

Town of Scituate

ZONING BOARD OF APPEALS

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



RECEIVED
2016 JUL 21 10:06
ZONING BOARD OF APPEALS

Decision of the Scituate Zoning Board of Appeals on the application of Neil J. Greco, 319 Central Avenue, Humarock, MA (hereinafter, the "Applicant) for a Special Permit/Finding pursuant to M.G.L. Chapter 40A. Section 6, and Scituate Zoning Bylaw (the, "Bylaw") Sections 810.2 that the reconstruction/extension/alteration of an existing nonconforming single family residential structure on a nonconforming lot, and the proposed structure, although greater than 20% larger, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or lot.

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

Sara J. Trezise
Edward C. Tibbitts
John Hallin
Francis Lynch
Anthony Bucchere

The subject property (the "Subject Property") at 319 Central Avenue is owned by Neil J. Greco of 7 Parker Ave, Cohasset, MA 02025 (See Certificate of Title No. 51292 filed with the Plymouth County Registry of Deeds). It is located in the R-3 Zoning District, and is not located within the Water Resources Protection District. The Subject property is 4057 + or - SF with 55' of frontage on Central Ave. The Applicant has provided a copy of the current tax assessment from the Town of Scituate which indicates that the single family dwelling on the subject property was constructed in 1940, prior to the adoption of zoning in the Town of Scituate. The pre-existing nonconformities of the Subject Property are (a) frontage (55' existing), (b) Front setback (24.6') (c) Side set back (5.3' and 6.7').

The Applicant proposes to alter the existing single family dwelling on the Subject Property by adding 600 SF of additional living space on the second floor, that will increase living area from 950 SF (existing) to 1550 SF (proposed) (more than 20%; approximately 63%).

M.G.L. Ch. 40A Section 6 provides that "pre-existing nonconforming structures and uses may be extended or altered, provided, that no such extension or alteration be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure] use in the neighborhood."

The Board specifically FINDS that the existing single family dwelling is a pre-existing nonconforming structure/use entitled to the protection offered in M.G.L. Ch. 40A Section 6.

Based on the information presented, the Board FINDS that the proposed alteration and use will increase or intensify the existing front set back; that it will not increase any other non-conformities, that it will not be substantially more detrimental to the neighborhood than the existing nonconforming structure and use, and that the proposed structure or use will not be substantially different in character or substantially more detrimental or injurious to persons, property, or improvement in the vicinity. The addition is to be built as detailed on the documents presented at the hearing including, but not limited to:

1. Certified Plot Plan, 319 Central Ave, Humarock, MA by Keefe Associates 281 South River Street, Marshfield, MA 02050, dated 7/20/2016

2. A revised Certified Plot Plan showing all existing setbacks and the proposed setbacks, including the proposed front porch area and front set back of 21/6', to be submitted to the Board prior to the filing of this Special Permit/Finding.

This Special Permit and these findings are issued pursuant to Zoning Bylaw Sections 810.2 and M.G.L. Chapter 40A, Section 6.

ZONING BOARD OF APPEALS

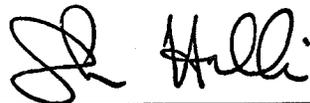
Sara J. Trezise



Edward C. Tibbetts



John Hallin



Filed with Town Clerk and Planning Board on October 17, 2016

This Special Permit will not become effective until such time as an attested copy of the 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 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.