

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

**June 16, 2022**

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**TOWN OF SCITUATE**  
**TOWN CLERK**

**Present: Anthony Bucchere, Chairman, George Xixis, Susan Harrison (viz Zoom), Christopher Carchia (arrived @ 7:18 p.m.)**

**Also present: Robert Vogel, Scituate Building Commissioner**

**The Scituate Zoning Board of Appeals** held a hybrid public hearing in the Selectmen's Hearing Room in the Scituate Town Hall located at 600 Chief Justice Cushing Highway and was also accessible via zoom on **Thursday, June 16, 2022 at 7:00 P.M.** to consider the following requests:

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**First Application: (*continued from April 21, 2022*) Thomas P. McCarthy, 49 Aberdeen Drive, Scituate, MA 02066** 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 **121 Jericho Road, Scituate, MA 02066 (Assessor's Map 46, Block 12, Parcel 1)** and increasing the gross floor area by more than 20%. **Representing the applicant – Robert Crawford, Environmental Engineering Technologies, Inc., 465 Furnace Street, Marshfield, MA 02050.**

**Mr. Crawford** – presented and reviewed the application status. The proposed new dwelling meets all setbacks. Mr. Xixis questioned if an average setback was calculated on Jericho Road. Mr. Crawford and the board discussed. Mr. Vogel reiterated that the home is in a FEMA flood zone and the necessary requirements will have to be met for that and that a stormwater permit will be required.

**Meeting was opened for public comment –**

**Robert Mahoney (abutter @ 5 Foam Road, Scituate, MA 02066)** – had a question regarding setbacks. The board addressed his questions.

**Mr. Bucchere** – made a motion that the board find that the proposed razing and reconstruction of the home at 121 Jericho Road as shown on a plan drawn by Millbrook Survey and last dated June 8, 2022 does not create any new nonconformities and to the extent that it intensifies any existing nonconformities such intensification is not substantially more detrimental to the surrounding neighborhood. Motion seconded by Mr. Xixis, all in favor, unanimous.

**Second Application: (*continued from April 21, 2022*) Scott and Tara McGavin, 39 Arrowwood Drive, Scituate, MA 02066** request a Variance in accordance with M.G.L. Chapter 40A, Section 10 and Section 520.5(F) of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant, to allow for the construction of an in-ground pool and retaining wall at **39 Arrowwood Drive, Scituate, MA 02066 (Assessor's Map 16, Block 01, Parcel 25)**. The single-family dwelling is located

on a conforming lot and meets all property line setbacks. **Representing the applicant - Paul J. Mirabito, PLS, Ross Engineering Company, Inc., 683 Main Street, Norwell, MA 02061.**

**Mr. Mirabito** – presented and reviewed the application status. A revised site plan was submitted and presented, which was approved by the Conservation Commission. The amount of alteration of the slope has been reduced from 1,463 square feet to 700 square feet, which is slightly less than half of what was originally proposed. The location of the pool itself will now be in the back yard.

**Mr. Bucchere** – stated he has not received any comments from Conservation Commission. The board feels that this application meets the standards for a variance.

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

**Mr. Bucchere** – made a motion that the board move to grant the variance application for the property at 39 Arrowwood Drive for the swimming pool, retaining wall and resulting graded slope as shown on the plan prepared by Ross Engineering dated May 20, 2022 and that that granting of a variance be subject to any conditions and restrictions contained in the relevant permit issued by Scituate Conservation Commission. Motion seconded by Mr. Xixis, all in favor, unanimous.

**Third Application: (continued from May 19, 2022) Kenton L. Bongarzone, 17 Gates Circle, Scituate, MA 02066** requests a Variance in accordance with 950.2C of the Town of Scituate Zoning Bylaws. Specifically, the applicant seeks a variance from the requirements of Section 520.4A, which mandates a 150' Non-Disturbance Buffer Zone to tributaries in the Water Resource Protection District, for the construction of a single-family dwelling at **5 Williamsburg Lane, Scituate, MA 02066 (Assessor's Map 37, Block 2, Parcel 4A).**

**Mr. Bucchere** – the applicant has reached out to request a continuance to the July 21, 2022 meeting. Mr. Bucchere made a motion to grant the request for a continuance to July 21, 2022. Motion seconded by Mr. Carchia, all in favor, unanimous. **\*At the end of the meeting Bruce Arbonies, 23 Gannett Pasture Lane, Scituate, MA 02066 (as representative of the Water Resources Commission) discussed with the board and followed up on the status of where information stood as a result of discussions after the last hearing.**

**Fourth Application: Allison Rock-Studer, 59 Country Walk, Shelton, CT 06484** requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 820.2 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 **10 Alden Street, Scituate, MA 02066 (Assessor's Map 73, Block 7, Parcel 6)** and increasing the gross floor area by more than 20%.

**Mr. Bucchere** - the applicant has reached out to request a continuance to the July 21, 2022 meeting. Mr. Bucchere made a motion to grant the request for a continuance to July 21, 2022. Motion seconded by Mr. Xixis, all in favor, unanimous.

**Fifth Application: K & E Construction, 209 Broadway, Hanover, MA 02339** 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 **12 Oceanside Drive, Scituate, MA 02066 (Assessor's Map 40, Block 1, Parcel 20)** and increasing the gross floor area by more than 20%. **Representing the applicant – Jeffrey M. Hassett (Registered Professional Engineer, Morse Engineering).**

**Mr. Hassett** – presented the application for a raze and reconstruction at 12 Oceanside Drive. Mr. Hassett additionally requested relief under 470.6F as the property is in the Scituate Flood Plain and Watershed Protection District. The property is located in an R3 zone. The lot is nonconforming as to area, frontage and width. The lot has 5, 770 square feet. The current frontage is 46 feet. The proposal is to demolish the house and the garage, the garage will not be rebuilt. The house will be reconstructed in the same general location. The gross floor area will increase by 125% from 1,254 square feet to 2,286 square feet. The new home will be elevated on concrete piers and will comply with setbacks. This house is not located on a barrier beach.

**Mr. Bucchere** – no additional questions from the board or Mr. Vogel.

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

**Mr. Bucchere** – made a motion that the board allow the proposed raze and reconstruction at 12 Oceanside Drive as shown on a plan drawn by Morse Engineering and dated May 12, 2022 and that the board find that the proposed dwelling does not create any new nonconformities and to the extent it intensifies any existing nonconformities such intensification is not substantially more detrimental to the surrounding neighborhood. The board also finds that the proposed dwelling complies with 470.6F 1, 2 and 3. Motion seconded by Mr. Carchia, all in favor, unanimous.

**Sixth Application: Matthew Cadman, 62 Curtis Street, Scituate, MA 02066** 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 for the construction of additions to a pre-existing, nonconforming single-family dwelling at **62 Curtis Street, Scituate, MA 02066, (Assessor's Map 26, Block 1, Parcel 1)** and increasing the gross floor area by more than 20%.

**Mr. Cadman** – the proposal would be to add two additions – one 16' x 25' on the east side of the home and the other 14' x 12' on the west side of the home, both well within the building envelope. The lot is nonconforming as to lot area. 28% would be being added to the square footage.

**Mr. Bucchere** – no questions from the board or Mr. Vogel.

**Meeting was opened for public comment** –

**Bruce Arbonies (abutter @ 23 Gannett Pasture Lane, Scituate, MA 02066)** – this property is in the Water Resource Protection District. Mr. Arbonies questioned whether the end result of this expansion would go above the 15% impervious limit. There was a discussion with the board regarding this issue. The Water Resource Protection Bylaw Section 520.5 (F)(1) refers to the 15% rule. The board concluded that this application would be over the 15%. Therefore, it appeared the application before the board would violate 520.5 (F)(1).

**Mr. Bucchere** – proposed to move toward a continuance of the application so the applicant can review the plan with the engineer to determine whether he would like to go with the stormwater management system or to adjust the impervious area to a place where a stormwater management system would not be needed.

**Patricia Lambert (14 Alexander Place, Scituate, MA 02066)** – (as a representative of the Scituate Planning Board) – wanted to point out that the Historical Commission should step up and ensure that the town's historical homes are protected. Also, wanted to point out the stormwater. She suggested to reengineer this proposal or come before the Planning Board for a stormwater permit. A discussion took place regarding pervious/impervious.

**Mr. Bucchere** – made a motion to grant the request for a continuance for the 62 Curtis Street application to the July 21, 2022 hearing. Motion seconded by Mr. Xixis, all in favor, unanimous.

**ADDITIONAL BUSINESS:**

Lots 1 through 3, Laurelwood Drive, Scituate, MA – Request for extension of ZBA permit for an additional two-year period to July 15, 2024. **Representing the applicant – Matthew Mitchell, Esq. (for Jeffrey De Lisi, Esq.) of Ohrenberger, De Lisi & Harris, LLP, 28 New Driftway, Scituate, MA 02066.**

**Attorney Mitchell** – the original permit was voted on December 19, 2019 and filed with the Town Clerk on March 11, 2020, at the beginning of the Covid pandemic. The SJC issued order which ultimately held the statute of limitations until June 30, 2020, which would make the expiration date July 15, 2022. Progress has been made with the project but issues remain and therefore an extension was requested. A discussion took place with the board and it was agreed the extension would go through July 15, 2024.

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

**Mr. Bucchere** – made a motion that the board extend the timing of the permit of Lots 1 through 3 at Laurelwood Drive, Scituate to now expire on July 15, 2024. Motion seconded by Mr. Xixis, all in favor, unanimous.

**APPROVAL OF MINUTES:**

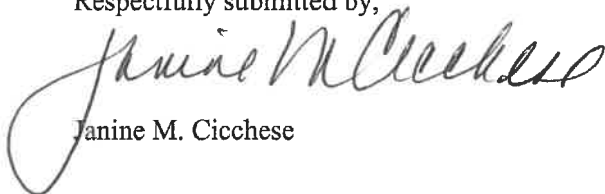
**Mr. Bucchere** – made a motion to approve the May 19, 2022 minutes. Motion seconded by Mr. Xixis, all in favor, unanimous.

**ADJOURNMENT**

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

Meeting adjourned at 8:05 pm.

Respectfully submitted by,



Janine M. Cicchese