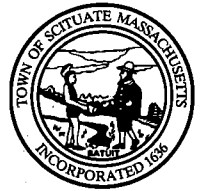


# Town of Scituate

ZONING BOARD OF APPEALS

600 Chief Justice Cushing Hwy.  
Scituate, Massachusetts 02066  
(781) 545-8716



## TOWN OF SCITUATE ZONING BOARD OF APPEALS Meeting Minutes

February 16, 2023

**Present:** George Xixis, Chairman, 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, February 16, 2023 at 7:00 P.M.** to consider the following requests:

**First Application:** Drift-Way, LLC, c/o Walter B. Sullivan, 80 Washington Street, Building B, Suite 7, Norwell, MA 02061 is proposing to construct a three-story 19 unit multi-family building at 7 New Driftway and is seeking a Special Permit/Finding or in the alternative a variance from 520.6.34 and 520.6.35 to allow for such redevelopment to commence at the site located at **7 New Driftway, Scituate, MA 02066 (Assessor's Map 53, Block 5, Parcel 37F).**

**Mr. Xixis** – This application for 7 New Driftway has been withdrawn by the applicant.

**Second Application:** John and Mary Garrett, 73 Marion Road, 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 **73 Marion Road, Scituate, MA 02066 (Assessor's Map 42, Block 12, Parcel 10)** and increasing the gross floor area by more than 20%.

**John Garrett (homeowner)** – presented and reviewed the application status. The application is for a single-story 14'x32' addition which will increase the square footage by 448 square feet off the rear of the house. The addition would expand the kitchen and a family room. The existing deck will be demolished and the existing shed will be removed. No comments from the board as the application is straight forward. No issues from Mr. Vogel.

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

**Ms. Harrison** – made a motion that the board found that the construction of an addition to a single-family home shown on the plans from Grady Consulting dated November 17, 2022 does not create any new nonconformities and to the extent that it intensified any existing nonconformities, such intensification is not substantially detrimental to the surrounding neighborhood and that the board grant them relief. Motion seconded by Mr. Xixis, all in favor, unanimous.

**Third Application:** *(continued from January 19, 2023)* 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 Altobello, Professional Engineer with Merrill Engineers and Land Surveyors, Julie Johnson of Custom Home Designs, Sean Papich, Landscape Architect and Linda Kocher, Applicant.**

**Mr. Altobello** – 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 is currently a single-family home with a wraparound porch on the property. The existing garage is also nonconforming. The applicant hopes to develop a new single-family structure and new garage which will increase the side setback to 8 feet to make it conforming. The proposed storage shed was discussed at the last hearing. A new layout has been designed, which will connect the proposed storage shed to the proposed single-family dwelling with an attached roof so it will be a continuous structure along Manchester Street. Additionally, the driveway has been relocated and reconfigured off of Manchester Street. Mitigation plantings have been added along Humarock Beach as requested by the Conservation Commission.

**Mr. Carchia and Mr. Xixis** – the proposed garage has been moved into conformance and is no longer an issue. The proposed storage shed remains to be the issue. According to the plan submitted, it appears that there is some minimal connection between the covered deck and the storage shed. Dana Altobello provided an existing condition plan for further review of the continuous covered porch area. Julie Johnson also commented. Mr. Vogel did comment that this does extend the nonconformity but the original design already extended the nonconformity because the house that is proposed is slightly longer than the existing house. Mr. Vogel did not have an issue with the proposed plunge pool. Mr. Vogel did comment he did have an issue with the garage. The 8-foot setback on the side property works if the proposed garage is a one-story garage but that is not what is being proposed here. The setback for anything beyond one story or with a ridge height of over 15 feet is 15 feet – corrected 8 feet and therefore is okay. Mr. Vogel stated that he had a conversation with Amy Walkey, conservation agent, this afternoon and this project was before that board last evening. It is possible that this design may need to be modified for conservation purposes. Mr. Vogel stated that if this design before the ZBA is going to be approved the decision may want to reflect the design change.

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

**Mr. Xixis** – made a motion on the applicant's request for a Special Permit to raze and reconstruct 30 Manchester Street, Scituate, MA pursuant to the site plan dated January 31, 2022 by Merrill Engineers and move that the board find that the proposed raze and reconstruct as delineated eliminates some nonconformities, introduces some new nonconformities but the new nonconformities are not substantially more detrimental to the neighborhood. Motion seconded by Mr. Carchia, all in favor, unanimous.

**Fourth Application:** S. Stephen Bjorklund, 15 Marion Way, Cohasset, MA 02025 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 **161 Captain Peirce Road, Scituate, MA 02066 (Assessor's Map 26, Block 2, Parcel 7)** and increasing the gross floor area by more than 20%. **Representing the Applicant – Gregory J. Morse (Registered Professional Engineer, Morse Engineering) and applicant.**

**Mr. Morse** - reviewed and presented the application on behalf of the homeowner. This application is for a request for a special permit for a raze and reconstruct for this property which is located in an R2 zoning district. This home was built in approximately 1900 and is approximately 771 square feet of floor area. The existing lot is nonconforming with respect to frontage, lot width and lot area. The existing structure on the property is nonconforming with respect to the rear yard setback and side yard setback. The proposal is to take down this dwelling and construct a new one. The proposed location of the new dwelling would conform with all setbacks and would be approximately 3,200 square feet for a 315% increase.

**Meeting was opened for public comment –**

**Bruce Arbonies (abutter @ 23 Gannett Pasture Lane, Scituate, MA 02066)** – who represented the Water Resource Commission. This residence is located in the Water Resource Protection District and has a 15% coverage limitation based on that 2,000 square feet comes out to 2050 on footprint coverage. Mr. Morse reviewed the Water Resource Protection District requirements. A drywell system has been designed for this project.

**Michael Abbate and Cheryl Bratsos (abutter @ 167 Captain Peirce Road, Scituate, MA 02066)** – had concerns regarding destruction of privacy due to current vegetation screen at 161 Captain Peirce.

**Paige Tobin (abutter @ 545 Country Way, Scituate, MA 02066) and Victor Derobertis (abutter @ 541 Country Way, Scituate, MA 02066)** – their concern mirrors the previous abutters concern regarding privacy. Also, Ms. Tobin had concerns about a large rock on the property being dislodged and possibly causing damage to her property.

**Linda and Ed Sullivan (abutters @ 157 Captain Peirce Road, Scituate, MA 02066)** – also echoed sentiments of prior abutters regarding privacy concerns. The board discussed the privacy issues. Ms. Harrison stated that the builder might want to have a discussion with the neighbors regarding the vegetation and Mr. Bjorklund stated he would speak with the builder regarding this issue. Mr. Bjorklund stated that the new house will be sold to a friend and there are no plans to touch the large rock on the property.

**Ms. Harrison** – made a motion to approve the raze and reconstruct of a single-family home shown on plans from Morse Engineering dated January 17, 2023 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 that the board grants the relief. Motion seconded by Mr. Xixis, all in favor, unanimous.

**Fifth Application: Matthew and Amanda McCarthy, 31 Rosa's Lane, 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 construction of an accessory structure on a preexisting, nonconforming lot located at **31 Rosa's Lane, Scituate, MA 02066 (Assessor's Map 27, Block 1, Parcel 19P)** 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 application is for the request for a special permit to allow the construction of an accessory structure on a preexisting nonconforming lot. This property is located in the R2 zoning district. The existing home is approximately 1200 square feet in size and built in 1963. The home is fully compliant with all setbacks; however, the lot itself is noncompliant with respect to frontage. The proposal is to construct a two story

28' x 36' detached accessory building which would comply with all setbacks. The first floor would be garage space and the second floor would have approximately 750 square feet of finished space. A letter of support from an abutter at 29 Rosa's Lane was also received and read into the record. Mr. Xixis asked and Mr. Morse confirmed there will be plumbing in the finished space. It was also determined that a stormwater permit would not be required. Mr. Vogel and Mr. Morse also confirmed that this matter will have to go before the Conservation Commission for approval.

**Meeting was opened for public comment –**

**Mr. Xixis** – made a motion on the application for a special permit for an accessory dwelling at 31 Rosa's Lane pursuant to the site plan drawn by Morse Engineering and dated January 9, 2023 and moved that the board find that the proposed accessory structure introduces no new nonconformities and to the extent that it intensifies any existing nonconformities those nonconformities are not substantially more detrimental to the neighborhood and move that this application be approved. Motion seconded by Mr. Carchia, all in favor, unanimous.

**APPROVAL OF MEETING MINUTES**

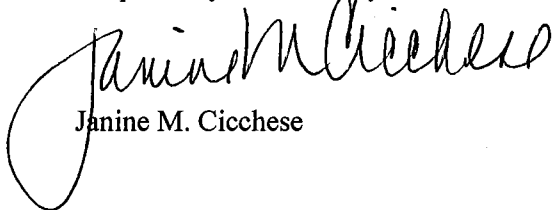
**Mr. Carchia** – made a motion to approve the January 11, 2023 and January 19, 2023 minutes. Motion seconded by Ms. Harrison, all in favor, unanimous.

**ADJOURNMENT**

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

Meeting adjourned at 7:59 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 end of the last name.

Janine M. Cicchese