



Decision of the Scituate Zoning Board of Appeals ("the Board") on the application of Mr. Eric Bowman, 4 Eagles Nest Road, Scituate, MA ("the Applicant") for a Finding under Massachusetts General Law ("MGL") 40A Section 6 and under Scituate Zoning Bylaw ("SZB") 810.2 to allow the addition of a second story on a single-family dwelling located on a pre-existing, nonconforming lot at 4 Eagles Nest Road, Scituate, Massachusetts ("subject property").

The application was received, advertised and an initial public hearing was opened on July 15, 2010 with the following members of the Zoning Board of Appeals hearing the application -

Peter Moran, Chairman
Sara J. Trezise
Edward C. Tibbetts
John Hallin

DESCRIPTION OF THE PROPERTY: At the time of the application, title to the subject property was in the name of Eric Bowman and Tina Panagiotou by way of a quitclaim deed dated March 16, 2010 and recorded with the Plymouth County Registry of Deeds in Book 38340, Page 328.

The subject property is located in the A-3 Residential District. It does not lie within the Town of Scituate Flood Plain, Watershed Protection District, or Water Resource Protection District. There is a single-family dwelling and detached garage existing on the property. The Assessor's field card shows that the dwelling on the property was constructed in 1922.

DETERMINATION ON ZONING BYLAW CONFORMITY: The Dimensional Regulations for lots and residential dwellings in the A-3 District are as follows -

- Lot area for a single family dwelling - not less than 10,000 square feet of upland;
- Lot frontage on a street or way - not less than 100 feet;
- Lot width at the dwelling - not less than 100 feet;
- Setback from any street or way - not less than 30 feet;
- Side yard setback - not less than 8 feet;
- Rear yard depth - not less than 20 feet.

The existing lot and buildings do not conform to current zoning requirements with respect to -

- Lot area - approximately 6,930 square feet;
- Lot frontage on a street or way - 63.0 feet.

The Board determined that the subject dwelling was in existence prior to the establishment of the Scituate Zoning Bylaw lot size, frontage, and width provisions in

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1953 and building height and setback requirements in 1956. Therefore, the Board finds that the property enjoys pre-existing, non-conforming status and the protections afforded by MGL 40A Section 6.

PROPOSED PROJECT: The Board reviewed the following documents provided by the Applicant –

1. Plot Plan for 4 Eagles Nest Road, Scituate, MA drawn by Ross Engineering Company, Inc., 683 Main Street, Norwell, MA dated 6/17/2010 (one sheet)

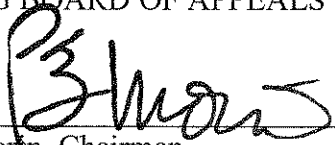
The Applicant proposes to construct a second story addition on the pre-existing, one-story, single-family dwelling, which shall not to exceed 35 feet in height at the ridgeline. The location of the pre-existing, one-story, single-family dwelling conforms to all setback regulations of the A-3 District.

No one in attendance at the Public Hearing spoke in opposition to the proposal.

Pursuant to Section 810.2 of the Bylaw, the Board finds that a) the building is nonconforming solely because of insufficient lot frontage and lot area, b) the proposed alteration shall meet all dimensional requirements for front, side, and rear yard setbacks and maximum height, c) proposed alteration will increase gross floor area of the structure by more than 20%. In addition, the Board finds that the use reflects the nature and purpose of the use prevailing when the relevant bylaw took effect, that there is no difference in the quality or character, as well as the degree of use, and the proposed use is not different in kind in its effect on the neighborhood.

THEREFORE, the Board unanimously voted to GRANT the Applicants, pursuant to SZB Section 810.2, a Finding under MGL Chapter 40A Section 6 that the proposal to construct a second story addition on the pre-existing, one-story, single-family dwelling located at 4 Eagles Nest Road, Scituate, Massachusetts as presented by the Applicants is not substantially more detrimental or injurious to persons, property or improvements in the vicinity. Accordingly, the Board determined that the Applicants may construct said dwelling provided that it is constructed as proposed at the hearing.

ZONING BOARD OF APPEALS


Peter Morn, Chairman


Sara J. Trezise


Edward C. Tibbetts

Filed with the Town Clerk on: September 7, 2010.

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.