

**Scituate Zoning Board of Appeals
Meeting Minutes
August 18, 2016**

TOWN OF SCITUATE
CLERK
2016 SEP 19 AM 9:30

PRESENT: Sara Trezise, Chairperson, John Hallin, Frank Lynch
Also Present: Robert Vogel, Acting Building Commissioner and Zoning Enforcement Officer.

The Scituate Zoning Board of Appeals held a public hearing on August 18, 2016 at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:00 P.M.

Ms. Trezise expressed gratitude to the videographers, Brianna and Meghan, for their time and commitment in assisting the Board and enabling citizens to view the meetings.

First Application: John and Mary Garrett of 73 Marion Road, Scituate, MA request a Special Permit/ Finding under M.G.L. Chapter 40A, Section 6 to construct a second floor addition to their pre-existing, nonconforming single family dwelling which will increase gross habitable floor area by more than 20% at their home located at **73 Marion Road, Scituate, MA (Assessor's Map 40, Block 12, Parcel 10)**.

Documents presented: Site Plan dated June 30, 2016 signed and stamped by Ross Engineering.

The Applicant explained to the Board the proposed addition would expand the existing second floor but not change the first floor dimension of the structure. The existing structure was built in 1953 and is located in the R3 residential zone. is on town sewer thus eliminating any concerns with regard to septic setback requirements. As noted on the site plan, the square footage of existing structure is 1404. The proposed square footage is 1812 which represents an increase of 29%.

There were no public comments.

Mr. Lynch moved on the application to expand 73 Marion Road and to find the existing structure is nonconforming with respect to one front yard setback and side setbacks, but that the proposed structure will not increase any existing nonconformity, that to the extent that a court or some other entity deems it an intensification the Board find the proposed construction is not a substantial detriment to the neighborhood compared to the existing structure and that the Board grant the Special Permit. Motion seconded by Mr. Hallin, all in favor, unanimous.

Second Application: Michael and Elizabeth Gerroir of 14 Stone Avenue, Scituate, MA request a M.G.L. Chapter 40A, Section 6 Special Permit/ Finding to construct a 14' x width of existing structure addition to their pre-existing, nonconforming single family dwelling which will increase gross habitable floor area by more than 20% at their home located at **14 Stone Avenue, Scituate, MA (Assessor's Map 28, Block 18, Parcels 4 & 5)**.

Documents presented: Site Plan dated August 16, 2016 signed and stamped by Ross Engineering.

Mr. Gerrior explained the application for a two story addition to accommodate a master bedroom and bath on the second floor with a galley kitchen on the first floor. The proposed addition would be located where an open deck presently exists and would have minimal impact on the neighborhood. Mr. Gerrior then asked the Board to kindly clarify a Special Permit versus a Variance.

Ms. Trezise informed the Applicant the Board would be hearing his application for a Special Permit. A Variance is seldom granted as the criteria under which it is granted are rarely met and not applicable with this particular application.

The Applicant was asked to confirm the age of the structure and presented Assessor's cards reflecting the year built as "old" with notes dated 1957. The Board discussed the documents and concurred the structure existed prior to Zoning.

Mr. Vogel encouraged the Applicant to ascertain the 2016 FEMA flood zone, if any. In the event the property falls within the new FEMA flood maps the Applicant should be aware that the proposed plan may trigger a substantial improvement if the scope of work exceeds 20% of the assessed value of the structure, thus requiring it be elevated so that the lowest living floor is at least 1' above the base flood elevation.

Mr. Hallin requested confirmation of the proposed addition size to be 14' x 28'. The Applicant confirmed.

There were no public comments.

Mr. Lynch moved on the application to add an addition to 14 Stone Avenue and moved the Board find that the existing structure is nonconforming with respect to the front on Stone Avenue and Hamilton Avenue, that it is conforming to the front on Wheeler Avenue, that the side is nonconforming and that the proposed structure will not increase any pre-existing nonconformities, that to the extent that the second floor addition is an intensification that the proposed structure as shown on the plan by Ross Engineering dated August 16, 2016 is not a substantial detriment to the neighborhood than the existing structure and that the Board grant the Special Permit. Motion seconded by Mr. Hallin, all in favor, unanimous.

Mr. Hallin made a motion to adjourn. Motion seconded by Mr. Lynch, all in favor unanimous.

Meeting adjourned at 7:45pm.

Respectfully Submitted,



Anne M. Kelly