Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
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Decision of the Scituate Zoning Board of Appeals on the application of Paul Sheerin of 39 Otis Rd, Scituate, MA 02066, to request a Special Permit/finding under M.G.L Ch. 40A Sec. 6 and Scituate Zoning Bylaws Sections 810.2A and 470.6F to allow the razing and reconstruction of a pre-existing non-conforming single-family dwelling which lies within the Watershed Protection District and is located at 39 Otis Rd, Scituate, MA.

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

Sara Trezise, Chairman
John Hallin
Edward Tibbetts
Francis Lynch, Alternate
Anthony J. Bucchere, Alternate

The property is located at 39 Otis Rd in Scituate and is owned by SMJJ Real Estate LLC who acquired the property from Edward V. and Geraldine M. Duffey by deed dated July 24, 2014 and recorded with the Plymouth County Registry of Deeds at Book 44650, Page 265.

The building on the property is a single family dwelling which according to Town Assessors records was constructed in 1952 and contains 936 Square feet of living space.

The application seeks approval to allow the razing and reconstruction of the single-family dwelling on the premises as per plans submitted by the applicant, drawn by Ross Engineering Company Inc., dated December 9, 2015 and entitled "Site Plan for 29 Otis Road in Scituate Mass." (the "Plan").

The property is located in the R-3 residential zoning district. The existing front and rear setbacks are non-conforming but pre-existed current zoning requirements. The applicant seeks to raze and reconstruct the existing home per the Plan which will increase the gross floor area of the home from the existing 936 square feet to 2,390 square feet, representing an increase of 155.3%. The proposed improvements will not create any new non-conformities and will increase the current front and rear yard setbacks from the existing 22' and 6.5' to 22.5' and 14.6' respectively, thereby reducing all existing nonconformities.

It was also noted that the property is located within the Scituate Flood Plain and Watershed Protection District as laid out in Section 470 of the Town of Scituate Zoning Bylaw.

The Board voted to approve the application allowing the proposed razing and reconstruction per the Plan.

In approving this application, the Board found the criteria required under Section 810.2 will be satisfied by the present plans as follows:

A. The proposed construction, if constructed per the Plan will not create any new non-conformities.
B. The proposed construction, if construction per the Plan will not intensify any existing non-conformities and will actually reduce both.
C. To the extent any of the existing non-conformities are intensified such intensification will not be substantially more detrimental to the surrounding neighborhood.

Further the board found that the criteria of Section 470.6F will be satisfied by the present plans as follows:

1. The proposed improvements will be consistent with the requirements of the National Flood Insurance Program.
2. The proposed improvements will be consistent with the provisions of the State Building Code (780 Code of Massachusetts Regulations) pertaining to flood resistant construction.
3. As no watercourse exists at or near the locus none will be affected by the proposed improvements.

For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the construction of the proposed addition per the Plan.

SCITUATE ZONING BOARD OF APPEALS

Sara Trezise

John Hallin

Edward Tibbetts

Filed with the Planning Board and Town Clerk on: March 11, 2016

/ajb

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.