

Town of Scituate

ZONING BOARD OF APPEALS

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Decision of the Scituate Zoning Board of Appeals on the application of JMGH Family Realty Trust of P.O. Box 948, Hanover Massachusetts, for a Special Permit/ Finding under M.G.L 40, Section 6 and/or Section 810.3 of the Scituate Zoning Bylaw to allow the razing and reconstruction of a pre-existing, nonconforming multi family dwelling located at 93-97 First Parish Road, Scituate MA, Assessor's Parcel 49-3-1.

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

The property is located at 93-97 First Parish Road, Scituate MA and is owned by The JMGH Family Trust who acquired the property from The Doyle Family Living Trust by deed dated November 17, 2015 and recorded with the Plymouth County Registry of Deeds at Book 46298, Page 158.

The building on the property is a 5 unit multi family dwelling totaling 4,098 square feet which according to Town Assessors records was constructed prior to the adoption of the Scituate Zoning Bylaw. The property is located in the R3 residential zoning district. The existing parking, front yard setback (currently 9.3' where 30' is required), and the existing use (multi-family) are non-conforming but pre-existed current zoning requirements and are therefore legally non-conforming.

The application seeks approval to allow the razing and re construction of the multi family dwelling as per plans submitted by the applicant, drawn by Morse Engineering Co., Inc. and entitled "Plan Showing Existing Conditions 93-97 First Parish Road (Assessor's Parcel 49-3-1) Scituate, Massachusetts" dated 2-19-16 and revised 7-19-16 (The "Plan"). The Plan shows a proposed 5 unit multi family dwelling in two buildings, connected by a covered walkway and patio containing a total of 5,784 square feet. The proposed reconstruction will not create any new non-conformities and will reduce the front yard setback non-conformity by increasing the front yard setback to 11.0', and will bring the parking at the site into compliance with the Zoning Bylaw.

After reviewing the application and hearing testimony from the applicant, building inspector and abutters the Board found the following:

- a. That the Applicant had previously met with the Design Review Committee and the proposed dwelling shown on the Plan takes into account the recommendations put forth by the Committee.
- b. That the proposed dwelling if constructed per the Plan will not create any new non conformities
- c. That the proposed dwelling if constructed per the Plan will not be substantially more detrimental to the surrounding neighborhood than the existing non-conforming structure and use.
- d. That to the extent the proposed dwelling constitutes an intensification of the non-conformities at the site; such intensification will not be substantially more detrimental to the surrounding neighborhood.

Based on the forgoing the Board unanimously voted to GRANT the application to permit the razing and reconstruction of the proposed dwelling per the Plan subject to the following conditions:

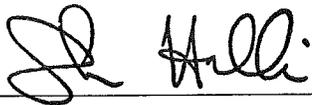
1. That all exterior lighting on the west side of the building be "down lighting" with a cutoff so as to not spillover property line.
2. That the owner(s) of the property maintain a 5' landscaped buffer or fence along western property line and rear property line.
3. That no permanent dumpster or mass/open trash receptacle be located on the property.
4. That all building mechanicals and HVAC equipment be located on the eastern side of the building.

The above conditions shall run with the land and be enforceable against the successors and assigns of the Applicant.

SCITUATE ZONING BOARD OF APPEALS



Sara Trezise



John Hallin



Edward Tibbetts

Filed with the Town Clerk and the Planning Board on: September 26, 2016

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.