

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
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MASSACHUSETTS

Decision of the Scituate Zoning Board of Appeals on the application of Susan and Mark Daileader of 5 Martha's Lane, Scituate, MA 02066, to request a Special Permit/finding under M.G.L Ch. 40A Sec. 6 to allow the construction of additions to the existing single-family dwelling on a pre-existing non-conforming single-family lot located at 12 Graves Avenue, Scituate MA.

The application was received, advertised, and a public hearing was duly held on September 17, 2015 with the following members of the Zoning Board of Appeals hearing the application:

Sara Trezise, Chairman
John Hallin
Francis Lynch, Alternate
Anthony J. Bucchere, Alternate

The property is located at 12 Graves Avenue and is owned by SMJJ Real Estate LLC who acquired the property from Linda J. Fagan by deed dated March 24, 2015 and recorded with the Plymouth County Registry of Deeds at Book 45362, Page 235.

The building on the property is a single family dwelling which according to Town Assessors records was constructed in 1972.

The application seeks approval to allow the construction of additions to the single-family dwelling as per plans submitted by the applicant, drawn by Morse Engineering Co., Inc., dated August 19, 2015 and entitled "Site Plan, 12 Graves Avenue (Assessor's Parcel 22-7-4) Scituate, Massachusetts" (the "Plan").

The property is located in the R-3 residential zoning district. The existing lot area, lot width, and front yard setback are non-conforming but pre-existed current zoning requirements. The applicant seeks to construct the proposed additions per the Plan which will increase the floor area of the home from the existing 1,408 square feet to 1,780 square feet, representing an increase of 26.4%. The proposed additions will not create any new non-conformities but will decrease the current front yard setback from the existing 12.7' to 11.8' thereby increasing the existing front yard setback non-conformity by 0.9'. All other non-conformities will remain unchanged.

It was also noted at the hearing that the property is located within the Scituate Flood Plain and Watershed Protection District as laid out in Section 470 of the Town of Scituate Zoning Bylaw. However Scituate Building Inspector Neil Duggan confirmed for the Board that he had deemed the proposed addition will not be a substantial improvement and therefore under the terms of Section 470.8 of the Scituate Zoning Bylaw the structure would be exempt from any additional restrictions thereunder.

In approving this application, the Board found as follows:

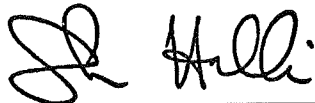
- A. The property is non-conforming as to lot size and width and the existing structure is non-conforming as to the front yard setback from Graves Avenue and Montvale Avenue.
- B. The proposed addition, if constructed per the Plan will not create any new non-conformities.
- C. The proposed reconstruction and additions, if constructed per the Plan will not intensify any existing non-conformities except for the front yard setback which will be increased by 0.9'
- D. The 0.9' increase of the front yard setback non-conformity, and the proposed construction, will not be substantially more detrimental to the surrounding neighborhood than the current structure.

For the foregoing reasons, the Board unanimously voted to GRANT a Special Permit for elevation of the structure and the reconstruction of the home with the additions specified per the Plan, FINDING that no new non-conformities will be created and that the only intensification of existing non-conformities will not be substantially more detrimental to the neighborhood.

SCITUATE ZONING BOARD OF APPEALS



Sara Trezise



John Hallin



Frank Lynch

Filed with the Town Clerk and Planning Board on: NOVEMBER 12, 2015

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.