

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
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TOWN OF SCITUATE

Decision of the Scituate Zoning Board of Appeals (the "Board") on the application of Stockbridge Properties, LLC of 31 Cavanaugh Road, Scituate, Massachusetts 02066 (the "Applicant") for a Special Permit/Finding pursuant to M.G.L. Chapter 40A, Section 6, and the Scituate Zoning Bylaw (the "Bylaw") Section 810.2 to allow an office addition on an existing non-conforming building at 108 Stockbridge Road, Scituate, Massachusetts (Assessor's Map 54, Block 2, Parcels 25 & 26).

The application was received, advertised and public hearings were held on May 19, 2016 and July 21, 2016 with the following members of the Zoning Board of Appeals hearing the application:

Sara J. Trezise, Chairperson
John Hallin
Edward C. Tibbetts

The subject property (the "Subject Property") at 108 Stockbridge Road, Scituate, Massachusetts is owned by Stockbridge Properties, LLC, a Massachusetts limited liability company. Title was acquired by deed dated March 1, 2016 and recorded with the Plymouth County Registry of Deeds in Book 46642, Page 130. It is located in the Residence R-2 Zoning District. It is neither located within the Water Resources Protection District nor the Flood Plan and Watershed Protection District. The Subject Property comprises two parcels totaling 9 acres of land. A single family home is on the front of the property and a contractor's yard is in the rear. The garage built in 1950 is used by the Applicant. The proposed office addition to the garage would enable the Applicant to monitor activities on the Subject Property and not be visible to the properties located on either side. The current access way would provide entrance. The proposal would have a 16' x 30' addition to the garage for office purposes which as indicated would not be visible to the abutters and the proposed height is less than the existing garage. The existing garage is 15.7' from the lot line.

The Subject Property is a non-conforming use consisting of a contractor's yard which has existed on the Subject Property for 60 years. If the Board finds the proposed addition is not substantially detrimental to the neighborhood, than a Special Permit may be granted.

After extensive discussion and input from abutters and neighbors, the Board found that the proposed addition will not intensify any non-conformities which currently exist on the Subject Property. Finally, the Board found the proposed addition would not be substantially more detrimental to the neighborhood than the existing structure.

Upon review of the plan and discussion of the proposed addition described in the plan provided by Morse Engineering, the Board determined the addition to the garage met the criteria of Section 950.3A through E.

- A. The Subject Property is in a residential zone, has been used for non-conforming purposes for a period in excess of 60 years and the modifications to the existing garage is appropriate for both use and structure.
- B. The proposed use will not adversely affect the neighborhood as the use is no more non-conforming and not intensified.
- C. There is no undue nuisance or serious hazard to vehicles or pedestrians as a result of the proposed use or structure as the use will essentially remain the same. Additionally, there is no increase in vehicular traffic associated with this addition to the garage as it is for office purposes.
- D. Adequate and appropriate facilities will be provided to assure the proper operation of the proposed use and structure. Current environmental, health and building codes require that the Building Commissioner issue a building permit upon his satisfaction as to the complete and total compliance with the aforesaid codes.
- E. The proposed addition will not have any impact on the public or private water supply.

The Board specifically FINDS that the existing garage and use is a pre-existing non-conforming use entitled to protection under the Massachusetts General Laws, Chapter 40A, Section 6 and that a Special Permit be granted for the 16' x 30' addition to the existing garage to be used for office purposes in accordance with the plan entitled Proposed Addition Plan 106 / 108 Stockbridge Road (Assessor's Parcel 54-2-25 & 26) Scituate, Massachusetts" dated March 31, 2016 prepared by Morse Engineering, 50 Union Street, Scituate, Massachusetts.

ZONING BOARD OF APPEALS



Sara J. Trezise



John Hallin



Edward Tibbetts

Filed with the Town Clerk and Planning Board on: October 18, 2016.

This Special Permit will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry of Deeds after the appeal period of twenty (20) days.

Appeal of any decision of the Zoning Board of Appeals may be made pursuant to MGL Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the Town Clerk