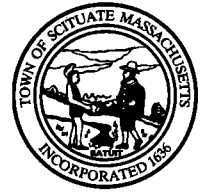


Town of Scituate

ZONING BOARD OF APPEALS

600 Chief Justice Cushing Hwy.
Scituate, Massachusetts 02066
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TOWN OF SCITUATE ZONING BOARD OF APPEALS Meeting Minutes

July 20, 2023

Present: George Xixis, Chair, Justin M. Marks, Christopher Carchia, Greg Fleming
Also present: Robert Vogel, Scituate Building Commissioner

The Scituate Zoning Board of Appeals held a hybrid public hearing in the Selectmen's Hearing Room in the Scituate Town Hall located at 600 Chief Justice Cushing Highway and was also accessible via zoom on **Thursday, July 20, 2023 at 7:00 P.M.** to consider the following requests:

First Application: Caroline and Arthur Poje, 3 Chester Street, Scituate, MA 02066 request a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 810.2 of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant, to allow the construction of an addition to a preexisting, nonconforming single-family dwelling located at **3 Chester Street, Scituate, MA 02066 (Assessor's Map 49, Block 1, Parcel 22)**. **Representing the applicant – Paulette O'Connell, Architect.**

Ms. O'Connell - presented and reviewed the application status. She noted this is a very unusual site as it is triangular in shape. The request for special permit included the addition on to an existing deck and to extend the master bedroom with a bath and closet. The addition would consist of approximately 180 square feet. The house currently is approximately 1,800 square feet, so the increase is only 10%, but the addition would be pushing into the non-conforming setback even more. The current setback to Stone Road is 20 feet and the proposed is 13.5 feet with the addition. The frontage street is Chester Street.

Mr. Xixis – discussed the application with the Board. Mr. Vogel stated that a case could be made that relief wasn't needed because it is less than 20%, but because there's an increase in the non-conformity, it was the right idea for the applicant to come before the Board.

Meeting was opened for public comment –

Susan Pecinovsky (Abutter @ 6 Roslin Road, Scituate, MA 02066) - questioned if there would be any potential damages from runoff. Mr. Vogel stated that there would not be any changes in the water runoff as there is an existing deck in that location.

Mr. Xixis - made a motion that the special permit be granted and that the board find that the addition at 3 Chester Street pursuant to the plan by Morse Engineering dated May 25, 2023, does not create any new nonconformities and although it may increase an existing nonconformity such increase is not substantially more detrimental to the surrounding neighborhood. Motion seconded by Mr. Carchia, all in favor, unanimous.

Second Application: Mary Louise Pitts-Bohn, Trustee, 25 Circuit Avenue, Scituate, MA 02066 requests a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 610.2B of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant, to allow for the creation of one single family lot located at **0 Crescent Avenue and 40 Crescent Avenue, Scituate, MA 02066 (Assessor's Map 56, Block 5, Parcel 15-0)**. **Representing the Applicant – Jeffrey A. De Lisi, Esq., Ohrenberger, De Lisi & Harris, LLP, 28 New Driftway, Scituate, MA and Paul Mirabito of Grady Consulting.**

Attorney De Lisi & Mr. Mirabito - presented and reviewed the application status. The zoning district that this location is in requires 100 feet of frontage and 10,000 square feet of upland lot area. The zoning bylaw section 610.2 B gives an exception to the 100-foot frontage requirement that allows you to reduce the frontage for a dwelling on a lot as long as it has at least 50 feet of frontage and two times the upland area required in the zone. This lot meets both of those requirements.

Mr. Mirabito – the applicant owns property on the corner of Peggotty Beach Road and Crescent Avenue. The total lot area is 57,201 square feet. The purpose of this application is to create lot 1, which has 50 feet of frontage on Crescent Avenue and lot 2, which has 250 feet. It is a total area for lot number 1 of 34,400 square feet, and it has to be at least 20,000 square feet of upland which it lacks.

The lot area is based upon the land from the street down to the high tide line which is the limit of the Scituate Floodplain and Watershed Protection District. None of the land that would be used for a house would be in the Scituate Floodplain and Watershed Protection District. Mr. Mirabito stated that the lot does conform to the dimension requirements. Mr. Xixis asked if the division occurred per the plan, if lot 2 would be a fully conforming lot and Mr. Mirabito confirmed.

Mr. Xixis – discussed the application with the board and Mr. Vogel commented that he felt the application was straightforward. Attorney De Lisi noted the condition that stated it is not to be further subdivided and that is also stated on the plan that will be presented to the Planning Board for endorsement and recorded.

Meeting was opened for public comment –

Megan Mahony (abutter @ 45 Crescent Avenue, Scituate, MA 02066) – asked for clarification as to what is being requested. Mr. Mirabito further explained.

Mr. Carchia – asked about the driveway for the existing house, which is over a portion of lot one at this time. Mr. Mirabito stated the plan would be for this to become a common driveway, or they may decide to construct a second one.

Mr. Xixis - made a motion that the board find on the application of Mary Louise Pitts-Bohn, Trustee, 40 Crescent Avenue, Scituate, MA, 02066 requesting a special permit/finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 610.2B of the Scituate Zoning Bylaw and/or any other relief that the board may grant, to grant the creation of a single family lot located at 0 Crescent Avenue and 40 Crescent Avenue, Scituate, MA 02066 pursuant to the plan by Ross Engineering a division of Grady Consulting

dated June 15, 2023, with the covenants which are referenced herein. Motion seconded by Mr. Carchia, all in favor, unanimous.

Third Application: Kevin and Teresa Tenney, 77 Hawthorne Road, Braintree, MA 02184 request a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 810.2 of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant, to allow the razing and reconstruction of a preexisting, nonconforming structure located at **162 Central Avenue, Scituate, MA 02066 (Assessor's Map 70, Block 2, Parcel 8). Representing the Homeowner - Joseph Hannon, P.E., Atlantic Coast Engineering LLC, 88 Front Street, Suite 20B, Scituate, MA 02066 (via Zoom).**

Mr. Hannon - presented and reviewed the application status. The home was built in 1954 and is in an R3 zone. The family is requesting to raze the existing home, which is in the FEMA VE15 zone in Humarock. The proposed plan is to build a new pile supported home, 32 feet by 26 feet. The home currently does not comply with minimum lot size and some of the setbacks are noncompliant as well. The proposal is actually further in compliance with the zoning regulation, on the front setback it is staying the same. The side setback will be improved from 7.3 to 9 and the rear setback will be improved from 36.1 to 36.9. This proposal has been before the Scituate Conservation Commission twice. An approval vote was issued at the last meeting and an approved Order of Conditions should be issued next week. All the utilities would be cut and capped prior to construction. Piles would be installed, the home would be constructed, and then the decks and stairs as shown on the drawings.

Mr. Xixis – asked for confirmation of existing and proposed square footage. Mr. Hannon replied that the existing lot size is 4,284 square feet. The current house is 1,065 square feet, the proposed increase is 270 square feet for an increase of 19.2 percent. Mr. Hannon said where the existing house is one-story, the proposal is for two-story, so dimensionally the proposal is smaller, but the overall percent increase in square footage is 19.2 percent. There were no additional questions from the board.

Meeting was opened for public comment – no public comments.

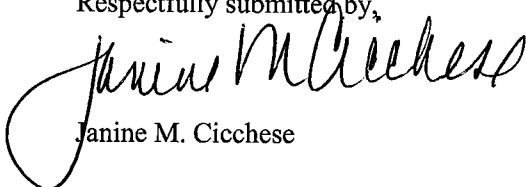
Mr. Xixis - made a motion that pursuant to the application of Kevin and Teresa Tenney, 77 Hawthorne Road, Braintree, MA 02184 requesting a special permit/finding in accordance with M.G.L. Chapter 40A, Section 6 and Section 810.2 of the Scituate Zoning Bylaw and/or any other relief that the Board of Appeals may grant to allow the razing and reconstruction of a preexisting, non-conforming structure located at 162 Central Avenue, Scituate, MA 02066 therefore grants the application pursuant to the plan by Atlantic Coast Engineering dated March 29, 2023 as revised on June 8, 2023 and that the board find that said raze and reconstruct introduces no new nonconformities and to the extent that it intensifies any existing nonconformities, such nonconformities are not substantially more detrimental to the neighborhood. Motion seconded by Mr. Carchia, all in favor, unanimous.

ADJOURNMENT

Motion to adjourn by Mr. Xixis and seconded by Mr. Carchia, all in favor, unanimous.

Meeting adjourned at 7:27 p.m.

Respectfully submitted by,



Janine M. Cicchese