

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

December 15, 2022

Present: George Xixis, Chairman, Susan Harrison, 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, December 15, 2022 at 7:00 P.M.** to consider the following requests:

First Application: Carl J. Apicella, 4815 East Carefree Highway, Suite 108-292, Cave Creek, AZ 85331 requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Sections 810.2A and 950.3 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 single-family dwelling on a preexisting, nonconforming lot located at **16 Crescent Avenue, Scituate, MA 02066 (Assessor's Map 56, Block 01, Parcel 20)** and increasing the gross floor area by more than 20%. **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. The subject lot is 10,166 square feet, which is a conforming lot; however, the lot frontage and lot width are nonconforming. The application is proposing to raze the existing structure and reconstruct according to the submitted site plan. The reconstructed dwelling would meet all the required setbacks. The existing home was built in 1920 and an application has been filed with the historical commission. An on-site meeting has been conducted and it was indicated that the historical commission would approve the house being razed. A formal decision is pending in this matter. A stormwater permit would be required in this proposal. The proposed increase in square footage for this project is 346%.

Mr. Vogel – asked for confirmation from Mr. Mirabito that the two parking spaces would be side by side. Mr. Mirabito confirmed this – the parking spaces would be to the left of the home. Mr. Vogel also noted a protective fence would be required along retaining wall due to drop on other side.

Meeting was opened for public comment – no public comments.

Ms. Harrison – made a motion that the board approve the proposed raze and reconstruct of a preexisting, nonconforming single-family dwelling shown on a plan prepared by Ross Engineering dated October 6, 2022 and it 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 board approves. Motion seconded by Mr. Xixis, all in favor, unanimous.

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Second Application: Hugh White and Susan Tiersch, 27 First Avenue, Scituate, MA 02066 request 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 **27 First Avenue, Scituate, MA 02066 (Assessor's Map 34, Block 11, Parcel 10)** and increasing the gross floor area by more than 20%.

Mr. White and Ms. Tiersch – reviewed and presented the application on their own behalf. The existing lot is conforming and in an R3 zoning district. The existing structure was built in 1953. Mr. Xixis confirmed with the applicant's aspects of the proposal regarding setbacks, current and proposed. Mr. Vogel and the board had no further questions or concerns.

Meeting was opened for public comment – no public comments.

Mr. Xixis – made a motion on the applicant's application for a proposed addition at 27 First Avenue as shown on a plan done by Tuttle Land Surveying dated March 5, 2022 should be approved and that such addition will introduce no new nonconformities and to the extent that it intensifies any existing nonconformities those are not substantially more detrimental to the surrounding neighborhood. Motion seconded by Ms. Harrison, all in favor, unanimous.

Third Application: Karen and Kevin Straley, 31 Allen Place, 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 preexisting, nonconforming single-family dwelling located at **31 Allen Place, Scituate, MA 02066 (Assessor's Map 50, Block 4, 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 - presented and reviewed the application status. The proposal is to raze and reconstruct the existing home, which is in the R3 zoning district. The existing home was built in 1925. The current nonconformities are the lot area and front yard setback. The new home will comply with all the setbacks. The current floor space area is 1,100 square feet and the proposed floor area is 3,400 square feet, which is a 211% increase. This proposal will actually eliminate a nonconformity by bringing the front yard into compliance. Mr. Xixis further reviewed the application with Mr. Hassett and the board. Mr. Vogel questioned if this proposal would increase the impervious area by 25%. Mr. Hassett stated that it would and a stormwater permit will be sought.

Meeting was opened for public comment – no public comments.

Ms. Harrison – made a motion to approve the proposed raze and reconstruction of a preexisting, nonconforming single-family dwelling as shown on a plan prepared by Morse Engineering and dated October 20, 2022 and revised on December 14, 2022 and 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.

Fourth Application: Daniel and Jacqueline Carton, 58 Egypt Beach 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 for the construction of an addition to a preexisting, nonconforming single-family dwelling located at **58 Egypt Beach Road, Scituate, MA 02066 (Assessor's Map 28, Block 16, Parcel 28)** and increasing the gross

floor area by more than 20%. **Representing the Applicant – Jeffrey M. Hassett (Registered Professional Engineer, Morse Engineering).**

Mr. Hassett - presented and reviewed the application status. This application is for an addition to a single-family home built in 1952 and located in the R3 zoning district. The nonconformities are the lot size, lot width and front yard setback. The proposal is for an addition on the left-hand side of the home that will consist of a garage and living space. The addition will increase the living space to 2,109 square feet for a 47% increase, which is consistent with the neighborhood. Mr. Vogel commented that this part of this lot is in the floodplain and watershed protection district, most of the home is located in an AE 14 flood zone and will involve FEMA with possible total compliance with current regulations. An Order of Conditions will also be required. No further comments from the board.

Meeting was opened for public comment – no public comments.

Mr. Xixis – made a motion to approve and that the board finds that the proposed addition per the plan of Morse Engineering dated November 9, 2022 introduces no new nonconformities and to the extent that it intensifies any existing nonconformities those are not substantially more detrimental to the surrounding neighborhood. Motion seconded by Mr. Carchia, all in favor, unanimous.

Fifth Application: Darryl Wehmeyer, 425 Lincoln Street, 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 for the construction of an addition to a preexisting nonconforming single-family dwelling located at **307 Old Oaken Bucket Road, Scituate, MA 02066 (Assessor's Map 41, Block 1, Parcel 15)** and increasing the gross floor area by more than 20%. **Representing the Applicant – Darryl Wehmeyer.**

Mr. Wehmeyer - presented and reviewed the application. The house was built in 1946 and the proposal is for a garage and living space of 1,062 square feet with the existing square footage being noted as 1,820 square feet for a total of 2,882 square feet, which is consistent with the other homes in the neighborhood. The total increase in square footage percentage is 58%. The nonconformities consist of lot area and front setback. This is a corner lot so this lot has two front setbacks. This application would also include the razing of an existing detached garage. Mr. Vogel questioned whether a stormwater permit may be required due to the increase of impervious area.

Meeting was opened for public comment –

Mathew George and Lily Hou (homeowners @ 307 Old Oaken Bucket Road, Scituate, MA 02066) – questioned the rule on the impervious surfaces. Mr. Vogel commented.

Ms. Harrison – made a motion that the proposed addition on a preexisting nonconforming single-family dwelling as shown on a plan prepared by C & G Survey Company and dated July 23, 2022 does not create any new nonconformities and to the extent that it creates any existing nonconformities such intensification is not substantially more detrimental to the surrounding neighborhood and that the board grant the relief. Motion seconded by Mr. Xixis, all in favor, unanimous.

Sixth Application: Peter and Elizabeth Blanchard, 9 Anthony Street, New Bedford, MA 02740 request a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Sections 810.2 and 470 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 **347 Central Avenue, Scituate, MA 02066 (Assessor's Map 68, Block 2, Parcel 16F)** and increasing the

gross floor area by more than 20%. **Representing the Applicant – Jeffrey M. Hassett (Registered Professional Engineer, Morse Engineering).**

Mr. Hassett - presented and reviewed the application status. This property is located in Humarock and is an R3 zoning district. The property is also located in the floodplain and watershed protection district (primarily the rear portion of the lot). The existing home was built in 1940. The nonconformities consist of lot frontage, width and front and side yard setbacks. The home is currently in the FEMA flood zone and currently non-FEMA compliant. The proposed home will be elevated on wooden piles for full FEMA compliance. The new home is proposed to be narrower to eliminate the nonconformity on the left side and the nonconformity on the right side slightly more conforming. The existing floor space is 980 square feet and the proposed home is 2,358 square feet for 140% increase. Mr. Xixis confirmed a few points of Mr. Hassett's review and questioned the average front yard setback. Mr. Hassett provide aerial views but did not have specific numbers. Mr. Vogel stated that an Order of Conditions will be required. Mr. Hassett confirmed that the number of bedrooms will remain the same.

Meeting was opened for public comment – no public comments.

Mr. Xixis – made a motion that the applicant's request for a special permit to raze and reconstruct the single-family dwelling located at 347 Central Avenue, Scituate, MA and increasing the gross floor area by more than 20% per the plan of Morse Engineering dated November 11, 2022 be granted and that the board find that the raze and reconstruct as per the plan sets forth no new nonconformities and to the extent that it intensifies any existing nonconformities that intensification is not more substantially detrimental to the surrounding neighborhood. Motion seconded by Ms. Harrison, all in favor, unanimous.

Seventh Application: Joel and Molly Walker, 52 Gilson 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 for the construction of an addition to a preexisting, nonconforming single-family dwelling located at **52 Gilson Road, Scituate, MA 02066 (Assessor's Map 60, Block 2, Parcel 26)** and increasing the gross floor area by more than 20%. **Representing the Applicant – Jeffrey M. Hassett (Registered Professional Engineer, Morse Engineering).**

Mr. Hassett - presented and reviewed the application status. The proposal is for an addition to the home, which was built in 1920 and is located in an R3 zoning district. The nonconformities include lot size, lot width and the front yard setbacks (located on a corner lot). The proposed addition complies with the side, rear and front yard setback to Gilson Road but not to Foxwell Lane. No new nonconformities will be created. The new addition will bring the house size to 3,271 square feet, which is a 62% increase. The existing barn will remain without changes. Nothing additional from the board and/or Mr. Vogel.

Meeting was opened for public comment –

Mr. Walker (applicant @ 52 Gilson Road, Scituate, MA) – questioned the board regarding rear setback issue with barn. Mr. Vogel, Mr. Hassett and Mr. Xixis addressed the question.

Ms. Harrison – made a motion to approve the proposed addition at 52 Gilson Road, Scituate, MA a preexisting, nonconforming single-family dwelling as shown on a plan prepared by Morse Engineering and dated November 14, 2022 and does not create any new nonconformities and to the extent that it intensifies any existing nonconformities such intensification is not more substantially detrimental to the surrounding neighborhood and that the board approve and grant the relief. Motion seconded by Mr. Carchia, all in favor, unanimous.

APPROVAL OF MEETING MINUTES

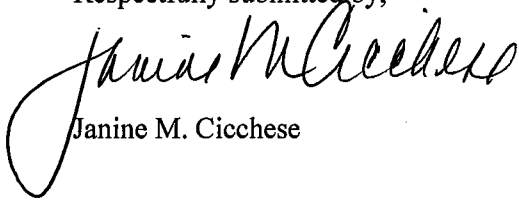
Mr. Xixis – made a motion to approve the October 20, 2022, November 1, 2022 and November 17, 2022 minutes. Motion seconded by Ms. Harrison, all in favor, unanimous.

ADJOURNMENT

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

Meeting adjourned at 7:44 p.m.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Janine M. Cicchese". The signature is fluid and cursive, with a large loop at the beginning and end.

Janine M. Cicchese