

# Town of Scituate

ZONING BOARD OF APPEALS

RECEIVED  
CLERK OF THE TOWN

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



2009 OCT 28 A 9:36

Decision of the Scituate Zoning Board of Appeals on the application of Christopher & Jennifer Morrison, 60 Mordecai Lincoln Rd. Scituate, MA 02066 (hereinafter, the "Applicant") for a Special Permit/Finding under M.G.L. Chapter 40A Section 6 and Section 810 of the Scituate Zoning Bylaws that would allow the pre-existing nonconforming dwelling at, 60 Mordecai Lincoln Rd., Scituate, MA 02066 to be razed and replaced with an entirely new dwelling that will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The application was received, advertised and a public hearing duly held on October 15<sup>th</sup>, 2009, with the following members of the Zoning Board of Appeals hearing the application:

Peter Morin, Chairman  
Brian Sullivan  
Edward Tibbetts

The subject property at 60 Mordecai Lincoln Rd., Scituate, MA (hereinafter, the "Subject Property") is located in the A-2 residential district (minimum required lot area of 20,00 square feet). At the time of the application subject property was in the name of Christopher & Jennifer Morrison, 60 Mordecai Lincoln Rd., Scituate, MA 02066 deed recorded Plymouth Registry of Deeds, March 31, 2009, Book 37004, page 263-264 and consists of a single-family dwelling that was constructed prior to the adoption of the applicable dimensional zoning bylaws in 1953. The house, therefore, enjoys grandfathered status.

The Dimensional Regulations for residential dwellings in an A-2 district are as follows:

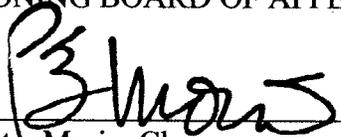
- a. The required lot area is 20,000 square feet;
- b. The required lot frontage is 100 feet;
- c. The required side yard setback is 15 feet;
- d. The required rear yard depth is 20 feet for residential buildings and 8 feet for one-story detached accessory buildings;
- e. The required front yard setback is 30 feet; and
- f. The required lot width is 100 feet.
- g. The maximum height is 35 feet as measured under Section 620 of the SZB

The existing dwelling is dimensionally nonconforming as to lot width and lot frontage, which is 99.37' width and no frontage. The Applicant proposes to raze the existing dwelling and garage and construct new dwelling and garage on the existing footprints (CCR Associates plan date September 15<sup>th</sup>, 2009).

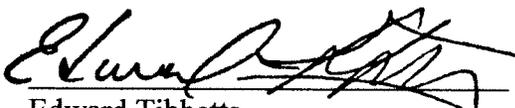
Under the second except (except) clause of the first paragraph of Section 6 of M.G.L. ch. 40A, reconstruction of a pre-existing nonconforming single or two-family residential structure is permitted as a matter of right if the reconstruction does not increase the nonconforming nature of said structure. The Board determined that, based on the Applicants' representations, the new dwelling to be constructed on the property will not intensify any existing nonconformities or increase the nonconforming nature of the structure. Accordingly, the Applicants may construct a new dwelling, provided that, in accordance with Section 810 of the Zoning Bylaw reconstruction of the dwelling is complete within two (2) years following the razing of the existing dwelling.

In view of the foregoing, the Board voted unanimously to grant the requested Special Permit/Finding to the Applicant.

ZONING BOARD OF APPEALS

  
Peter Morin, Chairman

  
Brian Sullivan

  
Edward Tibbetts

Filed with Town Clerk on: October 28, 2009.

The Decision will not become effective until such time as an attested copy has been filed with the Plymouth County Registry of Deeds after the 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.