



2012 OCT 23 - P 3: 02

OFFICE OF THE TOWN CLERK

Decision of the Scituate Zoning Board of Appeals on the application of Richard J. Passeri, 160 Elm Street, Byfield, MA, under Scituate Zoning By-laws 810.2.B to allow the construction of an addition to the pre-existing non-conforming structure on the property which would increase the gross floor area of the structure by more than 20%.

The application was received, advertised, and a public hearing was duly held on August 16, 2012 with the following members of the Zoning Board of Appeals hearing the application:

Sara Trezise, Chairman  
John Hallin  
Frank Lynch

The property is located at 9 Richfield Road and is owned by Richard J. Passeri who acquired the property by deed June 4, 1979. (See Certificate of Title #61987, recorded in Book 309, Page 187 in the Plymouth County Registry of Deeds.) The building on the property is a single family home which according to Town Assessors records was constructed in 1947. The application seeks approval to construct an addition to the dwelling which would increase the gross floor area (GFA) by more than 20%. The existing structure has a GFA of approximately 536 square feet. The proposed GFA is to be approximately 1,257 S.F. or 136% greater than that of the existing dwelling.

The property is located in the R-3 residential zoning district. The existing front setback is non-conforming and pre-exist current requirements, the structure having been built in 1947. The addition will meet all set back requirements.

The Board voted to approve the application allowing the construction of the addition as per the plans submitted with the application pursuant to Scituate Zoning By-laws 810.2.B.

In approving this application, the Board found the criteria required under Section 950.3 will be satisfied by the present plans as follows:

- A. The locus is in a residentially zoned district. As such the specific site is an appropriate location for both the use and structure which are proposed.

- B. The proposed structure and use will not adversely affect the neighborhood as the new structure will conform in all respects to the building code in effect at the time of construction and there will be no change in the present residential use of the property.
- C. There will be no undue nuisance or serious hazard to vehicles or pedestrians as a result of the proposed use or structure. The use will remain the same.
- D. Adequate and appropriate facilities will be provided to assure the proper operation of the proposed use and structure. Current environmental, health and building codes require that the Building Commissioner issue a building permit only upon his satisfaction as to complete and total compliance with the aforesaid codes.
- E. Whereas the structure will be serviced by the existing town water and sewer hook-ups and whereas there are no known potable wells within 100' of the locus, there will be no impact on any public or private water supply.

For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the construction of an addition as proposed on the plans submitted by the applicant dated July 16, 2012 by Ross Engineering, Inc., FINDING that the same will not be substantially more detrimental to the neighborhood than the current pre-existing nonconforming dwelling.

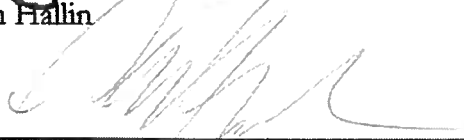
SCITUATE ZONING BOARD OF APPEALS



Sara Trezise



John Hallin



Frank Lynch

Filed with the Town Clerk on: October 23, 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.