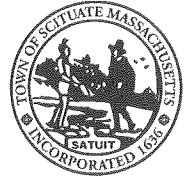


Town of Scituate

ZONING BOARD OF APPEALS

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



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TOWN OF SCITUATE
TOWN CLERK

Decision of the Scituate Zoning Board of Appeals on the application of Michael and Michelle Feehily of 74 Walnut Hill Drive, Scituate, Massachusetts, the owners of the premises known as and numbered 119 Jericho Road in the Town of Scituate, Massachusetts, for a finding under M.G.L. Chapter 40A, Section 6 and under Section 810.2 of the Town of Scituate Zoning Bylaw that the proposed razing and reconstruction of the single family residential dwelling located thereon, will not be substantially more detrimental to the neighborhood than the pre-existing non-conforming structure.

The application was received, advertised, and a public hearing was duly held on October 19, 2017, with the following members of the Zoning Board of Appeals hearing the application:

John Hallin, Chairman
Sara Trezise
Edward Tibbetts

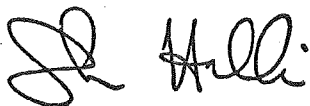
The property, located at 119 Jericho Road, is in the R-3 residential zoning district and is owned by the applicant pursuant to a deed filed with the Land Court Registry District of Plymouth County as Document No. 760820 and noted on Certificate of Title No. 125362. The existing lot and structure do not comply with the current zoning bylaw requirement as to area and width.

The applicant proposes to raze an existing single family residential structure built in 1860 as referenced in Assessor's card, and reconstruct a new single family residential dwelling on the lot which, when constructed, shall not increase, intensify or create any new nonconformities, and shall maintain or reduce the nonconforming nature of yard setback and lot width requirements with the nonconforming lot area remaining the same. The existing structure and lot enjoy "grandfathered" protected status as both the lot and structure predate the adoption of the zoning by law in 1953. The lot area (7,986 sq. ft.) and the lot width (85.3 ft. existing and 93.1 ft. proposed) now existing was established when the subject lot was created by virtue of the filing of a plan with Land Court in 1921. The new dwelling structure shall be relocated upon the lot to increase the front yard setback of zero feet to 4.8 feet and 6.8 feet to 14 feet. By relocating the dwelling, the lot width calculation improves from 85.3 feet to 93.1 feet as well. The proposed dwelling will otherwise comply with applicable zoning requirements.

In view of the foregoing, the Board unanimously FINDS that, based upon the applicant's representations:

- a. The said proposed razing and reconstruction of the existing dwelling, consistent with the submitted plan by Morse Engineering Co., Inc. dated 9/21/17 and revised 10/19/17, does not create any new nonconformities;
- b. The said proposed razing and reconstruction of the existing dwelling does not increase or intensify any preexisting nonconformities;
- c. The gross floor area of the proposed dwelling is more than 20% greater than the gross floor area of the existing dwelling;
- d. The construction of the proposed single family residential dwelling is not substantially more detrimental to the neighborhood than the existing preexisting nonconforming single family residential dwelling; and
- e. The applicant is authorized to raze and reconstruct the existing dwelling in compliance herewith.

SCITUATE ZONING BOARD OF APPEALS



John Hallin, Chairman



Sara J. Trezise



Edward C. Tibbetts

Filed with the Town Clerk and Planning Board: November 20, 2017

This Finding 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. Ch. 40, Section 17, and shall be filed within twenty (20) days of the date of filing the decision with the Town Clerk.