

Town of Scituate

ZONING BOARD OF APPEALS

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2007 MAY 11 A 11:43

Decision of the Scituate Zoning Board of Appeals on the application of Thomas P. and Sally E. McCarthy of 34 Andrews Drive, Marshfield, MA 02050, MA for a Special Permit/Finding under M.G.L. Chapter 40A, Section 6 that would allow the existing, non-conforming single-family dwelling located at 341 First Parish Road, Scituate, to be razed and replaced with a two-family dwelling.

The application was received, advertised, and a public hearing was duly held on January 18, 2007 and February 15, 2007 with the following members of the Zoning Board of Appeals hearing the application:

Agnes Rona
Brian Sullivan
Sara Trezise

The property located at 341 First Parish Road, is in the A-2 residential district and is owned by Thomas P. and Sally E. McCarthy, pursuant to a Quitclaim Deed recorded in the Plymouth County Registry of Deeds in Book 31625, Pages 317-318. The original house was constructed in the 1920's. The dwelling was destroyed by fire and the current dwelling was reconstructed in 1957. Whereas the lot and the use of the lot is residential and the lot predates the adoption of the dimensional requirements of the zoning by law in 1956, the property enjoys grandfathered status.

The Dimensional Regulations for residential dwellings in the A-2 district are as follows:

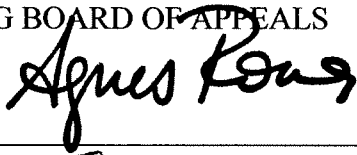
- a. The required lot area is 20,000 square feet;
- b. The required lot frontage is 100 feet;
- c. The required side yard setback is 15 feet;
- d. The required rear yard depth is 30 feet for residential buildings and 8 feet for one-story detached accessory buildings;
- e. The required front yard setback is 30 feet; and
- f. The required lot width is 125 feet.

The applicant proposes to raze the pre-existing single-family dwelling and build a new two-family dwelling on the premises. Presently the lot is nonconforming only as to frontage: 22.87 feet versus the required 100 feet in the A-2 district. The lot contains 71,014 square feet of area. In all other ways, the existing use and proposed use is conforming. The applicant proposes to build a two family home that will comply with all relevant set back requirements.

For the foregoing reasons, the Board unanimously voted to GRANT the Special Permit and to FIND the razing and reconstruction of the current single family dwelling and

construction of the two family dwelling as proposed on the plans submitted by the applicant dated October 6, 2006 by Kuendig Design, will not be substantially more detrimental to the neighborhood than the current dwelling on the pre-existing non-conforming lot.

ZONING BOARD OF APPEALS



Agnes Rona



Brian Sullivan



Sara Trezise

Filed with the Town Clerk on 5-11-07

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.