

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

August 18, 2022

Present: Susan Harrison (Acting Chair), Justin M. Marks, Christopher Carchia
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, August 18, 2022 at 7:00 P.M.** to consider the following requests:

First Application: (*continued from July 21, 2022*) 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%. **Representing the Applicant – Joseph E. Webby, III, Professional Land Surveyor, 6 Pine Hill Road, Kingston, MA 02364 and applicant.**

Ms. Harrison – confirmed with the members of the board that a revised site plan dated August 4, 2022 was the one that should be referred to for this hearing. The outstanding question was to measure the square footage of impervious surfaces.

Mr. Cadman/ Mr. Webby – stated he believed that he had all the information that was in question. Mr. Webby stated that at the last meeting the board asked to tabulate the impervious surfaces as the property is in a Watershed Protection Overlay District. Mr. Webby stated that currently there is 3,383 square feet of impervious surfaces. Post construction there will be approximately 4,062 square feet of impervious area – going from approximately 21.6% of lot coverage to approximately 26% of the lot area covered by impervious surfaces, which is over the 15% threshold. There would be either 15% or 2,500 square feet, whichever is greater - what is existing now is greater than that. Mr. Webby after consultation with Mr. Vogel, determined that a stormwater permit through the planning board would not be required; however, would be subject to enforcement of this regulation (520.5 (D) (1)). Mr. Vogel stated that prior to issuing a building permit, the calculations and designs for mitigation would need to be reviewed and approved. Mr. Vogel read Section 520.5 (D) (1) into the record and stated that in consideration of what is happening currently on the site that more than likely there will be a better situation after the project than what currently exists.

Ms. Harrison – stated she agreed with Mr. Vogel's assessment. Mr. Webby also commented.

Meeting was opened for public comment –

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Bruce Arbonies, 23 Gannett Pasture Lane, Scituate, MA 02066 (Water Resources Commission) – stated that this property is on the corner of the Water Protection District – the far side of Country Way. Any effort made on the property in terms of water retention should be sufficient.

Ms. Harrison – made a motion that the proposed additions shown on a plan dated August 4, 2022 prepared by J. Webby Consulting, LLC 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 and that the board grant the relief requested with the condition that the stamped and signed engineered system of recharge as described by Section 520.5 (D) (1) of the Scituate Zoning Bylaw be developed and submitted with the application for a building permit. Motion seconded by Mr. Carchia, all in favor, unanimous.

Second Application: Gilbert and Cynthia L. Lentol, 15 Parker Avenue, Scituate, MA 02066 request a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Sections 810.2B, 950.3 A-F and 520.5F 1-2 of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant, to increase the gross floor area of the preexisting, nonconforming single-family dwelling located at **15 Parker Avenue, Scituate, MA 02066 (Assessor's Map 64, Block 04, Parcel 04A)** by 237%. The dwelling will be situated on the lot in a location that will render the structure and building height to be conforming relative to the required property line setbacks and building height accordingly.

Ms. Harrison – stated this application was withdrawn without prejudice as it was deemed not to require relief from the Zoning Board of Appeals.

Third Application: Debra Finn, 39 Cornet Stetson Road, 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 an addition to a pre-existing, nonconforming single-family dwelling located at **39 Cornet Stetson Road, Scituate, MA 02066 (Assessor's Map 52, Block 1, Parcel 7)** and increasing the gross floor area by more than 20%. **Representing the Applicant – Jeffrey M. Hassett (Registered Professional Engineer, Morse Engineering).**

Mr. Hassett – reviewed and presented the application on behalf of the homeowner. The addition is proposed as a 20' x 36' on the right side of the house and it would comply with the required property lines. The property is in the R1 zoning district and the lot is nonconforming with respect to area. The maximum impervious under the WRPD is 20% or 15% if infiltration onsite and currently the lot is nonconforming at 27% and with this addition increases it to 29%. The addition would be an increase of 357 square feet – noted that a portion of the proposed project is currently a swimming pool and impervious anyway. In terms of mitigation for the addition, all of the roof runoff would be infiltrated onsite within a self-service infiltration system. The current house is also nonconforming to its side yard setback on the opposite side of the addition and would not create any new nonconformities.

Ms. Harrison – no questions from the board. Mr. Vogel noted the home was built in 1954 according to the assessor's card, which pre-dated zoning requirements.

Meeting was opened for public comment –

Bruce Arbonies, 23 Gannett Pasture Lane, Scituate, MA 02066 (Water Resources Commission) – stated that this home being in R2 zone the Water Resource Commission would be interested in this; however, noted that as long as the mitigation for the sub-surface water retention comment made by Mr.

Hassett was sufficient then it shouldn't be a problem. Final review of this issue would be part of the application for a building permit.

Ms. Harrison – made a motion that the board find that the proposed addition shown on a plan by Morse Engineering dated June 28, 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 and the board grants the requested relief with the condition that stamped and signed engineered system of recharge as described in Section 520.5 (D) (1) of the Scituate Zoning Bylaw be developed and submitted with the application for a building permit. Motion seconded by Mr. Carchia, all in favor, unanimous.

Fourth Application: Stephen A. DelGrosso and Joan H. Deary, 49 Beaver Dam Road, 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 the razing and reconstruction of a pre-existing, nonconforming single-family dwelling at **49 Beaver Dam Road, Scituate, MA 02066 (Assessor's Map 50, Block 1, Parcel 15)** and increasing the gross floor area by more than 20%. **Representing the Applicant – Jeffrey M. Hassett (Registered Professional Engineer, Morse Engineering) and applicants.**

Mr. Hassett - reviewed and presented the application on behalf of the homeowners. This project would involve demolishing the existing home and reconstructing it on the same footprint with the exception of the expansion of the front porch on the left side and a detached two-story garage behind the house. The project will increase the gross floor area by 79.5% and will be 2,750 square feet, including 480 square feet above the garage. This application is before the board because this lot pre-dates zoning and does not comply with frontage or width. The proposed portion of the home to be enlarged is to the side and no new nonconformities will be created.

Mr. Marks – questioned whether the roof over the new porch would wrap and that was confirmed by Mr. Hassett. Ms. Harrison questioned if the property was located in the Flood Plain or Watershed Resource Protection District and that was also confirmed by Mr. Hassett. Mr. Vogel commented that this would require permission from the Historical Commission prior to demolition.

Meeting was opened for public comment –

Valerie Sweeney (abutter @ 45 Beaver Dam Road, Scituate, MA 02066) – asked for verification that the addition would be on the opposite side of her property line which was confirmed. Ms. Sweeney also had concerns regarding waterflow issues and drainage as the drainage is poor due to clay. Mr. Hassett stated that he did not believe there were any issues regarding significant runoff or a change in drainage patterns. Ms. Sweeney also asked if there would be a bathroom in the garage and that has not yet been determined. Mr. DelGrosso commented that the space above the garage would be roughed in for a bathroom but would not be completed at this time. The septic is designed for four bedrooms and the new home would have three.

Ms. Harrison – made a motion that the board find that the proposed raze and reconstruction of the single-family home shown on the plan provided by Morse Engineering and dated July 12, 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 and the board grants the requested relief. Motion seconded by Mr. Carchia, all in favor, unanimous.

ADDITIONAL BUSINESS:

47 Town Way, Scituate, MA 02066 – Request for extension of ZBA permit and finding from October 3, 2022 until October 3, 2023. **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 – stated he is seeking an extension of the permit until October of 2023. There were conditions for this being issued in February of 2021 due to the Covid pandemic and work was unable to be done in the summer because of the beach. There were delays as to the type of contractors that do this type of work as they were limited and his clients have been diligently working on obtaining a contractor and therefore need an extension. This will be the second extension. A discussion took place with the board regarding the project and how it the revisions will comply with FEMA requirements. The board agreed the extension would go through October 3, 2023.

Meeting was opened for public comment – no public comments.

Mr. Carchia – made a motion that the board extend the timing of the special permit in this matter to now expire on October 3, 2023. Motion seconded by Ms. Harrison, all in favor, unanimous.

ADJOURNMENT

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

Meeting adjourned at 7:34 p.m.

Respectfully submitted by,



Janine M. Cicchese