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Decision of the Scituate Zoning Board of Appeals on the application for a Special Permit/Finding of Edward J. McLaughlin, Trustee of the Cottage Realty Trust, P.O. Box 206, Scituate, MA, under Scituate Zoning By-laws 470.6F for a substantial improvement and for an increase in gross floor area of 108% pursuant to Section 810.2.A.

The application was received, advertised, and a public hearing was duly held on October 18, 2012 with the following members of the Zoning Board of Appeals hearing the application:

Peter Morin, Chairman  
John Hallin  
Edward Tibbets

The property is located at 167 Jericho Road and is owned by Edward J. McLaughlin, Trustee of the Cottage Realty Trust, who acquired the property by deed recorded October 13, 2004. (See Deed recorded in Book 29247, Page 104-105 in the Plymouth County Registry of Deeds.) The existing structure on the property is a foundation for a single family home. The foundation was built in 2007 under a building permit issued by the Scituate Building Inspector. According to Town Assessor's records the original single family home was constructed in 1910. The application seeks approval to construct a dwelling in the Town of Scituate Floodplain and Watershed Protection District which would increase the gross floor area (GFA) by more than 25%. The existing structure has a GFA of approximately 625 square feet. The proposed GFA is to be approximately 1,300 S.F. or 108% greater than that of the original structure.

The property is located in the R-3 residential zoning district. The existing lot frontage and lot area are non-conforming. Front, Rear and Side set backs will remain unchanged. The proposed structure will conform to current height requirements.

The Board heard concerns from abuttor William J. Donlon with regard to the existing side yard setback of 4.2', and requested that the setback not be further encroached by the placement of stairs, deck or other appurtenance. The applicant assured the Board that he had no intention of introducing such additions and did not object to a condition to that effect.


The Board voted to approve the application allowing the construction of the single family home as per the plans submitted with the application pursuant to Scituate Zoning By-laws 810.2.A.

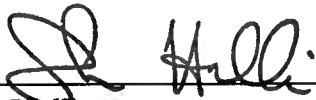
In approving this application, the Board found the criteria required under Section 950.3 will be satisfied by the present plans as follows:

- A. The locus is in a residentially zoned district. As such the specific site is an appropriate location for both the use and structure which are proposed.
- B. The proposed use is an expansion of an existing single family dwelling in an R-3 Residential District and will not adversely affect the neighborhood.
- C. The proposed use will not create any material increase in traffic. There will be no undue nuisance or serious hazard to vehicles or pedestrians as a result of the proposed use or structure.
- D. Adequate and appropriate facilities will be provided to assure the proper operation of the proposed use and structure. Current environmental, health and building codes require that the Building Commissioner issue a building permit only upon his satisfaction as to complete and total compliance with the aforesaid codes. In doing so the aforementioned assurances will be met.
- E. The structure will be serviced by the existing Town water and sewer hook-ups. There are no known potable wells within 100' of the locus and there will be no impact on any public or private water supply.

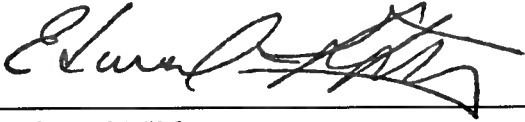
For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the construction of a single family home as proposed on the plans submitted by the applicant dated September 19, 2012 by Ross Engineering, Inc., FINDING that the same will not be substantially more detrimental to the neighborhood than the pre-existing nonconforming dwelling. The Board's approval is made upon the condition that no appurtenances other than eaves, bay windows or air conditioners shall extend into the 4.2' setback on the northeasterly sideline.

SCITUATE ZONING BOARD OF APPEALS

  
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Peter Morin



John Hallin



Edward Tibbets

Filed with the Town Clerk on: November 5, 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.