

**TOWN OF SCITUATE
ZONING BOARD OF APPEALS
Meeting Minutes**

October 15, 2020

Present (via zoom): Anthony Bucchere, Chairman, Ed Tibbetts, Tom Cavanagh, George Xixis (via conference phone)

Also present (via zoom): Robert Vogel, Scituate Building Commissioner

The Scituate Zoning Board of Appeals held a public hearing on Thursday, October 15, 2020 via zoom (remote access/participation). The meeting was called to order at 7:00 P.M. to consider the following requests:

First Application: First Application: (Continued from September 24, 2020) Bryan and Melanie Legge c/o Walter B. Sullivan, PC at 80 Washington Street, Building B, Suite 7, Norwell, MA 02061 request a Variance to allow for the construction of a 30'x15' swimming pool and a 10' x 12' pool house on the south side of the lot closest to Parker Avenue on a non-conforming lot at **9 Moorland Road, Scituate, MA (Assessor's Map 64, Block 3, Parcel 5).**

Mr. Bucchere – confirms with Mr. Vogel that a request for a continuance was received late yesterday afternoon.

Mr. Tibbetts - Moved to continue the application of Bryan and Melanie Legge to the next scheduled meeting of the Zoning Board of Appeals on November 19, 2020. Motion seconded by Mr. Bucchere, all in favor, unanimous.

Second Application: (Previously withdrew application on September 24, 2020) Martin and Ann Thomae of 11 Second Avenue, Scituate, MA 02066 request a Variance pursuant to Section 950.2C of the Scituate Zoning Bylaw and M.G.L. Chapter 40A, Section 10, and/or any other relief that the Board of Appeals may grant, to construct an addition to a pre-existing non-conforming structure on a non-conforming lot. The property is located at **11 Second Avenue, Scituate, MA (Assessor's Map 34, Block 10, Parcel 13).**

Mr. Vogel – Explained that the Thomae's researched and documented the average setbacks as the bylaws allow of the properties 200 feet to either side of their property proved that the average setbacks of those properties was less than the 30 foot stipulated zoning bylaw setback typical but allowed them to go forward with the project as designed and still be within that setback limitation. In other words, they do not need any sort of relief from the board. They can come in and apply for a building permit, which will be granted.

Mr. Tibbetts – Moved to allow the applicants, Martin and Ann Thomae of 11 Second Avenue, Scituate, MA 02066 to withdraw without prejudice. Motion seconded by Mr. Cavanagh, all in favor, unanimous.

Third Application: James and Jamie Fessenden of 10 Eagles Nest Road, Scituate, 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 an existing structure on a pre-existing non-conforming lot increasing the gross floor area by more than 20%. The property is located at **10 Eagles Nest Road, Scituate MA (Assessor's Map 64, Block 2, Parcel 4).**

James and Jamie Fessenden - Reviewed the application and current status.

Mr. Bucchere – Confirms there will be no change to the footprint of the dwelling and the only change being a small overhang in the front entrance. Discussions between board members confirms design and setbacks.

Meeting was opened for public comment

Ken and Carol Conway (abutters @ 15 Eagle Nest Road, Scituate, MA) – Commented that they are in total support of the application.

Mr. Tibbetts – Moved to grant the relief sought under Section 810.2 of the Scituate Zoning Bylaw and/or M.G.L. Chapter 40A, Section 6 to allow the addition and the increase in the gross floor area by more than 20%. Motion seconded by Mr. Cavanagh, all in favor, unanimous.

Fourth Application: Joao and Rita Lopes of 34 Hawley 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 and/or relief that the Board of Appeals may grant to raze detached garage and reconstruct attached two story garage on a pre-existing non-conforming lot. The property is located at **34 Hawley Road, Scituate MA (Assessor's Map 34, Block 26, Parcel 21)**.

The board discussed and reviewed the application. The applicant and/or any party on their behalf were available and/or present.

Christopher Patch, 82 Norwell Avenue, Scituate, MA - Commented that he is familiar with the home and the garage is currently attached to the home.

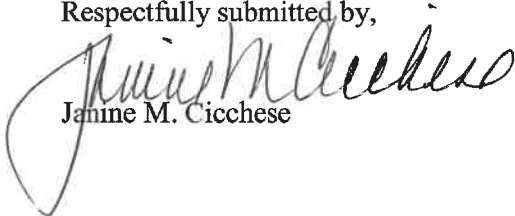
Mr. Tibbetts – and the board further discusses the application, agreed that the application is in order but due to a scrivener's error that must be remedied and clarified, it is suggest that this matter be continued to the next meeting.

Mr. Tibbetts – Moved to continue the application of Joao and Rita Lopes of 34 Hawley Road, Scituate, MA to the next regularly scheduled meeting in November. Motion seconded by Mr. Cavanagh, all in favor, unanimous.

Motion to adjourn by Mr. Cavanagh and seconded by Mr. Bucchere, all in favor, unanimous.

Meeting adjourned at 7:32 pm.

Respectfully submitted by,



Janine M. Cicchese