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**Scituate Zoning Board of Appeals  
Meeting Minutes  
June 15, 2017**

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**PRESENT:** Ed Tibbetts, Acting Chairman, Frank Lynch and Anthony Bucchere.

**Also Present:** Robert Vogel, Acting Building Commissioner and Zoning Enforcement Officer

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The Scituate Zoning Board of Appeals held a public hearing on June 15, 2017 at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:03 P.M.

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**First Application: Albert & Donna Bangert of 108 Captain Peirce Road, Scituate** request a Special Permit under Section 610.2B of the Scituate Zoning Bylaws to allow a 50 foot frontage lot at **108 Captain Peirce Road, Scituate (Assessor's Map 26, Block 3, Parcel 8).**

Representing the Applicant: Greg Morse, Registered Engineer at Morse Engineering.

Also Present: Al and Donna Bangert.

Mr. Morse described the site plan submitted by the Applicant. The plan shows two lots on the property located in the R2 residential zone. Lot 1 is fully compliant with zoning regulations. Lot 2 is the subject lot. Lot 2 fully complies with the bylaw requirement for a 50' frontage Special Permit as it comprised of 50.13 'of frontage along a public way (50' is required), 165,129 sq. ft. of land area (40,000 are required) and maintains a width of 50' back toward the buildable portion of the lot (at least 50' are required). Mr. Morse also stated the proposed plan was endorsed by the Planning Board through the ANR process.

There were no questions from the Board, nor comments from the public.

**Mr. Lynch moved on the application of Albert and Donna Bangert for the approval of a Special Permit to allow the creation of a 50' frontage lot in accordance with Scituate Zoning Bylaw 610.2B, that the application be granted on the condition that Lot 2, being divided in accordance with the plan by Morse Engineering dated May 18, 2017, not be further divided and, in accordance with the bylaw, that Lot 1 shall not be further divided at any point in time and that statement of such shall be reflected in the Special Permit as well as the deed, and also subject to the receipt of an amended plan reflecting there shall be no further subdivision.**

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

**Second Application: Ann Corbo of 33 Barker Road, Scituate MA** requests a Special Permit/Finding pursuant to M.G.L. Chapter 40A, Section 6 and/or Section 810.2A of the Scituate Zoning Bylaw to construct an addition increasing the gross floor area by more than 20% on a pre-existing, nonconforming lot at **33 Barker Road, Scituate, MA (Assessor's Map 46, Block 10, Parcel 7F).**

Representing the Applicant: Greg Morse, Registered Engineer at Morse Engineering.

Mr. Morse explained Ms. Corbo is seeking a Special Permit to construct an addition off the rear of the house. The existing home, located in the R3 zone, was built in 1895 and contains 1718 sq. ft. The lot is nonconforming in size (9400 sq. ft. where 10,000 are required), rear yard setback (11' where 20' are required) and side yard setback (1.7' where 8' are required). The proposed plan shows a 748 sq. ft. addition off the rear of the home increasing the total gross floor area to 2466, an increase of 43.5%. The goal of the addition is for an accessory dwelling. Permitting process through the Planning Board is currently underway. The plan does not create any new nonconformities, nor intensify any existing nonconformities.

Mr. Lynch confirmed the receipt of an owner authorization letter.

Mr. Tibbetts confirmed the proposed dimension of the accessory dwelling is within the guidelines as stated in Section 530.2F of the bylaw.

The Board and Mr. Vogel discussed setbacks on a corner lot as well as the determination of the rear yard setback.

There were no comments from the public.

**Mr. Bucchere motioned that the Board grant a Special Permit on the application of Ann Corbo and find under Section 810.2 of the Scituate Bylaws that the proposed addition as shown on the plan by Morse Engineering dated 3/31/2016 creates no new nonconformities, and to the extent that it intensifies any existing nonconformities such intensification is not substantially more detrimental to the neighborhood, with existing nonconformities being lot size, side setbacks and rear setback. Motion seconded by Mr. Lynch. All in favor, unanimous.**

**Third Application: Mary J. Beaulieu of 77 Rebecca Road, Scituate, MA requests a Special Permit/Finding under M.G.L. Chapter 40A, Section 6 to construct an addition adding more than 20% to the gross floor area of the preexisting nonconforming dwelling at 77 Rebecca Road, Scituate, MA (Assessor's Map 46, Block 1, Parcel 8).**

Ms. Beaulieu and her partner, Mr. Charlie Ruddy, stated their willingness to answers any questions the Board may have with respect to the submitted application and plot plan.

Mr. Tibbetts stated the plan shows the structure elevated on a concrete foundation in compliance with the flood zone designation of VE16 according to the 2016 FEMA map. Noting the proposed nonconforming southerly side setback of 7.75' and the conforming northerly side setback of 8.88' Mr. Tibbetts asked the Applicant to consider the option of shifting the location of the structure enough to bring the southerly side setback in to compliance.

Ms. Beaulieu and Mr. Ruddy assented to Mr. Tibbetts recommendation.

The Board discussed the inconsistencies between the submitted plot plan and submitted zoning chart and asked the Applicant which they preferred the Board reference. The Applicant requested the plot plan be referenced and the zoning chart be disregarded.

There were no public comments.

**Mr. Lynch moved on the application of Mary Beaulieu for a Special Permit/Finding for the property at 77 Rebecca Road, Scituate the Board finds the property is nonconforming with respect to front setback, right side setback, lot area, lot width and lot frontage; that the proposed new structure as set forth in the plan dated 5/17/2017 stamped by Robert Crawford Engineering will not increase any existing nonconformities, will reduce the right side nonconformity, and otherwise not intensify of any existing nonconformities, but to the extent that there be a determination it is an intensification, the Board finds that such intensification is not substantially more detrimental to the neighborhood than the existing structure and that therefore the Special Permit be granted. Motion seconded by Mr. Bucchere. All in favor, unanimous.**

**Request for Extension of Comprehensive Permit: Herring Brook Meadow LLC** requests an extension of the Comprehensive Permit issued on November 9, 2007 for the property at **126 Chief Justice Cushing Highway, Scituate, MA (Assessor's Map 58, Block 1, Parcel 8).** Representing the Applicant: Bob Engler of S.E.B. LLC and Jeff Engler (consultants to the original developer, Herring Brook Meadow LLC).

Mr. Engler explained the Applicant has requested an extension of the Comprehensive Permit for the purpose of providing the Applicant additional time to construct plans and ideas to move forward with the project. There are two interpretations of date of which the appeal was dropped. The original permit appeals were dropped on June 16, 2014 and the amended permit which was never accepted was dropped in September of 2014. Regardless of which interpretation the Board refers to the Applicant has requested a six month extension or to spring of 2018.

Mr. Lynch asked Mr. Engler is an extension to April 1, 2018 is acceptable.

Mr. Engler acquiesced.

The Board had no further questions or comments.

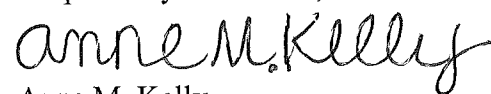
There were no comments from the public.

**Mr. Lynch moved on the application of Herring Brook Meadow LLC for an extension of the Comprehensive Permit to April 1, 2018 that the request be granted. Motion seconded by Mr. Bucchere. All in favor, unanimous.**

**Mr. Lynch moved to adjourn. Motion seconded by Mr. Bucchere. All in favor, unanimous.**

Meeting adjourned at 7:35pm.

Respectfully Submitted,

  
Anne M. Kelly