consulting Also Present Leo Zona, Applicant**

Mr. Brendan Sullivan - Handed out a slightly revised plan to the Board. Mr. Sullivan described the property and it's non conformities. He also described the project to the Board.

Mr. Cavanagh - Asked if the second story deck was going to be covered.

Mr. Brendan Sullivan - Said it was not.

Mr. Xixis - Asked for clarification on the plans.

Mr. Brendan Sullivan - Confirmed Mr. Xixis' interpretation of the plans.

Mr. Brian Sullivan - Went over a letter submitted by the neighbor's at 14 Michael Ave who are opposed to the project.

Mr. Tibbetts - Asked they had investigated the average front setback on the street.

Mr. Brendan Sullivan - Stated they did not take that into account.

Open to the Public

Brian Jones, 6 Michael Ave

Mr. Jones - Stated that he did not oppose the project and felt that it was right in line with other homes in the area.

Mr. Cavanagh - Make a motion on the application of Leo and Mary Ann Zona for a special permit/finding under section 810.2 of the Scituate Zoning Bylaw and chapter 40A, section 6 for the addition as depicted on the plan prepared by Cavanaro Consulting dated January 14, 2020 as modified on February 27, 2020 that the proposed revisions do not create

any new or intensify any nonconformities and to the extent that they do are not more substantially detrimental to the neighborhood.

Mr. Brian Sullivan - Second.

All in Favor - Unanimous.

**Fifth Application: Mark Brown of 10 Linda Road, Pembroke MA** requests a Special Permit/Finding pursuant to Section 810.2 of the Scituate Zoning Bylaw and/or M.G.L. Chapter 40A, Section 6 to allow the extension of an existing structure on a pre-existing non-conforming lot increasing the gross floor area by more than 20%. The property is located at **17 Mordecai Lincoln Road, Scituate, MA. (Assessor's Map 12, Block 4, Parcel 19)**

Present: Mark Brown, Applicant representing the owner Susan Logan.

Mr. Brown - Reviewed the proposed project.

Mr. Cavanagh - Stated that for the record - Mr. Brown is not the owner of the property.

Mr. Brown - Stated that he is representing the owner Susan Logan.

Mr. Bucchere - Confirmed the current and proposed size of the house. He also asked they would be moving the driveway.

Mr. Brown - Stated it was a large driveway that would be getting smaller but not moved.

Mr. Bucchere - Inquired about the wetland buffer zone.

Mr. Sullivan - Stated that the addition is in what is categorized as a resource area because it is within 100 ft. but it is out of the Board's jurisdiction. He also stated that the applicant would need relief from the Conservation Commission.

Mr. Brown - Said okay, that's good to know.

Mr. Sullivan - Stated that it is called a request for determination of applicability.

Open to the Public

Connie Flaherty, 15 Mordecai Lincoln Road

Ms. Flaherty - Stated that she thought the project was a good idea.

Mr. Sullivan - Move to grant the application of Mark Brown of 10 Linda Road, Pembroke, MA on behalf of Susan Logan of 49 Suffolk Road, Wellesley, MA should grant the special permit/finding pursuant to section 810 of the Scituate Zoning Bylaw and/or M.G.L. Chapter 40A, section 6 to allow the extension of a pre-existing nonconforming structure or the intensification of the nonconforming lot located at 17 Mordecai Lincoln Road, Scituate to allow the addition of the second story addition on the existing dwelling in accordance with the plan dated January 13, 2020 of Morse Engineering.

Mr. Cavanagh - Second.

All in Favor - Unanimous.

**Sixth Application: Michael Ahern of 190 Willard Street, Quincy, MA** requests a Special Permit/Finding pursuant M.G.L. Chapter 40A, Section 6 and/or Section 810.2 of the Scituate Zoning Bylaw to allow the reconstruction of a pre-existing, non-conforming single-family home on a pre-existing, non-conforming lot increasing the gross floor area by more than 20 %. The property is located at **19 Sixth Avenue, Scituate, MA. (Assessor's Map 34, Block 6, Parcel 17)**

Present: Michael Ahern, Applicant.

Mr. Ahern- Explained the project to the Board.

Mr. Bucchere - Asked if the existing home is still to be razed or has it already been razed?

Mr. Ahern - Stated that the foundation is still there.

Open to the Public - no public comment.

Mr. Cavanagh - Make a motion on the application of Michael Ahern of 190 Willard Street, Quincy, MA for a Special Permit/finding Special Permit/Finding pursuant M.G.L. Chapter 40A, Section 6 and/or Section 810.2 of the Scituate Zoning Bylaw to allow the raze and reconstruction of the property located at 19 Sixth Avenue as depicted on the plan by Webbe Engineering dated 9/5/19 and as revised up to 1/13/20 that the proposed raze and reconstruct does not create or intensify any new nonconformities and to the extent it does it is not more substantially detrimental to the neighborhood.

Mr. Tibbetts - Second

All in Favor - Unanimous.

**Seventh Application: Christine Stark of 27 Edith Holmes Drive, Scituate, MA** requests a Special Permit/Finding pursuant to Section 810.2 of the Scituate Zoning Bylaw and/or M.G.L. Chapter 40A, Section 6 to allow the extension of a pre-existing, non-conforming structure increasing the gross floor area by more than 20%. The property is located at **27 Edith Holmes Drive, Scituate, MA. (Assessor's Map 34, Block 30, Parcel 4)**

Present: Christine Stark, Applicant

Ms. Stark -Described the project to the Board and nonconformities explained.

Mr. Bucchere - Asked if the front steps were covered as they are not subject to the front setback if they're not.

Ms. Stark - Stated they are not covered.

Mr. Tibbetts - Stated that they would be creating any new nonconformities.

Open to the Public - No public comment

Mr. Cavanagh - Make a motion on the application of Christine Stark of 27 Edith Holmes Drive, Scituate, MA on her request for a Special Permit/Finding pursuant to Section 810.2 of the Scituate Zoning Bylaw and/or M.G.L. Chapter 40A, Section 6 the addition to the property on 27 Edith Holmes Drive as shown on the plan Moran Survey Inc. dated January 11, 2020 the proposed addition does not create any new nonconformities and to the extent that it does is not more substantially detrimental to the neighborhood.

Mr. Tibbetts - Second

All in favor - Unanimous.

**Move to adjourn**

**All in Favor - Unanimous.**

Mr. Sullivan - Move to Adjourn.

Mr. Bucchere – Second.

All in Favor – Unanimous.

Meeting adjourned at 9:11 pm.

Respectfully submitted by,

Beth Heneghan