

# Town of Scituate

ZONING BOARD OF APPEALS

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



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Decision of the Scituate Zoning Board of Appeals on the application of Welby Builders, LLC with the permission of the current owners, Jean F. Marzilli and Edwin L. Dolan of 178 West Street, Brockton, MA 02301, to request a Special Permit/finding under M.G.L Ch. 40A Sec. 6 and Scituate Zoning Bylaw Section 810.2 to allow the razing and reconstruction of the existing single-family dwelling on a pre-existing non-conforming lot located at 579 Country Way, Scituate MA, Assessor's Parcel 26-2-51 & 26-2-50.

The application was received, advertised, and a public hearing was duly held on November 19, 2015 with the following members of the Zoning Board of Appeals hearing the application:

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

The property is located at 579 Country Way and is owned by Jean F. Marzilli and Edwin L. Dolan of 178 West Street, Brockton, MA 02301 who acquired the property from Edwin L. Dolan by deed recorded with the Plymouth County Registry of Deeds at Book 9633, Page 332.

The building on the property is a single family dwelling which according to Town Assessors records was constructed in 1932.

The application seeks approval to allow the razing and re construction of the single-family dwelling as per plans submitted by the applicant, drawn by Morse Engineering Co., Inc., dated October 28, 2015, revised November 19, 2015, and entitled "Plan Showing Existing & Proposed House Locations #579 Country Way (Assessor's Parcel 26-2-51 & 26-2-50) Scituate, Massachusetts" (the "Plan").

The property is located in the R2 residential zoning district. The existing frontage, lot width, and side yard setback are non-conforming but pre-existed current zoning requirements. The applicant seeks to reconstruct the proposed single family home per the Plan. The proposed home will not create any new non-conformities and will increase the currently non-conforming side yard setback from 4.33' to 15.5' thereby bringing it into conformity with the current zoning regulations. The existing frontage and lot width non-conformities will remain unchanged.

The Board voted to approve the application allowing the proposed addition to the home per the Plan.

In approving this application, the Board considered the following:

- A. The proposed addition, if constructed per the Plan, will not create any new non-conformities.
- B. The proposed addition, if constructed per the Plan, will not intensify any existing non-conformities.

In approving this application the Board noted that all outbuildings shall be demolished as shown on the plan and that all extraneous construction materials shall be removed from the property upon completion. Also the Board confirmed that the Applicant may move the proposed structure on the lot without needing further relief from the Board provided that all setback requirements continue to be met.

For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the construction of the proposed home per the Plan, FINDING that no new non-conformities will be created and that no existing non-conformities will be intensified.

SCITUATE ZONING BOARD OF APPEALS



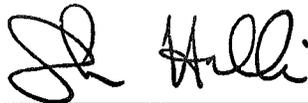
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Sara Trezise



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Edward Tibbetts



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John Hallin

Filed with the Town Clerk and the Planning Board on: December 21, 2015

/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.