

**Scituate Zoning Board of Appeals
Meeting Minutes
September 21, 2017**

PRESENT: John Hallin, Chairman, Sara Trezise, Ed Tibbetts and Anthony Bucchere.

The Scituate Zoning Board of Appeals held a public hearing on September 21, 2017 at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:00 P.M.

First Application: (Continued from August 17, 2017) Craig S. Valdez/ Commonwealth Realty Services Inc. of 58 Woodworth Lane, Scituate, MA requests a Special Permit/ Finding pursuant to Section 810.2 and 470.6F of the Scituate Zoning Bylaws, and/or M.G.L. Ch. 40A, Section 6, and/or any other relief the Board of Appeals may grant to allow reconstruction of a single family dwelling on a preexisting, nonconforming lot at **164 Turner Road, Scituate, MA (Assessor's Map 46, Block 14, Parcel 15).**

Present: Craig Valdez, Applicant.

As a direct abutter, Mr. Hallin recused himself.

The Board reviewed the application with Mr. Valdez noting the nonconformities of the side setbacks and rear setback. Mr. Valdez explained his decision to reconstruct the dwelling after determining the numerous issues existing made it more practical to raze and reconstruct.

Mr. Tibbetts inquired about the 35' right of way shown on the submitted site plan.

Mr. Valdez stated the paper road allows access to the property. The proposed plan shows the building repositioned to conform to current zoning requirements for the existing nonconforming side setback on the northwest side (7'9" to 8'3"). The two existing covered porches are proposed to part of the dwelling, thus a minimal change to the existing footprint.

There were no comments from the public.

Mr. Bucchere moved on the application of Craig Valdez for the property at 164 Turner Road, Scituate that the Board find the proposed plan to reconstruct the dwelling does not create any new nonconformities, and to the extent they intensify any existing nonconformities, that such intensification is not substantially more detrimental to the neighborhood than the existing structure, as shown on the submitted plan by John Spink of PE Designs and dated 8-2-2017.

Motion seconded by Ms. Trezise. All in favor, unanimous.

*Mr. Tibbetts removed himself from the remainder of the meeting due to unforeseen circumstances.

Second Application: Thomas and Christine Johnston of 9311 Blanco Drive, Lantana, TX request a Special Permit/Finding under M.G.L. Chapter 40A, Section 6 to allow the razing and reconstruction of their preexisting, nonconforming single family dwelling located at 112 Central Avenue, Scituate, MA (Assessor's Map 71, Block 2, Parcel 3).

Representing the Applicant: Dick Rockwood, Rockwood Designs.

Also present: Tom Johnston, Applicant.

Mr. Rockwood explained the application to raze the existing home and reconstruct in accordance with the FEMA 2016 flood map regulations for the property designated in the VE15 zone. The existing one story ranch home has 1,106 sq. ft. and is located in the R3 residential zone. Constructed in 1952, the nonconformities are lot area, front setback, and side setback. The property is located on a corner lot. The proposed plan for a 2,428 sq. ft. two story dwelling elevated on wood pilings shows a rear setback of 28.6', conforming to the current zoning requirement of 20' for a corner lot. The height of the structure is shown as 34'2". The existing septic system will remain in the current location.

Mr. Vogel clarified the proposed plan shows a height of 39.11' to the ridge, thereby pushing the envelope of the current zoning bylaw building height maximum of 40' for new dwellings. The Applicant was encouraged by Mr. Vogel to modify the roof pitch.

Mr. Rockwood stated a revised plan had been submitted which reflects a reduction in height to 39.6'. A further modification would be considered.

The meeting was opened for public comment.

Seth Low of 153 Humarock Beach Road expressed concern over the toll of construction equipment and trucks on the already dilapidated Krainwood, a private roadway.

The Applicant stated his willingness to improve the current condition of the private roadway following construction, at least as long as the length of his property.

There were neither further public comments nor questions from the Board.

Mr. Bucchere motioned that the proposed improvements at 112 Central Avenue, Scituate as shown on the plan by Grady Consulting LLC and dated August 8, 2017 on the application for Thomas and Christine Johnston that the proposed improvements do not create any new nonconformities and that to the extent they intensify existing nonconformities, such intensifications are not substantially more detrimental to the surrounding neighborhood.

Mr. Hallin amended the motion to include the architectural design plan submitted by Rockwood Design LLC reflecting a height modification. Motion seconded as amended by Ms. Trezise. All in favor, unanimous.

Third Application: Charles M. Fagan of 66 First Parish Road, 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 Bylaws to allow the expansion of the nonconforming single family home increasing gross floor area more than 20% at **66 First Parish Road, Scituate, MA (Assessor's Map 50, Block 12, Parcel 20).**

Present: Charles M. Fagan, Applicant.

Mr. Fagan reviewed the application to construct a 24' x 32' addition, noting the only nonconformity being 73' of frontage where 100' are required. The existing setbacks are conforming and will conform under current zoning regulations with the proposed plan.

There were neither comments from the public nor questions from the Board.

Mr. Bucchere moved on the application of Charles Fagan for the property at 66 First Parish Road and shown on the plan by Morse Engineering dated June 5, 2017 and revised July 31, 2017, that the proposed addition does not create any new nonconformities, and that to the extent it intensifies any existing nonconformities, such intensifications are not substantially more detrimental to the surrounding neighborhood. Motion seconded by Ms. Trezise. All in favor, unanimous.

Fourth Application: Stephen Yates of 68 Gilson Road, Scituate, MA requests a Special Permit/Finding under M.G.L. Chapter 40A, Section 6 to allow the addition of a farmer's porch to his preexisting nonconforming home at **68 Gilson Road, Scituate, MA (Assessor's Map 60, Block 2, Parcel 19A).**

Present: Stephen Yates, Applicant.

Mr. Yates reviewed the application with the Board and explained the proposed plan for a 5' covered farmers porch located on the front side across the length of the home.

The Board noted the nonconformities of the property as lot area, lot width, front setback and side setback.

The Board determined that the proposed addition of the farmers porch would not be substantially more detrimental to the neighborhood, and that, in fact, it would be an attractive addition.

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

Mr. Bucchere motioned that the Board find on the application of Stephen Yates for the property at 68 Gilson Road as to the proposed plan for an addition shown on the plan by Morse Engineering dated August 15, 2017 that the proposed addition does not create any new nonconformities, and to the extent that it intensifies an existing nonconformity such intensification is not substantially more detrimental to the surrounding neighborhood. Motion seconded by Ms. Trezise. All in favor, unanimous.

Minutes presented for approval.

Mr. Bucchere moved to approve minutes from the August 17, 2017 ZBA meeting. Motion seconded by Ms. Trezise. All in favor, unanimous.

Mr. Bucchere moved to adjourn. Motion seconded by Ms. Trezise. All in favor, unanimous.

Meeting adjourned at 8:00pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "anne m. Kelly". The signature is written in dark ink and is positioned above the printed name.

Anne M. Kelly