

# Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY  
SCITUATE, MASSACHUSETTS 02066  
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APR 24 AM 9:18  
TOWN OF SCITUATE  
ZONING DEPT

Decision of the Scituate Zoning Board of Appeals on the application of Arthur V. Cote, Jr. and Debra Cote of 92 Cross Street, Marshfield, Massachusetts for a finding/special permit pursuant to M.G.L. Chapter 40A, Section 6 and Zoning Bylaw section 810.2 to raze and reconstruct a pre-existing non-conforming structure, namely a single family residential dwelling located at 135 Humarock Beach, Scituate, MA.

The application was received, advertised, and a public hearing was duly held on February 18, 2016 and continued until April 21, 2016 with the following members of the Zoning Board of Appeals hearing the application:

Sara Trezise, Chairperson  
John Hallin  
Francis M. Lynch

The property, located at 135 Humarock Beach is in the R-3 residential zoning district and is owned by the applicant pursuant to Certificate of Title No. 88302 on file with the Land Court Registry District of Plymouth County. The applicant was present and represented by Attorney Steven M. Guard of Norwell, MA, with him was Greg Morse of Morse Engineering, Inc. of Scituate, MA the applicant's civil engineer.

The existing structure and lot enjoy "grandfathered" protected status as both the lot and structure predate the adoption of the zoning by law in 1953. The applicant proposes to raze the existing structure entirely and reconstruct a new dwelling on the lot which when constructed shall remove a portion of the existing building which now encroaches on the abutting property by 0.5 feet and will result in a new side yard setback of 1.8 feet. The lot contains the required lot area but does not front on a way. Access to the premises is over an historic 10 foot wide way shown on the plans filed by the applicant. In all other respects the new building will either maintain or make less nonconforming the existing setbacks. The Lot was first laid out on a plan of land in 1882 by Surveyor J. E. Wadleigh which Plan is recorded with the Plymouth County Registry of Deeds in Plan Book 1 at Page 92 and the existing dwelling was built in 1920.

After a public hearing, which was duly noticed and advertised, the Board made the following findings, based upon the applicant's representations and the plans filed with the application:

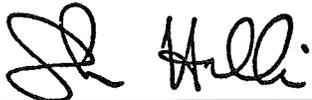
- a. The existing structure and lot dimensions do not comply with the current zoning bylaw requirements as to lot frontage, lot width and setbacks on the westerly and southerly sides of the property;
- b. The lot dimensions and the structures thereon are pre-existing non-conforming;
- c. The proposed reconstruction of the dwelling will not increase any of the existing non-conformities of the existing structure;
- d. The proposed reconstruction of the dwelling will eliminate the side yard encroachment and reduce that non-conformity to 1.8 feet;
- e. The proposed reconstruction of the pre-existing non-conforming residential dwelling is not substantially more detrimental to the neighborhood than the existing pre-existing non-conforming structure;
- f. The criteria of Zoning Bylaw 950.3 are satisfied; and,
- g. The reconstructed structure shall otherwise comply with applicable zoning bylaw requirements.

For the foregoing reasons, based upon the application, plans and testimony submitted by the applicant, the Board voted unanimously to GRANT the applicants' request for a special permit and FINDS that that the proposed use and plans are not substantially more detrimental to the neighborhood than the buildings and uses now existing and that the Applicant has met the standard for a M.G.L. 40A §6 finding and the issuance of a Special Permit in accordance with the plans prepared by Morse Engineering Co. , Inc., 19 Union Street, Scituate, MA entitled "Proposed Site Plan 135 Humarock Beach (Assessor's Parcel: 71-5-12F) Scituate, MA" dated April 12, 2016.

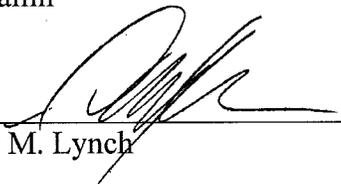
ZONING BOARD OF APPEALS



Sara J. Trezise



John Hallin



Francis M. Lynch

Filed with the Town Clerk and Planning Board on MAY 24, 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.