



2012 SEP -7 A 9:34

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Decision of the Scituate Zoning Board of Appeals on the application of William J. Pestone of 16 Trysting Road, Scituate, MA (hereinafter, the "Applicant") requests MGL 40A § 6 special permit/finding, pursuant to Zoning Bylaw section 810.2, to increase gross floor area of pre-existing non-conforming single-family dwelling by more than twenty percent located at 529 Hatherly Road, Scituate Massachusetts.

The application was received, advertised and a public hearing was duly held on July 19, 2011 with the following members of the Zoning Board of Appeals hearing the application:

Peter Morin, Chairman
Sara J. Trezise
John Hallin

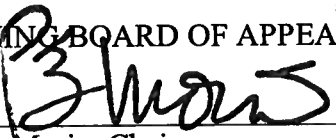
The subject property (the "subject Property") at 529 Hatherly Road is owned by William J. Pestone per Deed recorded at the Plymouth County Registry of Deeds at Book 41516, Page 43. Is located in the Residence R3 Zoning District, and is not located in the Water Resource Protection District. The subject property has 104.42 feet of frontage on Hatherly Road and is 14,826 square foot in area. The property is a corner lot with frontage on Hatherly Road (side yard) and Cottontail Way (front yard). The applicant has provided a copy of the current tax assessment from the Town of Scituate, which indicates that the single-family dwelling on the subject property was constructed in 1957 prior to the adoption of the zoning laws in the Town Scituate. The only pre-existing nonconformity of the subject property is that it does not meet the 30' front yard setback from Cottontail Way. In all other respects the lot and the dwelling are conforming.

The applicant proposes to add a second floor and roof deck over a portion of the existing structure (plans dated June 28, 2012 by Ross Engineering Company, Inc.). The proposed addition will be 22.6 feet from Cottontail Way, and will meet all other setbacks. The net increase in gross floor area will be 60%.

MGL 40A § 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."

For the foregoing reasons, the Board so finds that the proposed changes are not substantially more detrimental than the existing nonconforming structure, and unanimously voted to GRANT the Applicants' request for a special permit and the requested finding to increase gross floor area of existing single-family dwelling by more than the 20 percent in accordance with the flowing entitled plans prepared by Ross Engineering Company Inc., 683 Main Street, Norwell, MA 02061 entitled "Plot Plan for Proposed Addition at #529 Hatherly Road, Scituate, MA 02066" dated June 28, 2012.

ZONING BOARD OF APPEALS


Peter Morin, Chairman


Sara J. Trezise


John Hallin

Filed with the Town Clerk on: September 7, 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.