



Decision of the Scituate Zoning Board of Appeals on the application of William P. Murphy of 223 Summer Street, Norwell, Massachusetts for a finding under MGL 40A § 6 and a special permit to allow reconstruction and extension of an existing single family dwelling located at 145A Glades Road, Scituate, Massachusetts (also known as 145R Glades Road).

The application was received, advertised and a public hearing was duly held on October 18, 2011 with the following members of the Zoning Board of Appeals hearing the application:

Peter B. Morin
Edward C. Tibbetts
John Hallin

The property that is the subject matter of this application is located in the R-3 Residential District. The property lies in the Town of Scituate Flood Plain District, and a portion of it lies in the Watershed Protection District.

At the time of the application, title to the premises was in the name of the Applicant and Susan M. Murphy of the said Norwell, and James J. Murphy and Elizabeth A. Murphy, both of 250 Waverly Street, Belmont, Massachusetts; all as Joint Tenants, by way of a deed recorded with the Plymouth County Registry of Deeds in Book 20975 Page 254.

The premises contain 2,736 square feet of land and contain approximately 38 feet of frontage on a private way off Glades Road, a public way. The R-3 Residential District requires 10,000 square feet lot area and 100 feet of frontage and 100 feet of lot width. In addition, the R-3 Residential District requires a 30 feet front yard setback, 8 feet side yard setbacks, 8 feet rear yard setback for one story detached accessory structures and 20 feet rear yard set back for all other buildings. Per the plan filed with the petitioner's application, the current single-family dwelling has a front yard setback of 11.3' and side yard setbacks of 1.4' to 12.2'. The lot width is 38'. The structure is therefore nonconforming as to lot area, lot frontage, lot width, front yard setback and side yard setbacks. The Applicant produced evidence at the hearing showing the lot and single-family dwelling located upon thereon have been in existence since at least 1920. The single-family dwelling is therefore pre-existing and nonconforming.

At the October 18, 2011 hearing, the Board reviewed with the Applicant, the submitted revised plan drawn by Morse Engineering Co., Inc. Scituate, Massachusetts dated October 18, 2012. The plan call for razing and reconstructing the existing dwelling, which will increase the southerly pre-existing non-conforming side yard setback from 12.2' to 12.5', and increase the pre-existing non-conforming front yard along Glades

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Road from 11.3' feet to 12.0' feet. The rear yard setback will diminish from 30.5' at 20', a conforming setback.

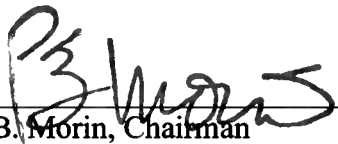
Based upon the evidence presented, the Board finds that the lot and single family dwelling located at 145A Glades Road pre-exist the adoption of subdivision control in Scituate and the dwelling is nonconforming to the bylaw. The Applicant's proposed reconstruction of the garage portion of his single family dwelling is entitled to be reviewed by the Board pursuant to the terms of MGL c. 40A § 6 and is required under Scituate Zoning Bylaw 810.2.

The Board finds that the proposed reconstruction decreases the nonconforming nature of the existing single-family dwelling. The Board finds that the continued nonconforming nature of the dwelling is not substantially more detrimental to the neighborhood than the existing nonconformity.


Pursuant to Section 950.3 of the Bylaw, the lot is appropriate for a single-family dwelling. The use of the dwelling should not adversely affect the neighborhood, nor create any undue nuisance or hazard to vehicles or pedestrians. The town's Board of Health and the Building Commissioner will ensure that appropriate facilities are provided to assure the proper operation of the single-family dwelling. The proposed use of dwelling will not have a significant impact on any public or private water supply, and the lot is not located within the Water Resource Protection District. In addition, the Board finds that the use reflects the nature and purpose of the use prevailing when the bylaw took effect, that there is no difference in the quality or character, as well as the degree of use, and the proposed use is not different in kind in its effect on the neighborhood.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicants' request for a finding under MGL Chapter 40A § 6 and for a Special Permit to allow the reconstruction of the single family dwelling as shown on the Application Plan.

ZONING BOARD OF APPEALS


Peter B. Morin, Chairman


Edward Tibbetts


John Hallin

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Filed with the Town Clerk on: January 15, 2013

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.