



Decision of the Scituate Zoning Board of Appeals on the application of Julie Johnson of 260 South River St., Marshfield, MA 02050 (hereinafter the "Applicant") requesting a M.G.L. Ch. 40A, Sec. 6 special permit/finding to construct an addition and a dormer 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 16 Fourth Avenue, Scituate.

The application was received, advertised and a public hearing was duly held on March 15th 2012, with the following members of the Zoning Board hearing the application:

Peter Morin, Chairman
Brian Sullivan
Sara Trezise

The subject property at 16 Fourth Avenue (subject property) is owned by John E. Berton and Laura S. Berton (See Quitclaim Deed, Doc. 497957 01-15-02, Cert. 100618 Book 503-18 in the Plymouth Registry of Deeds). The subject property is located in the R-3 Zoning District. The subject property has 50 feet of frontage on Fourth Avenue, a 7.76 ft. side yard set back and has 5,000 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) lot area is 5,000 sq. ft., whereas the required area is 10,000 sq. ft., and;
- (c) side yard set back is 7.76 ft, whereas the required set back is 8 ft.

In all other respects the lot and dwelling are conforming.

The applicant is proposing to add a 704 sq. ft. addition and dormer to add a family room, laundry room and expand the existing bedrooms as per plans submitted from Custom Home Design, dated January 23, 2012.


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.

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 Environmental Engineering Technologies Inc. of 465 Furnace Street, Marshfield, MA 02050, dated January 31, 2012 for John E. & Laura S. Berton , 16 Fourth Avenue, Scituate, MA 02066.


SCITUATE ZONING BOARD OF APPEALS



Peter Morin



Brian Sullivan



Sara Trezise

Filed with the Town Clerk on: April 9, 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.