

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

November 18, 2021

Present: Anthony Bucchere, Chairman, George Xixis, Susan Harrison, Justin M. Marks, Christopher Carchia
Also present: Robert Vogel, Scituate Building Commissioner

The Scituate Zoning Board of Appeals held a public hearing on **Thursday, November 18, 2021** in the Scituate Town Hall located at 600 Chief Justice Cushing Highway. The meeting was called to order at 7:00 P.M. to consider the following requests:

First Application: Robert J. Murray, 40 Battery Street, Unit 110, Boston, MA 02109 requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 810.2 of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant, to allow the razing and reconstruction of a pre-existing, nonconforming single-family dwelling at **603 Hatherly Road, Scituate, MA 02066 (Assessor's Map 7, Block 5, Parcel 48)** and increasing the gross floor area by more than 20%. **Representing the Applicant - Jeffrey DeLisi, Esq., Ohrenberger, DeLisi & Harris, LLP, 28 New Driftway, Scituate, MA 02066 and Nick Leing, Engineer at Grady Consulting, L.L.C., 71 Evergreen Street, Kingston, MA 02364.**

Atty. De Lisi – the property is located in an R2 zoning district and is a corner lot which has frontage on both Hatherly Road and Cricket Circle. The lot is preexisting as to area, width and frontage. The structure was constructed in approximately 1956. The proposal is to raze the house and reconstruct a new dwelling that completely eliminates the front yard setback dimensional non-conformities. Also, by dedicating the frontage road to be Cricket Circle, the address will be changed. The engineer has spoken with an abutter who has expressed some concerns regarding stormwater runoff and addressed her concerns.

Mr. Bucchere – pointed out that three non-conformities would be eliminated and lot area is what it is and would not change. The proposed house would be larger but not on a much larger footprint. No questions or issues from other board members.

Mr. Vogel – noted that the impervious area is actually being decreased according to the Grady Consulting plan.

Meeting was opened for public comment – no public comment.

Mr. Bucchere – made a motion that the board find that the proposed raze and reconstructed home at 603 Hatherly Road as shown on a plan drawn by Grady Consulting and dated August 31, 2021 does not create any new nonconformities and to the extent that it intensifies any existing nonconformities such as intensification is not more detrimental to the surrounding neighborhood. Motion seconded by Mr. Xixis, all in favor, unanimous.

Second Application: William Murphy, 223 Summer Street, Norwell, MA 02061 requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 810.2 of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant, to allow the razing and reconstruction of a pre-existing, nonconforming single-family dwelling at **145A Glades Road, Scituate, MA 02066 (Assessor's Map 5, Block 3, Parcel 76)** and increasing the gross floor area by more than 20%. **Representing the Applicant – Jeff Hassett, Civil Engineer with Morse Engineering.**

Mr. Hassett – the proposal is to raze and reconstruct the existing house. The lot is nonconforming with respect to area, frontage and width and the existing house is nonconforming with respect to the front and northerly side setback. The proposed house will be a 215% increase, which will be 2,156 square feet. The new house will be constructed in accordance with building code for construction within a FEMA AE zone and the new house does not create any new nonconformities.

Mr. Bucchere – confirmed setbacks and removal of existing stoop with Mr. Hassett. The board confirmed that this is subject to the Order of Conditions from the Conservation Commission. Mr. Vogel reiterated the conservation issue, approval from the Historical Commission and FEMA requirements.

Meeting was opened for public comment –

Angela Fagin (abutter @ 145R Glades Road, Scituate, MA 02066) – expressed concerns regarding a plan for construction equipment and removal of debris as area is narrow. Mr. Murphy explained that they haven't got that far and is currently seeking the proper approvals first but will continue to speak with the neighboring abutters. Mr. Bucchere stated that any trespassing issue is a private matter. Mr. Bucchere also noted that any plans would be available for viewing at the Building Department.

Mr. Bucchere – made a motion that the board find that the proposed raze and reconstruction at 145A Glades Road as shown on a plan drawn by Morse Engineering dated October 6, 2021 does not create any new nonconformities and to the extent that it intensifies any existing nonconformity such intensification does not substantially more detrimental to the surrounding neighborhood. Motion seconded by Mr. Carchia, all in favor, unanimous.

Third Application: James and Mary Shea, 9 Pond View Avenue, Scituate, MA 02066 request a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 810.2 of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant, to allow a single-story addition to a pre-existing, nonconforming single-family dwelling at **9 Pond View Avenue, Scituate, MA 02066 (Assessor's Map 15, Block 4, Parcel 9).** **Representing the Applicant – Jeff Hassett, Civil Engineer with Morse Engineering.**

Mr. Hassett – the proposal is for a one-story addition to a single-family dwelling. The lot is nonconforming with respect to width and frontage, area is conforming. The setbacks are conforming. The addition would be a 25% increase and will be 2,088 square feet, which is in character with the neighborhood. This property is not in the Scituate Flood Plain District but it is in the FEMA Flood Plain District.

Mr. Xixis – confirmed the proposed footprint with Mr. Hassett. Mr. Bucchere also confirmed with Mr. Hassett that the shed and garage would remain untouched. No other questions/concerns from the board. Mr. Vogel noted that should the AC unit need to be relocated that it be relocated at least 1 foot above BFE.

Meeting was opened for public comment – no public comment.

Mr. Bucchere – made a motion that the board find that the proposed one-story addition at 9 Pond View Avenue shown on a map drawn by Morse Engineering and dated October 21, 2021 does not created any new nonconformities and that to the extent that it intensifies the existing nonconformities such intensifications are not substantially more detrimental to the surrounding neighborhood. Motion seconded by Mr. Xixis, all in favor, unanimous.

ADDITIONAL BUSINESS:

1. **SLV/WW Scituate, LLC** – Request for Renewal/Update to the Special Permit Approval issued on May 26, 2020 and pursuant to 710.2 of the Scituate Zoning bylaw to allow for the construction of a sign at 126/132 Chief Justice Cushing Highway, Scituate MA for a project known The Sanctuary at Herring Brook (“The Property”). **Representing the Applicant - Geoff Engler, SEB, LLC / Strategic Land Ventures, LLC.**

Geoff Engler – due to COVID and a number of other delays, the fence sign that was previously approved was never fixed/erected. The construction at the site is moving along and the sign for the project is ready to be hung. Mr. Engler requested an extension through July 1, 2022. The request/application is identical to the one previously submitted otherwise. The initial date of approval was March 1, 2021, which would be an eighteen-month extension. No comments from Mr. Vogel.

Mr. Bucchere – made a motion that given the COVID-19 pandemic the board find that an extension of the deadline for the signage on the exterior fence from what was previously noted in the permit to July 1, 2022 and be found not to be a substantial modification to our previous ruling and that it be allowed. Motion seconded by Mr. Xixis, all in favor, unanimous.

2. **106-108 Stockbridge Road** – Request for board vote on amendment(s) to berm specifications previously discussed at the September 16, 2021 Scituate Zoning Board of Appeals meeting. **Applicant - Andrew Spath-Stockbridge Properties, LLC of 41 Cavanagh Road, Scituate, MA 02066.**

Mr. Bucchere/Mr. Vogel – The berm that was previously approved requires an amendment. Mr. Vogel further described the dimensional requirements and grading. Mr. Vogel’s recommendation would be a minimum of a 1-to-1 slope which would create the same berm at the same height with a flat planted area with a total width of 25 feet instead of 20 feet. Mr. Vogel and the board discuss the requirements and need for a variance in this matter. After discussion, Mr. Bucchere advised Mr. Spath the he would require relief to build the proposed berm under the code, which would be a variance. Mr. Spath was advised to file an application for a variance and a future hearing.

Mr. Spath – asked for clarification of the slope for the berm, which was provided by the board. Alternative options were also discussed.

Mr. Bucchere – informed Mr. Spath that at this point a new application process will have to be followed for the request for a variance. The previously agreed upon date for the construction of the berm will be waived as all abutters will be re-notified of the variance hearing for further relief.

APPROVAL OF MINUTES:

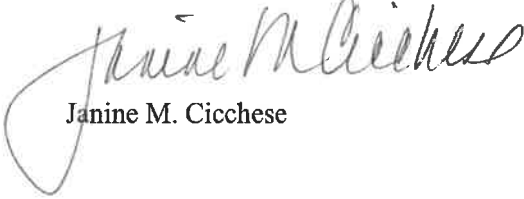
Mr. Xixis – made a motion to approve the October 21, 2021 minutes. Motion seconded by Mr. Carchia, all in favor, unanimous.

ADJOURNMENT

Motion to adjourn by Mr. Xixis and seconded by Ms. Harrison, all in favor, unanimous.

Meeting adjourned at 7:40 pm.

Respectfully submitted by,

A handwritten signature in cursive script, reading "Janine M. Cicchese". The signature is written in dark ink and is positioned above the printed name.

Janine M. Cicchese