

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

**November 17, 2022**

**Present: George Xixis, Chairman, Anthony Bucchere, 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, November 17, 2022 at 7:00 P.M. to consider the following requests:**

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**First Application: Linda Kocher, 1880 Virginia Avenue, McLean, VA 22101 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 preexisting, nonconforming single-family dwelling located at 30 Manchester Street, Scituate, MA 02066 (Assessor's Map 71, Block 7, Parcel 1) and increasing the gross floor area by more than 20%. Representing the Applicant – Dana Altobella and Caroline Rees, Professional Engineers with Merrill Engineers and Land Surveyors and Linda Kocher, Applicant.**

**Mr. Altobella** – reviewed and presented the application on behalf of the homeowner. This dwelling is within the R3 zoning district. The property abuts Manchester Street to the North, Humarock Beach to the East and residential lots to the West and South. This site is located within a FEMA AE13 zone, as well as a VE16 zone. The existing home is a single-family home with a wraparound porch, detached 2 car garages with existing workshop and "open shed", another shed and a paved driveway and storage area. The current home is 2,240 square feet and the existing impervious area is 5,889 square feet. The site is nonconforming as to front and side setback. This application is for a raze and reconstruct for a single-family home with a deck and porch around it, will be elevated on piles and the front setback will be maintained. The proposed garage will have living space above, as well as a proposed storage shed. A Title V septic system will be installed and it is proposed to replace the existing paved driveways. The proposed square footage for the new dwelling will be approximately 3,074 square feet. Erosion controls are proposed on the westerly property line.

**Mr. Xixis** – asked for clarification as to whether the proposed storage shed will be new or replacing an existing structure. Mr. Altobella stated it will be new and that the current shed at the back of the property will be retained. Mr. Xixis and Mr. Altobella also confirmed that the garage with living space will also be new and will replace an existing garage. Mr. Bucchere also participated in this discussion to confirm the submitted plan. Mr. Bucchere also addressed the issue of not hearing the argument before for the capability of issuing a Special Permit for a "new standalone structure" (a shed), which is beyond the building envelope. In Mr. Bucchere's opinion, he felt that proposed storage shed on piles would require a Variance at the proposed location on the plan.

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**Linda Kocher** – further explained the current and proposed space and usage. The proposed space above the garage will be an office, bedroom and a bathroom – not an apartment or kitchen. There is a second smaller shed in the corner of the property. Mr. Bucchere confirmed with Mr. Vogel that there were no accessory dwelling concerns. Mr. Bucchere stated that the concern was the proposed storage shed on pilings as it would be considered a new violation of the building envelope. A discussion of the board and Ms. Kocher regarding this issue followed. Mr. Bucchere went on to state that the shed would require a variance, which was not applied for nor advertised for. If the applicant wished to pursue an application for a shed in the proposed location a variance would be required. The board stated that if the applicant wished to remove the proposed shed from the Special Permit request, the application could be granted with the exclusion of the shed pursuant to the plan and proceed. In the event that a shed was to be considered the applicant could file for a Special Permit or a Variance depending on the location of proposed shed. After such discussion, Mr. Bucchere stated that the shed issue could not be addressed tonight; however, what would be prudent would be for the applicant to proceed with the application for the home and garage, seek to obtain the Special Permit and the board would likely give the requirement that the plan be resubmitted without the proposed shed on it for potential approval and then decide on how to move forward. Ms. Kocher explained that without the shed and the way that the property was designed for the plan, the property would significantly be affected as it was all tied together with parking, landscaping etc. Ms. Kocher stated that moving forward it would be unknown whether approval would be given for the shed, and in that case the plan would have to be designed without the shed. It will have to be determined whether a redesign will need to be reconsidered and/or resubmitted for approval. The board suggested that Ms. Kocher consider a continuance while deciding on a redesign. Mr. Vogel also added that approval from the historical commission would be required to raze and reconstruct due to the age of the home.

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

**Mr. Xixis** – made a motion to continue this application to January 19, 2023. Motion seconded by Mr. Carchia, all in favor, unanimous.

**Second Application: Monica Mackenzie, 5 Alden Road, Hingham, MA 02043** 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 preexisting, nonconforming single-family dwelling and lot at **25 Julian Street, Scituate, MA 02066 (Assessor's Map 73, Block 2, Parcel 8)** and increasing the gross floor area by more than 20%. **Representing the homeowner – Monica Mackenzie, 5 Alden Road, Hingham, MA 02043 and Dan Quail, Architect, Lincoln Architects LLC, 1 Mt. Vernon Street, Winchester, MA 01890.**

**Ms. Mackenzie** – reviewed and presented the application on behalf of the homeowner. This is a small cottage which is currently approximately 600 square feet. The proposal would be to raze and reconstruct a new taller home which would be approximately 3,200 square feet. The nonconformity is lot size, lot width and frontage in this matter. The new dwelling would meet all setbacks. The house will be on pilings. The new home will be approximately 250% increase and will be in keeping with the other neighborhood homes. No issues from Mr. Vogel or the board.

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

**Mr. Bucchere** – made a motion that the board find that the proposed home at 25 Julian Street, Scituate, MA 02066 as shown on a plan drawn by Merrill Engineers and Land Surveyors dated October 1, 2022 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. Motion seconded by Mr. Xixis, all in favor, unanimous.

**Third Application: Patricia Brodigan, 17 Circuit Avenue, 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 preexisting, nonconforming single-family dwelling and lot at **17 Circuit Avenue, Scituate, MA 02066 (Assessor's Map 51, Block 01, Parcel 17)** and increasing the gross floor area by more than 20%. **Representing the Applicant – Caroline Rees, Professional Engineers with Merrill Engineers and Land Surveyors.**

**Ms. Rees** – reviewed and presented the application on behalf of the homeowner. The proposal is for two additions on either side of the single-family home. The lot is nonconforming as to frontage, lot width and the current home is nonconforming as to the front setback. This proposal would increase the home by approximately 33 feet. One addition on the south side will be a two-story addition increasing the footprint on that section by 290 square feet. On the opposite side, close to the rear of the house, a one-story screened in porch is proposed, as well as the extension of a rear deck, a plunge pool and replace the existing shed with a smaller version. All of these proposals are within setbacks and the front setback will not change. The gravel parking and concrete driveway are being replaced with a pervious paver driveway.

**Mr. Bucchere** – asked for confirmation of the side setback. Mr. Bucchere asked if relief was being sought for the plunge pool and advised to follow-up with the Board of Health for setback concerns.

**Meeting was opened for public comment –**

**Alan Macleod (abutter @ 12 Circuit Avenue, Scituate, MA 02066)** – requested the board consider and evaluate two areas of concern: to provide reassurance that no surface runoff from the parking facility or the lot will enter the street and after his review of the proposed plan, it is his determination that the engineering and landscape consultants have not incorporated the intent, applicability and specificity of Section 760 with respect to parking. After discussion of the board and Mr. Macleod, Mr. Macleod's concerns were explained, evaluated and confirmed. It was determined that relief was not being sought for change of use and/or a two-family home, which may trigger further determination of a parking issue. Mr. Bucchere further clarified that this property/area has more than enough area to park the required number of cars required by Section 760.

**Sean Papich (Landscape and hardscape architect on this project)** – confirmed that the permeable paver surface will be used in this project. This project has gone through the Conservation Commission and has been approved.

**Joseph Harold (abutter @ 21 Circuit Avenue, Scituate, MA 02026)** – stated that he and his wife Katie are in full support of this project. Mr. Harold also noted that during the years he has lived at his residence there has never been an issue with parking, cars on the street etc.

**Mr. Bucchere** – made a motion that the board find that the proposed additions to the property at 17 Circuit Avenue, Scituate, MA 02066 shown on a plan drawn by Cavanaro Consulting and dated October 4, 2022 do not create any new nonconformities and to the extent they intensify any existing nonconformities such intensifications are not more substantially more detrimental to the surrounding neighborhood. Motion seconded by Mr. Xixis, all in favor, unanimous.

**Fourth Application: Andrew Gallivan, 14 Wigwam Lane, 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 preexisting, nonconforming single-family dwelling at **14 Wigwam Lane, Scituate,**

**MA 02066 (Assessor's Map 14, Block 02, Parcel 29) and increasing the gross floor area by more than 20%. Representing the Applicant – Gregory J. Morse (Registered Professional Engineer, Morse Engineering).**

**Mr. Morse** - reviewed and presented the application on behalf of the homeowner. The proposal is for an addition to this home which is on a fully compliant lot. The current home on the property was built in 1930 and is nonconforming with respect to front yard setback. The proposed addition would be off the back of the home and a small addition of the westerly back corner. The existing home is 1,764 square feet and with the additions will be 2,644 square feet, which will be a 49.9% increase.

**Mr. Xixis** – asked if any of the construction would violate the 100' wetland setback. Mr. Morse added that this has been before the conservation commission for work in the 100' buffer but the additions themselves are outside the 100' buffer. No comments from Mr. Vogel or the board.

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

**Mr. Xixis** – made a motion that on the applicant's request for the construction of an addition to a preexisting, nonconforming single-family dwelling on 14 Wigwam Lane, Scituate, MA 02066 that the board find that pursuant to the plan by Morse Engineering dated October 19, 2022 that said plan does not introduce any new nonconformities and to the extent it intensifies any existing nonconformities those nonconformities are not substantially more detrimental to the neighborhood. Motion seconded by Mr. Bucchere, all in favor, unanimous.

**Fifth Application: Elizabeth Tufankjian, Trustee of 11 Jericho Road Realty Trust, 10 Jericho 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 the razing and reconstruction of a pre-existing, nonconforming single-family dwelling at 11 Jericho Road, Scituate, MA 02066 (Assessor's Map 45, Block 2, Parcel 62) and increasing the gross floor area by more than 20%. **Representing the Applicant – Allan Tufankjian, 10 Jericho Road, Scituate, MA 02066.**

**Mr. Tufankjian** - reviewed and presented the application. Mr. Tufankjian explained the existing home at 11 Jericho Road is a two-family home. He would like to raze and reconstruct a new home on this property.

**Mr. Bucchere** – confirmed with Mr. Tufankjian that the porch on the front of the home is a single story uncovered porch. Jericho Road is the front of the property. The nonconformity is lot width and frontage. The existing home is approximately 2,900 square feet and the proposed home is 4,800 square feet, which would be an increase of approximately 63%. The new dwelling will be entirely within the building envelope eliminating the nonconforming front yard setback.

**Meeting was opened for public comment –**

**Susan Tedeschi (abutter @ 1 Jericho Lane, Scituate, MA 02026)** – requested that the driveway(s) for 11 Jericho Road with the new dwelling to remain in the front of the home as they are currently as Jericho Lane is very narrow and makes travel difficult – that no new driveways be added. A discussion with Mr. Bucchere regarding the driveway issue followed. Ms. Tedeschi stated she has no issue with the proposed home.

**Michael Saucier (abutter @ 7 Jericho Lane, Scituate, MA 02066)** – stated that he would also request no additional driveways to 11 Jericho Road to avoid any added traffic and safety concerns for children in the area.

**Stephen Bjorklund (861 Main Street, Norwell, MA 02061)** – asked for clarification on the two front setback issue in this matter and in general, that was discussed earlier as this is a corner lot on two roads and there are two front setbacks. A discussion with the board followed. Mr. Bjorklund stated he had no issues with this proposal.

**Ms. Harrison** – asked for confirmation as to whether the proposed new dwelling would be a single-family or a two-family. Mr. Tufankjian stated he would be rebuilding a two-family.

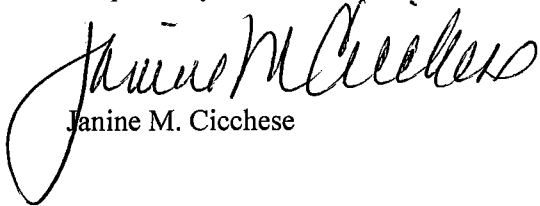
**Ms. Harrison** – made a motion that the proposed raze and reconstruct of a preexisting, nonconforming two-family dwelling shown on a plan prepared by Cavanaro Consulting dated October 20, 2022 does not create any new nonconformities and to the extent that it intensifies any existing nonconformities such intensification is not substantially more detrimental to the surrounding neighborhood and that the board grant the relief requested. Motion seconded by Mr. Xixis, all in favor, unanimous.

#### **ADJOURNMENT**

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

Meeting adjourned at 8:31 p.m.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Janine M. Cicchese". The signature is fluid and cursive, with the first name "Janine" being more prominent than the last name "Cicchese".

Janine M. Cicchese