

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

September 15, 2022

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2022 OCT 21 AM 10:09**

Present: George Xixis, Chairman, Anthony Bucchere (via Zoom), Susan Harrison, 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, September 15, 2022 at 7:00 P.M.** to consider the following requests:

First Application: (*continued from July 21, 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. Xixis – stated that the board had received a request for continuance to the October 20, 2022 and made a motion to grant the continuance. Motion seconded by Mr. Carchia, all in favor, unanimous.

Second Application: Joseph Murphy, P.E. 159 Pine Street, Quincy, MA 02170 requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 810.2A 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 preexisting, nonconforming single-family dwelling located at **35 Hatherly Road, Scituate, MA 02066 (Assessor's Map 45, Block 4, Parcel 6)** and increasing the gross floor area by more than 20%. **Representing the Applicant – Joseph Murphy, Professional Engineer, 159 Pine Street, Quincy, MA 02170.**

Mr. Murphy – reviewed and presented the application on behalf of the homeowner. The homeowner, Jen Mauceri, wishes to expand her home by creating a master bedroom and stay in Scituate. A filing will also be presented to the Conservation Commission due to some wetland delineation. A permit application will also be submitted for stormwater approval as the impervious area will be increasing. The proposed addition will be approximately 524 square feet, which will be within the rear and side setbacks.

Meeting was opened for public comment –

Jen Mauceri (homeowner), 35 Hatherly Road, Scituate, MA 02066 – grew up, graduated high school and raised all three of her children here in Scituate. She would like to remain in Scituate but her family has outgrown her current home. Her request would be for the board to approve the addition of the bedroom as proposed.

Mr. Xixis – asked Mr. Murphy to confirm that the lot area is changing and the frontage is not changing, no change to the front setback, the side setback is going 8.7 to 8 feet and the rear setback is going from 31.4 to 21.2 feet. Mr. Murphy confirmed.

Mr. Vogel – questioned whether the stormwater permit would be required. Mr. Vogel suggested that if a recalculation is done it may be found that a stormwater permit may not be required. Additionally, the submitted plan shows one off street parking space, there is no on street parking in that neighborhood and depending on how many vehicles will be in use with residents of the home, you might want to reconsider that and/or if you do go through the sidewalk and make a curb cut through the granite curbing, you may have to coordinate and go through permitting with the DPW.

Mr. Xixis - made a motion on applicant's request for a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 810.2A of the Scituate Zoning Bylaw and any other relief that the Board of Appeals may grant that the board find that the proposed building addition on the site plan dated July 18, 2022 by Joseph Murphy, Professional Engineer for 35 Hatherly Road creates no new nonconformities and to the extent that it does create new nonconformities those new nonconformities are not substantially more detrimental to the surrounding neighborhood and the board approves the Special Permit both as it is on the plan and in the event the applicant needs to make modifications to the plan in light of the further permitting, that any modifications that do not change the building envelope as proposed on the site plan also be approved. Motion seconded by Ms. Harrison, all in favor, unanimous.

Third Application: Paul Dowd, 15 Seagate Circle, Scituate, MA 02066 requests a Special Permit/Finding in accordance with M.G. L. Chapter 40A, Section 6 and Sections 810.2 and 470.6 (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 addition to a preexisting, nonconforming single-family dwelling located at **15 Sea Gate Circle, Scituate, MA 02066 (Assessor's Map 15, Block 2, Parcel 5)** and increasing the gross floor area by more than 20%.

Mr. Dowd – reviewed and presented the application on his behalf. Mr. Dowd is seeking approval for an addition for an expansion of the first floor and the addition of a master bedroom and storage closet on the second floor. The addition would be within the building envelope. Mr. Vogel commented that this property has previously been raised and having met FEMA requirements for this flood zone.

Meeting was opened for public comment – no public comment.

Mr. Xixis – made a motion on the application of Paul Dowd, 15 Sea Gate Circle, Scituate, MA, requesting a Special Permit/Finding that in accordance with M.G. L. Chapter 40A, Section 6 and Sections 810.2 and 470.6 (F) of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant to allow the construction of an addition to a preexisting, nonconforming single-family dwelling located at 15 Sea Gate Circle, Scituate, MA the board moves and find that the site plan for 15 Sea Gate Circle on the plan dated August 9, 2022 prepared by Ross Engineering creates no new nonconformities and to the extent that it does create any new nonconformities those new nonconformities are not substantially more detrimental to the surrounding neighborhood and the board grant the Special Permit. Motion seconded by Ms. Harrison, all in favor, unanimous.

APPROVAL OF MEETING MINUTES

Mr. Bucchere – made a motion to approve the July 18, 2022, August 18, 2022 and August 23, 2022 minutes for the board as a group for the meetings that they were respectfully present. Motion seconded by Ms. Harrison, all in favor, unanimous.

ADJOURNMENT

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

Meeting adjourned at 7:23 p.m.

Respectfully submitted by,

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

Janine M. Cicchese