

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 Zoning Board of Appeals on the application of Jacquelyne Murphy, 91 Humarock Beach, Scituate MA 02047 for a Finding/Special Permit pursuant to M.G.L. Chapter 40A, Section 6 and Zoning Bylaw section 810.2 to raze and reconstruct a pre-existing non-conforming structure, namely a single family residential dwelling located at 91 Humarock Beach, Scituate, MA.

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

Sara Trezise, Chairperson
John Hallin
Edward Tibbetts
Francis M. Lynch
Anthony Bucchere

The property, located at 91 Humarock Beach is in the R-3 residential zoning district and is owned by the applicant pursuant to Certificate of Title No.52875 on file at the Plymouth County Registry of Deeds. The applicant was represented by Paul Mirabito of Ross Engineering Company Inc., Norwell, MA, the applicant's civil engineer.

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, year build is 1915. The applicant proposes to raze the existing structure entirely and reconstruct a new dwelling on the lot. This site is not located in the Water Resources Protection District. The property is located in the 2012 FIRM Map Zone VE19 and AO2. The proposed 2015 FIRM map shows the property to be in VE16 and AE13. The proposed dwelling would be constructed on wood pilings in accordance with the 2015 proposed FIRM map.

The existing structure, lot size, lot frontage, lot width, sideboard setbacks and rear yard setbacks are non-conforming and pre-exist current requirements. Lot area required 10,000 SF, existing is 6,000 SF; lot width required is 100', existing is 40'; lot frontage required is 100', existing is 40'; front line setbacks required is 30', existing is 48.7' and proposed is 56.8'; side setbacks required is 8', existing is 7.9' and 3.3', proposed is 8.4' and 3.6'; required rear setbacks is 8', existing is 16.1' and proposed is 16.1'. The existing gross floor area is 1228 sq. ft. The proposed gross square footage is 3475, representing an increase of 183%.

There was no comment from the audience.

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

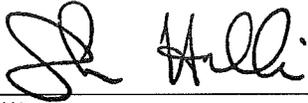
1. The existing structure and lot dimensions do not comply with the current zoning bylaw requirements as to lot frontage, lot width, side setbacks and lot area.
2. The lot dimensions, size and structure thereon are pre-existing non-conforming.
3. The proposed new structure, while reducing one side line setback and eliminating the other non-conforming side line setback, may constitute an intensification of the non-conforming lot area and width requirements.
4. The proposed structure and use will not be substantially more detrimental to the neighborhood than the existing structure and use.
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 sewer 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 and FINDS that the proposed use and plans are not substantially more detrimental to the neighborhood than the building and uses now existing; that the proposed new construction meets the requirements of Bylaw Section 950.3A-F and that the Applicant has met the standard for a M.G.L. Chapter 40A, Section 6 finding and the issuance of a Special permit in accordance with the plan prepared by Ross Engineering Company Inc. 683 Main Street, Norwell, MA entitled Site Plan for 91 Humarock Beach, Scituate, MA dated and stamped January 25th, 2016.

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Sara J. Trezise



John Hallin



Edward Tibbetts

Filed with the Town Clerk and Planning Board on May 5, 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 40A, Section 17, and shall be filed within twenty (20) days of the date of the filing of the decision with the Town Clerk.