

# 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 Jericho Road Condominiums, LLC by its manger, James P. Lewis of 61 Accord Pond Park Drive, Norwell, MA, under Massachusetts General Laws Chapter 40A Sections 9 and 11 and Town of Scituate Floodplain and Watershed Protection District Zoning By-law Section 470.6 (F), to substantially improve, rebuild and reconstruct pre-existing non-conforming structure on the property which was destroyed by accidental cause in 2010..

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

Peter Morin, Chairman  
Brian Sullivan  
Sara Trezise

The property is located at 153 Jericho Road. The building on the property is a six unit multi-family structure which according to Town Assessors records was constructed in 1930. The property was heavily damaged in a nor-easter on December 26, 2010. As the result, the property was declared uninhabitable and condemned.

The Applicant has a purchase and sales agreement with the present owners for the purchase of the property. The purchase and sale was signed by "James P. Lewis, Manager for Key North Realty, LLC, or nominee" and since has been assigned to Jericho Road Condominiums, LLC. The purchase is contingent upon the applicant obtaining the necessary zoning and building permits to reconstruct the damaged structure.

Town of Scituate Floodplain and Watershed Protection District Zoning By-law Section 470.6 (F) in relevant part states:

A special permit for substantial improvement of existing structures which legally existed on the date of amendment of this section of the bylaw (March 2, 1992) may be issued in accordance with the following:

1. Such improvements must be consistent with the requirements of the National Flood Insurance Program.
2. Any improvements must be consistent with those provisions of the State Building Code (780 Code of Massachusetts Regulations) pertaining to flood resistant construction, in consultation with the Building Commissioner.

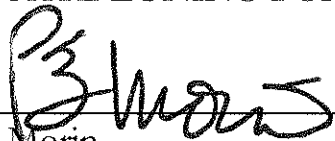
3. Any improvements shall not affect the natural drainage patterns of the watercourse.

The property is located in the R3 zoning district and the Town of Scituate Flood Plain and Watershed Protection District. It also is located in Zone AE (EL12) and AE (EL11) as shown on Firm Map Community Panel #2502826 0004 E, dated October 16, 2003. There are no natural drainage patterns of any watercourse on the property. The Applicant intends to raze the existing structure and replace it with a larger structure, although on basically the same footprint, but with only four residential units and off street parking for each unit. The parking for each unit will be underneath the structure.

The applicant has previously received a Special Permit from the Board to raze and reconstruct the pre-existing non-conforming structure on the property pursuant to the provisions of Scituate Zoning By-law 830. The applicant's proposal to reconstruct the structure must be permitted by the Building Commissioner of the Town of Scituate and a Certificate of Occupancy must be obtained prior to the legal occupancy of the structure. In order to obtain such a building permit and Certificate of Occupancy, such improvements must be consistent with the requirements of the National Flood Insurance Program and any improvements must be consistent with those provisions of the State Building Code (780 Code of Massachusetts Regulations) pertaining to flood resistant construction, in consultation with the Building Commissioner. As there are no natural drainage patterns of any watercourse on the property, the requirement under Town of Scituate Floodplain and Watershed Protection District Zoning By-law Section 470.6 (F) (3) are inapplicable. As such, the Board voted to approve the application. In approving this application, the Board found the criteria required under Town of Scituate Floodplain and Watershed Protection District Zoning By-law Section 470.6 (F) have or will be met as aforesaid.

For the foregoing reasons, the Board unanimously voted to GRANT the application and issue a special permit to substantially improve, rebuild and reconstruct pre-existing non-conforming structure in the Town of Scituate Floodplain and Watershed Protection District FINDING that the criteria required under Town of Scituate Floodplain and Watershed Protection District Zoning By-law Section 470.6 (F) have or will be met.

SCITUATE ZONING BOARD OF APPEALS

  
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Peter Morin



Brian Sullivan



Sara Trezise

Filed with the Town Clerk on: February 21, 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.