

# 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 Heather and Michael Dockray of 115 Ann Vinal Road, Scituate, MA 02066 for a Special Permit/Finding under M.G.L. Chapter 40A, Section 6 that would allow the existing, non-conforming single-family dwelling located at 115 Ann Vinal Road, Scituate, to be razed and replaced with a new single family dwelling.

The application was received, advertised, and a public hearing was duly held on September 20, 2007 with the following members of the Zoning Board of Appeals hearing the application:

Al Bangert  
Brian Sullivan  
Sara Trezise

The property located at 115 Ann Vinal Road, is in the A-2 residential district and is owned by Heather and Michael Dockray, pursuant to a Quitclaim Deed recorded in the Plymouth County Registry of Deeds in Book 21045, Pages 277-278. The original house was constructed in the 1900. Whereas the use of the lot is residential and the lot predates the adoption of the dimensional requirements of the zoning by law in 1956, the property enjoys grandfathered status.

The Dimensional Regulations for residential dwellings in the 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 30 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 125 feet.

The applicant proposes to raze the pre-existing non-conforming single-family dwelling and build a new single family dwelling on the premises. Presently the lot is nonconforming as follows:

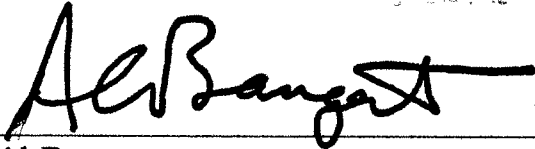
- a. 95.00  $\pm$  feet versus the required 100 feet frontage;
- b. 9.84 feet versus the required 15 feet side setback.

The lot contains 1.8 acres, 12,442  $\pm$  square feet of which is upland. In all other ways, the existing use and proposed use is conforming.

The applicant proposes to build a single family dwelling that will not encroach any further than it presently does into the required setbacks and in fact will slightly decrease the nonconformity of the present side setbacks.

THEREFORE, based on the information presented, the Board unanimously voted to GRANT the Applicant a Special Permit under Scituate Zoning Bylaw § 820 and § 1020.2(D) and a finding under MGL c. 40A, § 6 that the proposal to raze and reconstruct the pre-existing nonconforming single family dwelling located at 115 Ann Vinal Road, Scituate, Massachusetts as proposed on the plans submitted by the applicant dated July 23, 2007 by Neil Murphy Associates, Inc., is not substantially more detrimental than the current pre-existing nonconforming dwelling nor injurious to persons, property or improvements in the vicinity. Accordingly, the Board determines that the applicant may construct said dwelling provided that it is constructed in accordance with the Zoning Bylaw, and reconstruction of the dwelling is completed within two years following the razing of the existing dwelling.

ZONING BOARD OF APPEALS



Al Bangert



Brian Sullivan



Sara Trezise

Filed with the Town Clerk on 9-24-07

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.