



Decision of the Scituate Zoning Board of Appeals on the application of William R. Carven of 14 Buttonwood Lane, Scituate, MA 02066 (hereinafter the "Applicant") requesting a M.G.L. Ch. 40A, Sec. 6 special permit/finding to raze and reconstruct the pre-existing, non-conforming dwelling at 14 Buttonwood Lane which will increase the gross square footage of the subject premises by more than 20%. The home is a pre-existing non-conforming single family dwelling located at 14 Buttonwood Lane, and is owned by the applicant. The Applicant was present at the meeting and was represented by Mr. Paul Mirabito of Ross Engineering, and his builder, Mr. Edward McLaughlin.

The application was received, advertised and a public hearing was duly held on April 19, 2012, with the following members of the Zoning Board hearing the application:

Peter Morin, Chairman  
Brian Sullivan  
Sara Trezise

The subject property at 14 Buttonwood Lane (subject property) is owned by William R. Carven and Elizabeth N. Carven (See Quitclaim Deed, Recorded at the Plymouth County Registry Of Deeds at Book 34459, Page 122-123). The subject property is located in the R-3 Zoning District. The subject property has 50 feet of frontage on Buttonwood Lane, a 7.3 ft. side yard set back and has 11,000 sq. ft. in lot area. The applicant has provided a copy of the current tax assessment field card from the Town of Scituate which indicates that the single family dwelling was built in 1950; prior to the adoption of the Zoning By Law in the Town of Scituate.

The pre-existing nonconformities of the subject property are as follows:

- (a) lot frontage and width are 50 ft., whereas the required frontage and width are 100 feet;
- (b) side yard set back is 7.3 ft, whereas the required set back is 8 ft.
- © front yard set back is 23.1, and required setback is 30 feet.

In all other respects the lot and dwelling are conforming.

The applicant is proposing to raze and reconstruct the current dwelling, as per Site Plan dated March 30, 2012 from Ross Engineering.

M. G. L. 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 non-conforming [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. The Applicant agreed, at the request of the Board, to eliminate the pre-existing, non-conforming sideline setback, and the dwelling will conform with the 8 foot side-line setback.

Based on the information presented with the application and testimony at the hearing, the board finds that the proposed alterations and use will not be substantially more detrimental to the neighborhood than the existing nonconforming structure and use.

For the forgoing reasons, the Board unanimously voted to grant the Applicant a special permit and the requested finding to increase the gross square foot area of the existing single family dwelling by more than 20% in accordance with the plan submitted and as prepared by Ross Engineering of Norwell, MA dated March 30, 2012 for Elizabeth and William Carven 14 Buttonwood Lane, Scituate, MA 02066.

#### SCITUATE ZONING BOARD OF APPEALS



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Peter Morin



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Brian Sullivan



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Sara Trezise

Filed with the Town Clerk on: May 7, 2012.

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.