

**Scituate Zoning Board of Appeals  
Meeting Minutes  
December 20, 2018**

The Scituate Zoning Board of Appeals held a public hearing on December 20, 2018 at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:00 P.M.

**Present:** John Hallin, Chairman, Edward Tibbetts, Anthony Bucchere, Tom Cavanagh, Brian Sullivan

**Also Present:** Bob Vogel, Building Commissioner and ZEO.

**First Application:** Steven Pelletier of 11 Beacon Road, Scituate, MA requests a Special Permit/Finding in pursuant to M.G.L. Chapter 40A, Section 6 and/or Section 810.2 and Section 470.6F of the Scituate Zoning Bylaw and/or relief that the Board of Appeals deems necessary to allow the construction of an addition to the pre-existing, nonconforming single family dwelling at **11 Beacon Road, Scituate, MA (Assessor's Map 46, Block 8, Parcel 3)** increasing the gross floor area by more than 20%.

Mr. Steven Pelletier of 11 Beacon Road explained that he was requesting a permit to construct a two story garage. The second floor would be a master bedroom suite with bathroom. The addition would be conforming. He was requesting a permit because although one side of his home conforms with the setback, the other corner of the home is slightly outside of the setback. Mr. Sullivan confirmed that the home was on a conforming lot and that the applicant would not be encroaching further with the new addition.

Mr. Hallin confirmed that the dwelling was on town sewer.

**Mr. Bucchere made a Motion that the Board find on the application of Steven Pelletier for the property 11 Beacon Road that the board find that the proposed addition does not create any new nonconformities and that to the extent it intensifies any existing nonconformities that such intensifications are not substantially more detrimental to the surrounding neighborhood further that the board finds that the proposed addition meets the requirements of Section 4706F. Such improvements will be built within the requirements of the National Flood Insurance Program, the State Building Code and any improvements will not affect the natural drainage of the watercourse.**

**Motion seconded by Mr. Sullivan, All in favor, unanimous.**

**Second Application:** Sylvain Dumet of 55 Greenfield Lane, Scituate, MA requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and/or Section 810.2 of the Scituate Zoning Bylaw and/or relief that the Board of Appeals may grant to raze and reconstruct the pre-existing, nonconforming building at **55 Greenfield Lane, Scituate MA (Assessor's Map 54, Block 1, Parcel 17).**

**Representing the Applicant:** Paulette O'Connell, AIA, LEED, AP of OCO Architecture Design

**Also in Attendance:** Sylvain Dumet

The Applicant is requesting a Special Permit to raze a small one story one car garage on the corner of Torrey and Greenfield Lane. They would like to remove that garage and rebuild a 2 story garage.

The new nonconformity would be less than the existing garage at 26.2 feet. The existing garage encroaches 70 feet. They were trying to attach the garage but there is an existing screened in porch so we cannot connect. The property elevates quite a bit in the rear and we are trying to retain foliage retaining walls of the corner lot.

Mr. Sullivan and Mr. Tibbetts both expressed concern because the Applicant did not provide compelling evidence for the encroachments they were requesting since they had the ability to reconstruct the garage and conform to setbacks.

After much discussion between the Board, Building Inspector, the Architect and the Applicant, it was suggested that the Applicant return with better solutions.

**Mr. Tibbetts made a motion to move to continue this Application until the next scheduled meeting in January.**

**Motion seconded by Mr. Sullivan, All in favor, unanimous.**

**Third Application: Peter Zaccardi of 37 Moorland Road, Scituate, MA requests a Special Permit/Finding at 717 Country Way, Scituate, MA pursuant to M.G.L. Chapter 40, Section 6 and /or Section 810.2 of the Scituate Zoning Bylaw to construct additions and a garage to the pre-existing, nonconforming single family dwelling at 717 Country Way, Scituate, MA (Assessor's Map 12, Block 3, Parcel 2) increasing the gross floor areas by more than 20%.**

**Representing the Applicant: James Garfield, Project Engineer, Morse Engineering Co.**

**Also in Attendance: Peter Zaccardi**

Mr. Garfield said he was representing Peter Zaccardi at 717 Country Way. He said the nonconforming dwelling is located in the R-2 zone on a pre-existing nonconforming lot. The proposed additions will comply with the minimum current setbacks and will not create any new nonconformities.

Mr. Hallin asked where septic was currently located.

Mr. Garfield replied that the Septic was located in the front of the home.

Phil and Lisa Dunbar 723 Country Way, requested to see the design. They asked if it was the property was wet.

Mr. Zaccardi said there was surface water running from the Ellis Estate.

**Mr. Cavanagh made a Motion on the application of Peter Zaccardi for the property at 717 Country Way for Special Permit/Finding pursuant to Section 810.2 of the Scituate Bylaws and M.G.L. Chapter 40A and the proposed addition as on the plan from Morse Engineering dated 11/15/18 that the proposed addition doesn't create any new nonconformities to the extent that it intensifies and is not substantially more detrimental to the neighborhood.**

**Motion seconded by Mr. Tibbetts, All in favor, unanimous.**

**Request for Modification of Comprehensive Permit issued on February 10, 2003 and most recently modified on September 1, 2017 for the property at 90 Stockbridge Road, Scituate, MA (Assessor's Map 054, Block2, and Parcel 28): Dakota Partners, Inc.** requests a modification to the Comprehensive Permit. The primary changes are to allow (1) the reduction of units to sixty eight and to construct these units in thirty four multifamily duplex style buildings dispersed through the project site (2) Reduce the height of the proposed buildings which allows the proposed housing to be more consistent with the housing styles throughout Scituate (3) Allow minor grading changes on the site (4) Eliminate the retaining wall behind Buildings 1 through 5 (5) Revise the construction phasing plan.

**Representing the Applicant: Attorney Michael O'Shaughnessy**

Also in Attendance: Mark Pilotte, V.P. Development, Dakota Partners

Mr. O'Shaughnessy said they were requesting a project change.

There would be a change from 14 buildings with 74 units 38 buildings with 68 units. The height of the buildings would be reduced by 6 feet. The Applicant would be using the existing topography instead of having material trucked in. They would eliminate the retaining wall behind buildings 1-5 which would ensure natural drainage instead of having it piped away. This would also improve the Storm Water design. The last request is in regard to phasing.

After much discussion, the Board members said they would like a paragraph from the Applicant's engineer regarding drainage. They would also like a letter from the Fire Department that confirms that a sprinkler system would be required.

**Mr. Tibbetts made a Move to deem that the proposed changes are substantial.**

**Motions seconded by Mr. Sullivan. All in favor, unanimous.**

**New Business:**

**Discuss/Vote: Organization of Zoning Board**

Mr. Hallin requested that he relinquish the Chair position.

**Mr. Sullivan made a Move to make Mr. Bucchere Chair.**

**Motion seconded by Mr. Hallin. All in favor, unanimous.**

Meeting adjourned at 8:16pm.

Respectfully Submitted,

Susan J. Tice