



Decision of the Scituate Zoning Board of appeals on the application of Barbara & Gerard Scalley, 62 Arlington Rd. Woburn, MA 01801 for a Special Permit/Finding under M.G.L. Chapter 40A, Section 6 that would allow the existing, non-conforming dwelling at 11 Garfield Street, Scituate, MA to razed and reconstructed.

The application was received, advertised, and a public hearing was duly held on November 18, 2009 with the following members of the Zoning Board of Appeals hearing the application:

Peter Morin, Chairman  
Brian Sullivan  
Sara Trezise

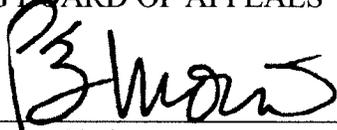
The property located at 11 Garfield Street, is in the A-3 residential district and is owner by Barbara & Gerard Scalley pursuant to a Certificate of Title No. 78678, in book 393, page 78 at the Plymouth County Registry of Deeds Registered Land Division. The original house was constructed on or about 1941, prior to the zoning bylaw in 1953, and therefore is a lawfully existing non-conforming structure. The lot does not comply with current zoning bylaw requirements as to frontage, lot width and lot area.

The applicant will raze the pre-existing nonconforming, single family dwelling and proposes to build a new single-family dwelling set on the existing footprint. (Submitted Site Plan for 11 Garfield Street, Scituate, MA dated May 5<sup>th</sup>, 2009 stamped and signed Ross Engineering Co.) The new dwelling will be 13.6' & 3.9' side set backs, 36.5' rear set back and 15.2 front set back.

In the view of the foregoing, the Board FINDS that, based on the applicant's representations, the new dwelling to be constructed on the property will not be substantially more detrimental to the neighborhood than the existing dwelling. Accordingly, the Board determines that the applicant may construct said dwelling, provided that, in accordance with Section 810 of the Zoning Bylaw, reconstruction of the dwelling is completed within two years following the razing of the existing dwelling.

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ZONING BOARD OF APPEALS



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Peter Morn, Chairman



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Brian Sullivan



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Sara Trezise

Filed with the Town Clerk on: December 16, 2009

This Special Permit/Finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County 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 M.G.L. 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 decision with the Town Clerk.