

Town of Scituate

ZONING BOARD OF APPEALS

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



Decision of the Scituate Zoning Board of Appeals on the application of Scott Caulfield of 234 Copeland Street, Suite 230, Quincy, MA (here in after, the "applicant") for a floodplain special permit under section 470.6F of the bylaws and a M.G.L. c40A, Section 6 special permit/finding permit to raze and reconstruct a pre-existing non-conforming single-family dwelling at 10 Shoal Water Road.

The application was received and advertised and a public hearing was held on May 18, 2011. With the following members of the Zoning Board of Appeals hearing the application:

Peter Morin, Chairman
Brian Sullivan
Sara Trezise

The property (the "Subject Property") at 10 Shoal Water Road is owned by Thomas P. Caulfield, Trustee of the Clover Realty Trust. (Plymouth District Registry of Deeds, Book 38974 and page 298). It is located in the residence A-3 zoning district & the Flood Plain. The subject property has approximately 75' of frontage (100' is required) and is 17,500 SQ FT in area. The applicant has provided a copy of the current tax assessment from the Town of Scituate which indicates the single family dwelling on the subject property was constructed in 1955, prior to the adoption of the zoning laws in the Town of Scituate. In all other respects the lot and dwell are conforming.

The applicant proposes to raze the existing single family home and reconstruct a new single family home on the same footprint, adding 24 SQ FT to the existing footprint. (submitted Site Plan dated 2/11/2011).

M.L.G. Ch. 40A Section 6 provides that "pre-existing nonconforming structures and uses may be extended or altered, provided, that no such extension or alteration be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by the ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure or] use to the neighborhood."

The Board finds that the existing single family dwelling is a pre-existing, nonconforming structure/use entitled to the protection afforded in M.G.L. Ch. 40A Section 6.

Flood Plain Special Permit section 470.6F: The applicant is required to:

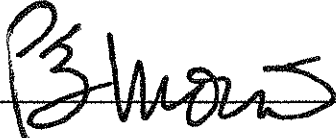
- A. Improvement to be consistent with the Mass State Building Code (780 Code of Massachusetts Regulations) pertaining to flood resistant construction, in consultation with the Building Commissioner.
- B. Any improvements shall not affect the natural drainage patterns of the watercourse.

- C. Such improvements must be consistent with the requirements of the National Flood Insurance Program.
- D. An "As Built plan" of foundation submitted to the Building Commissioner prior to completion of project

Base upon the information presented, the Board finds that the proposed reconstruction and use will not be substantially more detrimental to the neighborhood than the existing non conforming structure in use.

For the foregoing reasons, the Board unanimously voted to grant the Applicant a special permit to raze and reconstruct a single family home base on MR Surveying, Inc (job #mr-1027) dated November 3rd , 2010 for Scott Caulfield 10 Shoal Water Rd.

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Peter B. Morin, Chairman



Brian B. Sullivan



Sara J. Trezise

Filed with the Town Clerk on: July 20, 2011.

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 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.