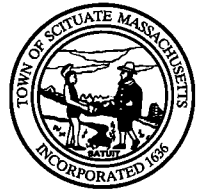


Town of Scituate

ZONING BOARD OF APPEALS

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



TOWN OF SCITUATE ZONING BOARD OF APPEALS Meeting Minutes

March 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, March 16, 2023 at 7:00 P.M.** to consider the following requests:

First Application: Colin J. Reedy and Kimberly Devine Reedy, 27 Pine View Drive, Scituate, MA 02066 request a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Sections 810.2B and 470.6F of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant, to construct an attached Accessory Dwelling unit by altering a portion of the existing dwelling and constructing two separate one story additions at **27 Pine View Drive, Scituate, MA 02066 (Assessor's Map 36, Block 5, Parcel 4)** 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.** Homeowners were present viz Zoom for the meeting.

Mr. Mirabito - presented and reviewed the application status. The application is based upon the applicant's filing for an accessory dwelling special permit with the planning board – a hearing with that board is expected next week. The property is also located in the flood plain, an application was filed and an order of conditions has been received from the conservation commission. The accessory dwelling will be inside the existing home, as well as a small addition to the home. The site is on the east side of Pine View Drive and is a 46,620 square foot lot. The property is located in the Town of Scituate Flood Plain and Watershed Protection District. The gross floor area will be increased by approximately 37.5%. The nonconformity is the lot width. Mr. Xixis asked for confirmation of the change in lot width, which Mr. Mirabito explained. Mr. Vogel has no comment.

Meeting was opened for public comment – no public comments.

Mr. Xixis – made a motion that pursuant to the application of Colin J. Reedy and Kimberly Devine Reedy, 27 Pine View Drive, Scituate, MA 02066 for a special permit in accordance with M.G.L. Chapter 40A, Section 6 and Sections 810.2B and 470.6F of the Scituate Zoning Bylaw to construct an attached accessory dwelling unit by altering a portion of the existing dwelling and constructing two separate one story additions pursuant to the plan by Ross Engineering Company/Grady Consulting dated January 27, 2023 and that the board find that the modifications to the dwelling introduce no new nonconformity and to the extent that they intensify any existing nonconformities such as intensification are not substantially

more detrimental to the neighborhood and that the board grant the special permit. Motion seconded by Ms. Harrison, all in favor, unanimous.

Second Application: William Guilford, 224 Chief Justice Cushing Highway, Scituate, MA 02066 requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Sections 620.3 and 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 **224 Chief Justice Cushing Highway, Scituate, MA 02066 (Assessor's Map 58, Block 1, Parcel 1A)** 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 - presented and reviewed the application status. The application is for an addition to a single-family home, which is located in the R1 zoning district. The lot is 50,641 square feet and all upland land area. The existing home was built in 1984 and is approximately 2,668 square feet. The nonconformity is the front yard setback. The proposal is to add a new garage with living space above the garage, which would bring the gross floor area to 4,430 square feet and would be a 66% increase. The new garage and room above would be closer to CJC Highway and proposed at a distance of 50.2 feet. It does maintain a 50-foot buffer to Route 3A and in keeping with adjacent properties. A discussion followed with the board and the required 100-foot setback from CJC Highway.

Mr. Vogel – commented on the requested relief and whether a new nonconformity would be created. The board discussed the issue of whether the increase would be substantially more detrimental to the neighborhood. Mr. Xixis stated that it would not create a new nonconformity but it would intensify a nonconformity. Mr. Morse noted that he did look at the average yard setback but that extends out 200 feet on each side but there is a lot of frontage between the lots. Mr. Morse maintained the intent would be to retain a vegetative buffer. Mr. Morse also noted that the sewer system is located on the right side of the house and will remain there and be rebuilt. Mr. Carchia suggested a redesign and to come back before the board. A discussion of the board and Mr. Morse followed. Mr. Morse requested a continuance to the next meeting, which was approved.

Meeting was opened for public comment – no public comments.

Third Application: Joseph Hannon, P.E., Atlantic Coast Engineering LLC, 88 Front Street, Suite 20B, Scituate, MA 02066 requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Sections 810 and 610 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 **2 Rebecca Road, Scituate, MA 02066 (Assessor's Map 46, Block 4, Parcel 18)**. **Representing the Homeowner - Joseph Hannon, P.E., Atlantic Coast Engineering LLC, 88 Front Street, Suite 20B, Scituate, MA 02066 (via Zoom).**

Mr. Hannon - presented and reviewed the application status. Mr. Hannon stated that this house is close to the lighthouse at the intersection of Lighthouse Road and Rebecca Road. There are several nonconformities. Mr. Vogel noted after review of the submitted plan that there are two front yards, one side yard and no rear yard. A discussion with the board and Mr. Hannon followed to confirm measurements and plans. Mr. Hannon noted that the proposal would decrease the overall lot coverage percentage by 7% - the existing is 1,584 square feet and the proposed is 1,478 square feet. Mr. Xixis questioned if there would be any way to do this without creating a new nonconformity on the left side and to minimize the change in the rear. After a brief discussion, Ms. Xixis questioned whether the question would be considered going from conforming to nonconforming on one side or would it be fundamentally the same. The board agreed it would be the same and therefore, reduced a nonconformity and introduced no new nonconformities. Mr. Xixis stated that he and the board would like to see updated measurements

that are accurate with respect to the actual setoffs as opposed to potentially uncovered deck. Mr. Xixis suggested continuing this application so accurate/revised plans can be submitted. Mr. Hannon requested a continuance and asked the board pending receipt of the revised plan to make a vote. Mr. Xixis and the board stated they would hold a vote upon submission of revised plans. This matter is continued to the next hearing.

Meeting was opened for public comment – no public comments.

Fourth Application: James Kenny, Dynamic Planet, LLC, 1331 Bedford Drive #103, Melbourne, FL 32940 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 the razing and reconstruction of a preexisting, nonconforming single-family dwelling located at **7 Revere Street, Scituate, MA 02066 (Assessor's Map 72, Block 17, Parcel 1)** and increasing the gross floor area by more than 20%. **Representing the Applicant – Darren Grady, P.E., Grady Consulting, L.L.C., 71 Evergreen Street, Suite 1, Kingston, MA 02364 (via Zoom).**

Mr. Grady - presented and reviewed the application status. The current structure is within the flood plain. The proposal would be to raze and reconstruct a new building on piles on a similar footprint to meet FEMA floodplain standards. The existing building was built in 1902 and is nonconforming to side and front setbacks. The footprint square footage will increase to 660 square feet with a covered porch on the first floor. The building height will be 33 feet 3 inches to the midpoint and 38 feet to the peak. The septic system installed in 2018 will remain and the conservation commission approved this plan with the condition of removing the proposed retaining wall. A discussion with the board and Mr. Vogel followed.

Meeting was opened for public comment – no public comments.

Mr. Xixis – James Kenny, Dynamic Plant, LLC 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 the razing and reconstruction of a preexisting, nonconforming single-family dwelling located at 7 Revere Street, Scituate, MA 02066 and increasing the gross floor area by more than 20% and the board moves that pursuant to the site plan by Grady Consulting, LLC dated January 30, 2023 that the board find that said proposed raze and reconstruct does not introduce any new nonconformities and to the extent that it intensifies any existing nonconformities, such nonconformities are not substantially more detrimental to the surrounding neighborhood. Motion seconded by Ms. Harrison, all in favor, unanimous.

Fifth Application: Jacquelyn Briggs, 64 Vinal Avenue, Scituate, MA 02066 requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 810 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 **64 Vinal Avenue, Scituate, MA 02066 (Assessor's Map 50, Block 10, Parcel 16)**. **Representing the Applicant – Gregory J. Morse (Registered Professional Engineer, Morse Engineering) and applicant.**

Mr. Morse - presented and reviewed the application status. This property is located in the R2 zoning district as a single-family home built in 1954. The existing home is approximately 1,166 square feet. The nonconformities are lot area and rear setback. The proposal is to construct a second story over the existing home and a small addition off the right side of the house and a garage, both with a second level. The proposed total floor area will be approximately 3,151 square feet for a 170% increase. The project would comply with side and front yard setbacks and the proposed rear yard setback would be in greater compliance. No questions from the board or Mr. Vogel.

Meeting was opened for public comment – no public comments.

Ms. Harrison – made a motion that the board approve a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 810 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 64 Vinal Avenue, Scituate, MA 02066 as shown on a plan dated February 8, 2023 by Morse Engineering does not introduce any new nonconformities and does not intensify any existing nonconformities and such intensification is not substantially more detrimental to the surrounding neighborhood. Motion seconded by Mr. Marks, all in favor, unanimous.

Sixth Application: Susan and Michael Whalen, 78 Scituate Avenue, 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 **78 Scituate Avenue, Scituate, MA 02066 (Assessor's Map 40, Block 3, Parcel 4)** and increasing the gross floor area by more than 20%. **Representing the Applicant – Alissa Jones, Alissa Jones Design Studio, 146 Front Street, Suite 211, Scituate, MA 02066 and applicants.**

Ms. Jones – presented and reviewed the application status. The existing nonconformities are lot area and side setback. The existing structure is a single-story of 1,100 square feet. A rear bedroom addition and bathroom is being proposed and on the right side a sunroom is proposed. The total increase of the living space is approximately 516 square feet for a total of 1600 square feet. The proposed home will remain a single-story. No comments from the board. Mr. Vogel suggested the proposal may require a stormwater permit.

Meeting was opened for public comment – no public comments.

Ms. Harrison – made a motion to approve the 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 78 Scituate Avenue, Scituate, MA 02066 pursuant to the plan by J Webby Consulting LLC dated January 30, 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 and the board grant the relief. Motion seconded by Mr. Xixis, all in favor, unanimous.

Seventh Application: Jamie and Melissa Davenport, 16 Booth Hill 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 **16 Booth Hill Road, Scituate, MA 02066 (Assessor's Map 12, Block 1, Parcel 11)** and increasing the gross floor area by more than 20%. **Representing the Applicant – Gregory J. Morse (Registered Professional Engineer, Morse Engineering) and applicant Jamie Davenport.**

Mr. Morse - presented and reviewed the application status. This property is located in the R2 zoning district and was built in 1955. The current home is 3,044 square feet. The existing nonconformities are frontage, lot width and left side yard setback. The proposal is for a two-story addition (14' x 24') off the back corner of the house. The total proposed square footage would be 3,716, which would be a 22% increase. No comments from the board or Mr. Vogel.

Meeting was opened for public comment –

Philip Shute (abutter @ 22 Booth Hill Road, Scituate, MA 02066) – asked if he could be provided more information on what the proposed project would look like. He was informed that the addition would be two-story addition and would be in line with the sideline of the existing home. The siding will match the existing home and contain windows. The egress will be on the opposite side. A discussion with Mr. Xixis and the board followed.

Ms. Harrison – made a motion to approve 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 16 Booth Hill Road, Scituate, MA 02066 on the plan by Morse Engineering dated February 15, 2023 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 and that the board grants the relief.. Motion seconded by Mr. Xixis, all in favor, unanimous.

Eighth Application: Drift-Way, LLC, c/o Walter B. Sullivan, 80 Washington Street, Building B, Suite 7, Norwell, MA 02061 requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Sections 820, 950.2D, 520.6.34 and 520.6.35 of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant, to allow for redevelopment of a three-story 19 unit multi-family building to commence at the site located at **7 New Driftway, Scituate, MA 02066 (Assessor's Map 53, Block 5, Parcel 37F). Representing the Applicant – Walter B. Sullivan, 80 Washington Street, Building B, Suite 7, Norwell, MA 02061. Patricia Lambert, Chair of the Scituate Planning Board (via Zoom).**

Atty. Sullivan – presented and reviewed the application status. Attorney Sullivan stated he believed this would be a redevelopment project as there is an existing medical building on the site that was constructed in 1967 and has been abandoned. The site is 54,000 square feet, 28,000 of that is covered by impervious material, a building and a parking lot. The proposal is for a 19-unit residential building in the VCN district. This planning board has approved this project, a site plan review special permit and a stormwater discharge permit have been issued by the planning board as well as an order of conditions from the conservation commission. The nonconformity will be decreased with this project; however, the building will be higher than the existing building. The impervious material will be decreased from 28,572 square feet to 16,190 square feet. Mr. Xixis and the board reviewed whether the requested relief, specifically Section 520.6, was the appropriate relief. Mr. Xixis confirmed with Attorney Sullivan that most of the building and site are located in a Zone A. A small undeveloped part of the site in the back is in Zone 2. The proper relief (special permit/variance) was discussed with the board, Mr. Vogel and Attorney Sullivan. Attorney Sullivan stated he felt that this should be a 40A, Section 6 finding because it is existing. A lot of the offending nonconformity will be removed and will not be intensified – it will be made better. The board reviewed the variance standard. Mr. Vogel commented on the memo submitted by the planning board and order of conditions issued by the conservation commission “gave great weight to the fact that this lot was previously developed”.....”and that this new development is going to decrease the impact of what is there now”. In Mr. Vogel’s conversations with the planning board it was his opinion that the planning board felt that the special permit would be more appropriate.

Mr. Xixis – on the application of Drift-Way, LLC, c/o Walter B. Sullivan, 80 Washington Street, Building B, Suite 7, Norwell, MA 02061 requesting a special permit find in accordance with M.G.L. Chapter 40A, Section 6 and Sections 820, 950.2D, 520.6.34, 520.6.35 and 470.6F of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant, to allow for redevelopment of 7 New Driftway property and the construction of a three-story 19 unit multi-family building pursuant to a plan

submitted by Mckenzie Engineering Group most recently dated and endorsed January 27, 2023 and that the requisite relief may be granted, that the proposed redevelopment creates no new nonconformities and to the extent that it intensifies any existing nonconformities such intensification is not substantially more detrimental to the neighborhood. Motion seconded by Mr. Carchia, all in favor, unanimous.

APPROVAL OF MEETING MINUTES

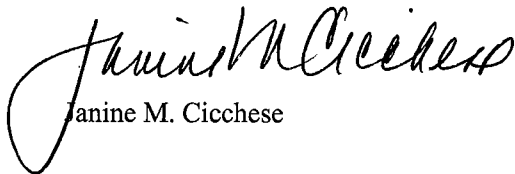
Mr. Xixis – made a motion to approve the February 16, 2023 minutes. Motion seconded by Ms. Harrison, all in favor, unanimous.

ADJOURNMENT

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

Meeting adjourned at 8:47 p.m.

Respectfully submitted by,

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

Janine M. Cicchese