



Decision of the Scituate Zoning Board of Appeals on the application of Laurence Gogarty of 283 South Street Norwell, MA (hereinafter, the "Applicant") requests MGL 40A § 6 special permit/finding to increase gross floor area of pre-existing non-conforming single-family dwelling by more than twenty percent located at 7 Second Avenue, Scituate Massachusetts.

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

Peter Morin, Chairman
Brian Sullivan
Sara J. Trezise

The subject property (the "subject Property") at 7 Second Avenue is owned by Leonard and Madeline Merchant per Certificate of Title No. 99516 file with the Plymouth County Registry District of the Land Court, Registration Book 497, Page 116. Is located in the Residence A-3 Zoning District, and is not located in the Water Resource Protection District. The subject property has 70-feet of frontage on Second Avenue with an average lot width of 70-feet and is 7,000 square foot in area. 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 1951 prior to the adoption of the zoning laws in the Town Scituate. The pre-existing nonconformities of the subject property are (a) lot frontage of 70-feet less than the 100-feet required; (b) lot width of 70-feet less than the 100-feet required and (c) lot area of 7,000 square feet less than the 10,000 square feet required. In all other respects the lot and the dwelling are conforming.

The applicant proposes to add an 880 square feet first floor addition comprised of kitchen, dining room, screen porch, bedroom and bathroom (plans dated December 8, 2010 by the applicant). The proposed addition meets all the setback requirements (side 8.57 feet [required 8-feet], rear 30.75-feet [required 20-feet], and front 30.4-feet [required 30-feet]).


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 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 Ralph H. Cole from Mr. Surveying, Inc., P.O. Box 5104 Norwell, MA 02061 entitled "Proposed Building Addition Plan at 7 Second Avenue, Scituate, MA 02066" dated December 1, 2010.

ZONING BOARD OF APPEALS


Peter Morris, Chairman


Brian Sullivan


Sara J. Trezise

Filed with the Town Clerk on: March 1, 2011.

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.