

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
(781) 545-8716



2016 JUN -7 AM 9:38
TOWN OF SCITUATE
ZONING BOARD

Decision of the Zoning Board of Appeals on the application of John A. Cronin of 96 Telegraph Hill Road, Marshfield MA (owner), Applicant STC Construction Services 545 Plain street, suite 3 Marshfield MA, 02050 for a Finding/Special Permit pursuant to M.G.L. Chapter 40A, Section 6 and Zoning Bylaw section 810.2 to Alteration of single family nonconforming structure (add addition) to a pre-existing non-conforming single family dwelling adding more than 20% to gross floor area.

The application was received, advertised, and a public hearing was duly held on March 17th, 2016 with the following members of the Zoning Board of Appeals hearing the application:

Ed Tibbetts, Acting Chairperson
John Hallin
Francis M. Lynch
Anthony Bucchere

The property, Located at 304 Clapp Road is in the R-1 residential zoning district and is owned by John A. Cronin pursuant to Certificate of Title No.00098081, Book 46303 page 296 on file with the Land Court Registry District of Plymouth County. The owner was represented by Darren Grady, civil engineer, Grady Consulting, L.L.C., 71 Evergreen Street, Kingston, MA.

The existing structure and lot enjoy "grandfathered" protection status as both the lot and structure predate the adoption of the zoning by law in 1953. As is indicated on the Assessor card provided by the applicant the year built is 1929. The applicant proposes to raze the existing garage structure entirely and add proposed garage, front porch and rear addition the existing house. This site is not located in the Water Resources Protection District.

The lot area and lot width/frontage are non-conforming and pre-exist current requirements. Lot area required is 40,000 SF, existing is 23,677 SF, lot width required is 175', existing is 124', lot frontage required is 175', existing is 108', front line setbacks: required is 35', existing is 44.4' and proposed is 38.6', side setbacks: required is 15', existing is 29.4' and 23.0', proposed 29.4' and 20.1', required rear setbacks is 30', existing 90.5' and proposed 86.6'.

Whereas the Applicant seeks a Special Permit/Finding the following, the Board made the following findings, based upon the applicant's representations:

1. The existing lot does not comply with the current zoning bylaw requirements as to lot frontage, lot width, and lot area.
2. The lot is pre-existing non-conforming.
3. The existing and proposed front, side and rear setbacks conform to the dimensional requirements of the zoning bylaw.
4. The proposed additions will not be more substantially detrimental to the neighborhood than the existing structures.
5. The proposed use will not adversely affect the neighborhood as the proposed residential structure and use are consistent with similar structures in the neighborhood.
6. There will be no undue nuisance or serious hazard to vehicles or pedestrians as a result of the proposed use or structure as the use will remain the same.
7. 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 only upon his/her satisfaction as to complete and total compliance with the aforesaid codes. In doing so the aforementioned assurances will clearly be met.
8. Whereas the structure will be serviced by Town water and whereas there are no known potable wells within 100' of the locus, there will be no impact on any public or private water supply

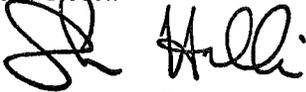
For the foregoing reasons, based upon the application, plans and testimony submitted by the applicant, the Board voted unanimously to GRANT the applicants' request for a Special Permit in accordance with the plan prepared by Grady Consulting, L.L.C. 71 Evergreen Street, Suite 1 Kingston, MA 02364 entitled Site Plan for 304 Clapp Rd., Scituate, MA dated and stamped January 28th, 2016.

FINDING that the proposed use and plans are not substantially more detrimental to the neighborhood than the building and uses now existing and that the Applicant has met the standards of M.G.L. 40A section 6 and Scituate Zoning Bylaw Section 950.3.

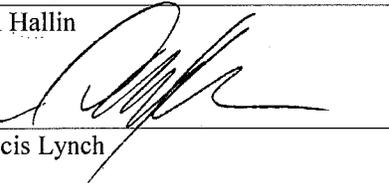
ZONING BOARD OF APPEALS



Edward Tibbett



John Hallin



Francis Lynch

Filed with the Town Clerk and Planning Board on June 7, 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 M.G.L. Chapter 40, Section 17, and shall be filed within twenty (20) days of the date of the filing of the decision with the Town Clerk.