

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

**March 18, 2021**

**Present (via zoom): Anthony Bucchere, Chairman, Tom Cavanagh, George Xixis, and Susan Harrison**

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

**The Scituate Zoning Board of Appeals** held a public hearing on Thursday, March 18, 2021 via zoom (remote access/participation). The meeting was called to order at 7:00 P.M. to consider the following requests:

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**First Application: (Continued from February 25, 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). Representing the Applicant – Walter B. Sullivan, Sullivan & Comerford, PC, 80 Washington Street, Building B, Suite 7, Norwell, MA 02061.**

**Mr. Bucchere** – Reviewed the application and states that the applicant had requested a withdrawal in writing without prejudice. The applicant was not present at the hearing and they were informed that they did not need to be. Mr. Bucchere made a motion to allow the withdrawal of this application without prejudice. Motion seconded by Mr. Xixis, Ms. Harrison approved, Mr. Cavanagh abstained. Application is withdrawn and no decision is required.

**Second Application: Michael P. McEvoy of 29 Highfield Lane, Norwell, MA 02061** 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 allow the construction of an addition to a pre-existing, nonconforming single-family dwelling at **298 Central Avenue, Scituate, MA 02066 (Assessor's Map 68, Block 1, Parcel 7)** within the existing footprint and increasing the gross floor area by more than 20%. **Representing the Applicant – Richard (Dick) Rockwood, President of Rockwood Design, Inc., 1020 Plain Street, Marshfield, MA 02050.**

**Mr. Bucchere** – Reviewed the application.

**Mr. Rockwood** – continued to review the application and further described the scope of the application. No change to the footprint of the home was proposed and no foundation work.

**Mr. Cavanagh** – questioned Mr. Vogel as to whether any structural engineering documentation. Mr. Vogel stated that that is something that would be determined and that an elevation certificate would need to be submitted to comply with FEMA regulations.

**Meeting was opened for public comment** – no public comments.

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**Mr. Cavanaugh** – make a motion on the application of Michael P. McEvoy of 29 Highfield Lane, Norwell, MA 02061 and his request for a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6, and Section 810.2 of the Scituate Zoning Bylaw for his request to allow the construction of an addition to a pre-existing, nonconforming single-family dwelling at 298 Central Avenue, Scituate, MA 02066 not increasing the footprint but increasing the gross floor area by more than 20% as depicted on the plan by McKenzie Engineering Group dated January 19, 2021 that the proposed addition does not create any new nonconformities or intensify any existing nonconformities and to the extent it does it is not substantially more detrimental to the community. Motion seconded by Mr. Xixis, all in favor, unanimous.

**Third Application: Daniel and Anna Shea of 138R Hollett Street, Scituate, MA 02066** 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 allow the construction of an addition to a pre-existing, nonconforming single family dwelling at **138R Hollett Street, Scituate, MA 02066 (Assessor's Map 20, Block 4, Parcel 38)** and increasing the gross floor plan by more than 20%. **Representing the applicant - Gregory J. Morse (Registered Professional Engineer, Morse Engineering).**

**Mr. Bucchere** – Reviewed the application.

**Mr. Cavanaugh** – stated that the applicants are clients of Mr. Cavanagh and therefore he recused himself from the application.

**Mr. Morse** – continued to review the status of the application. Stated that there will be no change to the two nonconformities (frontage and width). Mr. Morse stated that one of the homes on the property is rented and the applicants occupy the subject of this application.

**Mr. Bucchere** -questions Mr. Vogel on the issue of where both homes predate, does the multi-family use of this property predate the code. Mr. Vogel stated that both homes on this lot predate zoning and that that existence alone allows for the continued use of one home by the owner and another home for rental purposes. Mr. Vogel agrees. Mr. Bucchere confirms with Mr. Morse that no changes are proposed to the existing garage.

**Mr. Vogel** – asked for confirmation in the supplied photograph of the subject of this application. Mr. Morse confirmed. Mr. Morse also confirmed that the property is served by a septic system.

**Meeting was opened for public comment**

**Anna Shea (applicant of 138R Hollett Street, Scituate, MA 02066)** – stated that there is no bedroom to be added and agrees with the application.

**Mr. Bucchere** – makes a motion that the board find that the application of Daniel and Anna Shea of 138R Hollett Street, Scituate, MA 02066 find to allow the addition to the 138R structure on the premises in accordance with the plan drawn by Morse Engineering dated January 21, 2021 and further that the board find that this addition does not create any new nonconformities and that to the extent it intensifies any existing nonconformities such intensification is not more detrimental to the surrounding neighborhood. Motion seconded by Ms. Harrison, all in favor, unanimous.

**Fourth Application: Jeffrey and Cynthia Schechter of 50 Oakwood Avenue, Montclair, NJ 07043** request a Special Permit pursuant to Zoning Bylaw Section 470, finding, and/or any relief that the Board of Appeals may grant to authorize the construction of a second floor in the existing dimensionally conforming single-family dwelling on a dimensionally conforming lot in the Scituate Flood Plain and

Watershed Protection overlay zoning district for property at **143 Jericho Road, Scituate, MA (Assessor Parcel No. 46-14-1-0). Representing the applicant - Jeffrey DeLisi, Esq., Ohrenberger, DeLisi & Harris, LLP, 28 New Driftway, Scituate, MA 02066 and Paul J. Mirabito, PLS (of Ross Engineering Company, Inc.).**

**Mr. Bucchere** – Reviewed the application.

**Atty. De Lisi** – continued to further review the application and scope of the application.

**Mr. Vogel** – stated that the house is in a flood plain so FEMA requirements would have to be met. Mr. Bucchere questioned whether the house will have to come up at all along Jericho Road. Atty. De Lisi stated that the improvements that are being done are not more than 50% of the value of the property and would not require to be brought into FEMA compliance.

**Mr. Bucchere** – noted that where there are no nonconformities with this application, the board considered 470.6(F) which required the application be in accordance with the following:

1. The 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.

Mr. Bucchere and Atty. De Lisi discussed that the footprint of the home is not being changed and is not in a watercourse.

**Meeting was opened for public comment** – no public comment.

**Mr. Cavanagh** – Made a motion on the application of Jeffrey and Cynthia Schechter of 50 Oakwood Avenue, Montclair, NJ 07043 of their request for a Special Permit pursuant to the Town of Scituate Bylaw Section 470.6(F) for the construction of a second-floor to an existing dimensionally conforming single-family dwelling on a dimensionally conforming lot within the Town of Scituate Flood Plain and Watershed Protection district as depicted on a plan prepared by Ross Engineering dated February 4, 2021 and stamped by Paul Mirabito that the proposed addition is a substantial improvement of an existing structure which legally existed on the date of the bylaw and that the Special Permit be issued in that such improvements must be consistent with the requirements of the National Flood Plain Insurance Program and subsection 2 and 3 of Section 470.6(F) also must be complied with. **\*\*Modified to state\*\*** – conditioned on the fact that the proposed addition is in compliance with 470.6(F)(1). Motion seconded by Mr. Bucchere, all in favor, unanimous.

## **DISCUSSION OF PROPOSED HARBOR RESIDENT STICKER PARKING**

**Mr. Bucchere** – Reviewed prior overview at last meeting of topic of harbor resident sticker parking and opened this topic to discussion of the board. Mr. Cavanaugh stated that he thought the board should support something so that the town looks into the issue of parking for harbor residents, possibly starting with a letter to proper person. Mr. Xixis and Ms. Harrison also agreed that this issue should be pursued.

**Atty. De Lisi** – encouraged the board to vote to write a letter to the Traffic Rules and Regulations Committee in the town to encourage the town to implement a system for overnight parking with stickers for residents in the harbor district.

**Debbie Farrell (of 124 Front Street, Unit 26, Scituate, MA 02066)** – residents of 124 Front Street, Scituate do not have parking and this matter is not addressed in the master deed. Due to several changes over the years in the harbor district many parking spaces have been eliminated. Many new issues have been raised with parking concerns, such as marina/boating traffic and residents working remotely from home. Mr. Bucchere commented that he would support the topic of harbor resident parking for any harbor district resident not just parking for a unit that did not have parking over one that did. Ms. Farrell's recommendation would be that the harbor residents should not be restricted as to where they park as they are now with the A, B, C and D parking stickers. Mr. Cavanagh commented along with other board members, that it was his opinion that that is a "next level conversation" and the purpose of this agenda item is to explore next steps.

**Mr. Bucchere** – stated that in his opinion that the board would be in support of the town further exploring the ability to issue resident stickers to residences existing in the harbor district to allow the holder of that sticker to have overnight parking in Cole Parkway, above and beyond what is currently available to the public. The board's proposal to the rest of town government would be that they would like to see Scituate's town government explore allowing expanded overnight parking to residents of the harbor district. However, as it currently stands, someone who owns a home/property in the harbor district doesn't have any more right to park in public parking overnight than any other individual and maybe they should.

**Linda Noble (of 124 Front Street, #2, Scituate, MA 02066)** – supported discussions regarding this parking issue. Some of Ms. Noble's concerns were commercial overnight parking in the harbor, flooding, security and marina/boating parking.

**Kathleen Baldwin (of 124 Front Street, #4, Scituate, MA 02066)** – expressed same concerns including flooding, ticketing in restricted areas, having to shuffle her car from spot to spot as she works from home remotely. Mr. Bucchere questioned Ms. Baldwin as to when the ticketing became an issue when parking overnight in Cole Parkway. Ms. Baldwin stated she believed it was when the A, B, C and D stickers were instituted in approximately 2019. Mr. Bucchere questioned Ms. Baldwin, Ms. Noble and Ms. Farrell that on a regular basis were they able to find regular parking where they will not be ticketed, they confirmed they were not and also stated that there were too many restrictions in place.

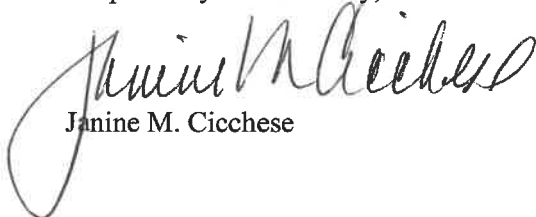
**Mr. Bucchere** – stated that his first thought was that he should try to contact the Chief of Police and get his thoughts on this issue. Additionally, the Board of Selectmen, Town Administrator and Parking Committee could be contacted. Mr. Bucchere proposed to reach out to the Chief of Police, report the outcome back to the board and would draft a letter to the Town Administrator, Parking Committee and copy the Board of Selectmen and Planning Board and ask for feedback from the board members at our next scheduled meeting on April 15, 2021 where he will share his results.

## **ADJOURNMENT**

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

Meeting adjourned at 8:14 pm.

Respectfully submitted by,



Janine M. Cicchese