



2011 OCT 17 A 11:56

Decision of the zoning Board of appeals on the application of Carl R. & Kimberlee B. Christenson of 25 Surfside Road Scituate, MA 02066 (here in referred to as the "applicant") request a floodplain special permit under section 470.6F of the bylaws and an M.G.L. c40A, Section 6 special permit/finding permit to raze and reconstruct pre-existing non-conforming single family dwelling at 25 Surfside Road.

The application was received, advertised, and a public hearing was held on September 15, 2011 with the following members of the Zoning Board of Appeals hearing the application:

Peter Morin, Chairman

Brian Sullivan

Sara Trezise

The subject property at 25 Surfside Road is owned by Carl R. & Kimberlee B. Christenson. (Plymouth District Registry of Deeds, Book 39632 and page 120). It is located in the R-1 (Residence 10,000 sq. ft.) zoning district & the Flood Plain. The subject property has 80' of frontage (100' is required) and is 15,820 sqft in area (10,000 is required). The existing detached garage is set back 3.4' in the front. The proposed front setback is 9.4' along with the garage entry off the street. The applicant has submitted a copy of the current tax assessment from the Town of Scituate which indicate the dwelling and detached garage where built in 1920, prior to the adoption on the Zoning laws in the Town of Scituate. In all other respects the lot and dwell are conforming.

The applicant proposes to raze the existing dwelling and garage and construct a new single family home, attached to the garage by a "breezeway." (Submitted site plan dated 8/22/2011 from: Cavanaro Consulting, 687 Main St. Norwell, MA 02061) The applicant represented that the second floor space above the garage was to be used as a fitness area and not for dwelling purposes.

M.L.G. 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 nonconforming [structure or] use to the neighborhood."

The Board finds that the existing single family dwelling and garage are pre-existing, nonconforming structures entitled to the protection afforded in M.G.L. Ch. 40A Section 6. The Board further finds that the pre-existing garage structure is not a pre-existing use as a dwelling.

Flood Plain Special Permit section 470.6F: The applicant is required to demonstrate:

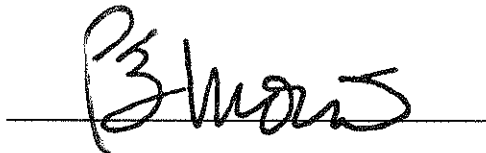
- A. Improvement to be consistent with the Mass State Building Code (780 Code of Massachusetts Regulations) pertaining to flood resistant construction, in consultation with the Building Commissioner.
- B. Any improvements shall not affect the natural drainage patterns of the watercourse.
- C. Such improvements must be consistent with the requirements of the National Flood Insurance Program.

Base upon the information presented the Board finds that the proposed raze and reconstruction and use will not be substantially more detrimental to the neighborhood than the existing non conforming structure in use, and that the proposed structure or use will not be substantially different in character or substantially more detrimental to the neighborhood. The board further finds that the improvements will not affect the natural drainage patterns of the watercourse, and that compliance with the remaining provisions of section 470.6F will be assured by the building inspector.

For the foregoing reasons, the Board unanimously voted to grant the Applicant a special permit to raze and reconstruct a single family home and attached garage in accordance with the plans submitted by Cavanaro Consulting dated August 22, 2011 for Carl & Kimberlee Christenson 25 Surfside Road Scituate, MA, with the following conditions:

- A. The applicant will not have a kitchen (any provisions for cooking or warming of food) above the garage and submit up-dated drawings to the building department when applying for permit.
- B. The garage shall not be utilized for dwelling purposes unless zoning relief for an accessory dwelling has been granted ,
- C. An "As Built plan" of foundation submitted to the Building Commissioner prior to completion of project

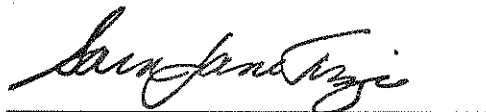
ZONING BOARD OF APPEALS:



Peter Morin, Chairman



Brian Sullivan



Sara Trezise

Filed with the Town Clerk on: October 17, 2011.

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.