

# Town of Scituate

## ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY  
SCITUATE, MASSACHUSETTS 02066  
(781) 545-8716



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Decision of the Scituate Zoning Board of Appeals on the application Derek and Stephanie Burke of 115 Hatherly Road, Scituate 02066, to a request Special Permit/Finding in accordance with M.G.L. C40A, Section 6 and Section 810.2 of the Scituate Zoning Bylaw to allow the expansion of a pre-existing, nonconforming dwelling by more than 20% of the floor area at 115 Hatherly Road, Scituate, MA (Assessor's Parcel 39- 3- 17F)

The application was received, advertised, and a public hearing was duly held on June 18, 2015 with the following members of the Zoning Board of Appeals hearing the application:

Ed Tibbetts  
Francis Lynch  
Anthony J. Bucchere

The property is located at 115 Hatherly Road and is owned by Derek and Stephanie Burke acquired the property from Amy B. Dwyer and Jason Israel Cohen by deed dated August 18, 2014 and recorded with the Plymouth Country Registry of Deeds at Book 604, Page 106.

The building on the property is a single family dwelling which according to Town Assessors records was constructed in 1910.

The application seeks approval to add an addition to the northwest corner of the home as per plans submitted by the applicant and drawn by Morse Engineering Co., Inc., dated 5/26/15 (the "Plan").

The property is located in the R-3 residential zoning district. The existing front yard setback along Marion Road is non-conforming but pre-existed current zoning requirements. There are no other non-conforming characteristics at the site. The applicant seeks to add to the home per the "Proposed Addition" shown on the Plan. The proposed addition will meet all setbacks required within the district and the existing non-conforming front yard setback will remain unchanged.


The Board voted to approve the application allowing the addition to the home per the plans submitted with the application and described above.

In approving this application, the Board FOUND the criteria required under Section 810.2 will be satisfied by the present plans as follows:

- A. The proposed addition, if constructed per the Plan will not increase or intensify the existing nonconforming nature of the site.
- B. The proposed addition, if constructed per the Plan will not create any new nonconformities.
- C. The proposed addition will not be substantially more detrimental to the neighborhood than the current pre-existing nonconforming dwelling.

For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the addition to the home as shown on the Plan.

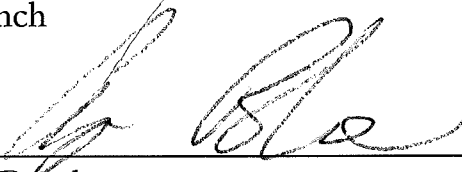
SCITUATE ZONING BOARD OF APPEALS



Ed Tibbetts



Frank Lynch



Anthony Bucchere

Filed with the Town Clerk and Planning Board on: July 17, 2015

/ajb

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.