

TOWN OF SCITUATE  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
MEETING MINUTES

TOWN OF SCITUATE

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October 17, 2019

The Scituate Zoning Board of Appeals held a public hearing on October 17, 2019 at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:00 P.M.

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**Present:** Brian Sullivan, Acting Chairman, Ed Tibbetts and Tom Cavanagh  
Also Present: Bob Vogel, Building Commissioner and ZEO

**First Application: (Continued from September 19, 2019)** Bradford Merritt of 493 Country Way, Scituate MA requests a Special Permit/ Finding in accordance with Section 470.9 of the Scituate Zoning Bylaw that the Board of Appeals make a Determination of Suitability for a unified parcel known as 0 and 483 Country Way, Scituate, MA (Assessor's Map 32, Block 7, Parcels 13A, 14, 15, 16, 21).

**Mr. Sullivan moved for a continuance to November 21, 2019. Mr. Tibbetts seconded the motion. All in favor, unanimous.**

**Second Application: David A. Roycroft, P.O Box 177 North Scituate, MA 02060** requests a Special Permit/Finding pursuant to M.G.L. Chapter 40A, Section 6 and Section 810.2 of the Scituate Zoning Bylaw to construct an addition to the pre-existing, non-conforming single family dwelling at **8 Carver Avenue, Scituate MA (Assessor's Map 34, Block 13 Parcel 4)** increasing the gross floor area by more than 20%.

Present: David Roycroft, Applicant

Mr. Roycroft stated that he would like to attach an accessory dwelling to an existing structure.

Mr. Sullivan stated that according to the Assessor's field card the home constructed prior to 1924 prior to the adoption of Zoning Bylaw in Scituate. Proposed addition will be conforming as to all setbacks.

Mr. Roycroft confirmed that the new deck will not be covered.

Mr. Cavanagh questioned as to whether or not the common entry would be a mudroom.

Mr. Roycroft confirmed that it would be like a mudroom and that there will be access to both houses and a set of stairs that go into the basement.

Mr. Cavanagh asked who would be living in the accessory dwelling.

Mr. Roycroft stated that he, his wife and child would be living in it.

Mr. Tibbetts asked Mr. Roycroft if he was aware that the Zoning Board of Appeals does not grant accessory dwelling permits and they are granted by the Planning Board, but the 750 sq. ft., is allowed by right.

Mr. Vogel stated that when presenting to the Planning Board, the accessory dwelling you are asking for is the 750 sq. ft., of living space, the common entry has to be counted as an addition to the existing dwelling and it would be important to make that statement.

Open to the Public- no comments.

**Mr. Tibbets made a motion to find the proposed addition on the plan by Webb Engineering Associates dated September 5, 2019 for the addition does not create any new nonconformities, nor intensify any existing nonconformities and to the extent that it does it is not more substantially detrimental to the neighborhood. Motion seconded by Mr. Cavanagh and all in favor unanimously.**

**Third Application: Mary E. Sullivan, Trustee of 23-25 Rebecca Road, Scituate, MA 02066** requests a Special Permit in accordance with Scituate Zoning Bylaw Sections 470.6F and a Finding in accordance with Scituate Zoning Bylaw Sections 810.2 and M.G.L. Ch. 40A, Section 6 and/or any other relief that the Board of Appeals may grant, to raze a pre-existing, nonconforming single family dwelling on a pre-existing non-conforming lot at **23-25 Rebecca Road (Assessor's Map 46, Block 1, Parcels 34 and 35)** and to reconstruct a single family dwelling thereon which will not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood

Representing Applicant: Attorney William Ohrenberger and Brendan Sullivan of Cavanaro Consulting.

Attorney Ohrenberger stated that Mary Sullivan, her now deceased husband and family have owned the property for a long time. In a storm not this past winter but the one before suffered substantial damage was done and so she in taking the opportunity to make this flood compliant we received an order of conditions from the Conservation Commission that was issued on the 9<sup>th</sup> of this month and basically the building they are going to raze and reconstruct this to make it flood compliant and centered on the lot, particularly on the southerly side, the neighbors are only 1ft off the line and we are 4ft, and the new will have a 20+ setback. However, it is a pre-existing non-conforming structure and lot and that is why we are before the board. It is a single family that is 1.5 stories and will become a 2-story structure. The new square footage will be increased approx. 100% but the new footprint will only be increased about 30-40%. Part of the home is in a velocity zone and we will be taking it out of the velocity zone, however the deck will be in the velocity zone. We are maintaining the front yard setback although there will be more frontage for the house, but our position is that to the extent that it is an intensification it is not more substantially detrimental and also we do comply with section 470.6 F of the Bylaw. There is no watercourse issues, and before the permit is issued, Mr. Vogel will ensure that we are complying with Building Code 780.

Mr. Sullivan stated that they are not creating any new non-conformities, arguably, you are intensifying the pre-existing non-conformity by extending the line of the property, but by mitigation, you are getting it out of the flood plain and out a substantial portion of the home out of the velocity zone the new area that is going to be in the velocity zone is not living area but deck area.

Attorney Ohrenberger stated that he was correct.

Open to the Public:

**Jeff Lincoln of 100 Turner Road, Scituate, MA** - Mr. Lincoln stated he is the contractor and confirmed that the deck will be attached to the house.

**Mr. Sullivan made a motion to grant the relief sought.**

**Mr. Tibbets move to find the raze and reconstruct proposed on the plan dated 9/9/19 from Cavanaro Consulting for 23-25 Rebecca Road, Scituate, MA will not create any new non-conformities to the degree that it extends the existing non-conformity it is not considered substantially more detrimental to the neighborhood. Motion seconded by Mr. Cavanagh and all in favor unanimously.**

**Fourth Application: Robert D. Engel of 16 Old Farm Road, Woburn, MA 01801 requests a Special Permit/Finding pursuant to M.G.L. Chapter 40A, Section 6 and Sections 810.2 and 470.6 of the Scituate Zoning Bylaw and/or any other relief that the Board deems necessary to allow the razing and reconstruction of the pre-existing, non-conforming single family dwelling at 96 Humarock Beach Road, Scituate MA (Assessors Map 72, Block 3, Parcels 13 and 14) increasing the gross floor area by more than 20%.**

Mr. Sullivan stated that the application had been withdrawn.

**Mr. Tibbetts made a motion to accept the withdrawal without prejudice. Motion seconded by Mr. Cavanagh and all in favor, unanimously.**

**Stockbridge Realty Trust and Dakota Partners presentation of a status update for the Comprehensive Permit issued on February 10, 2003 and most recently modified on April 11, 2019 for the property at 90 Stockbridge Road, Scituate, MA (Assessor's Map 54, Block 2, Parcel 28). Plans for the project are on file in the Building Department.**

Presenting: Mike Perrault, Dakota Partners

Mr. Perrault described the plans and stated that he had one more unit type to finish up. They have had some clearing out on the site so we can set our erosion control and flag the wetlands. There is a walk-through next week with the D.E.P., Con. Comm, as well as the building department. Overall, everything is moving along smoothly. We will be heading to the closing in about a month or so.

Mr. Sullivan questioned the type of siding they would be using when they would be pouring foundations.

Mr. Perrault stated that it is a mixture of Hardie and Cedar shingles right now; it is an exercise of pricing as well as durability. Mr. Perrault stated that they are hoping to start before winter hits.

**Mr. Sullivan made motion to adjourn, all in favor, unanimous.**

Meeting adjourned at 7:30 pm.

Respectfully submitted,

Beth Heneghan