

# Town of Scituate

ZONING BOARD OF APPEALS

600 Chief Justice Cushing Hwy.  
Scituate, Massachusetts 02066  
(781) 545-8716



Decision of the Scituate Zoning Board of Appeals on the application of Thomas Blake, 12 Oceanside Drive, Scituate, MA 02066 ("Applicant(s)") for a Special Permit/Finding under MGL 40A § 6 and the Town of Scituate Zoning Bylaws 810.2 and 470.6 to raze and reconstruct a pre-existing non-conforming single-family dwelling at 12 Oceanside Drive Scituate, MA, Assessor Map Parcel ID 40-1-20-0 ("Property"), increasing the square footage by more than 20%.

The application was received, advertised and a public hearing was duly held on January 21, 2021, with the following members of the Zoning Board of Appeals hearing the application:

Anthony J. Bucchere, Chairman  
Edward Tibbetts  
George Xixis  
Susan Harrison

The Applicant was represented by Gregory J. Morse of Morse Engineering, Scituate MA.

The property is owned by the applicant, as evidenced by a deed dated September 15, 2020 and registered with the Plymouth Country Registry of Deeds on September 23, 2020 as Document No. 00089727, Book 53490, Page 31 which is referred to in the Assessors Card submitted by the Applicant. Based on the Assessors Card submitted by the Applicants, the single-family dwelling was constructed in 1978, and contains 1254 square feet of base gross floor area.

The Property is located in the R-3 Zoning District. The lot is non-conforming with respect to Lot Area (5,770 sq. ft where 10,000 sq ft. is required) Lot Width (46' where 100' is required) and Lot Frontage (46' where 100' feet is required), The existing dwelling is conforming as to front and side setbacks and rear yard setback – the rear yard being the ocean. There is an existing garage which will remain.


The application seeks approval to raze the existing dwelling structure pursuant to a plan submitted by Morse Engineering and, entitled "Plan to Accompany ZBA Petition", dated December 16, 2020 (the "Plan"). The proposed reconstructed dwelling, per the Plan will increase the square footage of the dwelling to 2,250 square feet (an increase of 76%). The front, side and rear setbacks as proposed for the dwelling are all conforming.

After reviewing the application and hearing testimony from the applicant, the Board found the following:

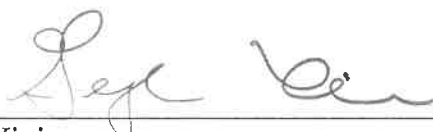
- a. That the proposed raze and reconstruction of the dwelling, and removal of the shed, will not create any new non-conformities;
- b. That to the extent the proposed raze and reconstruction of the dwelling, if constructed per the plan, intensifies any of the existing nonconformities, such intensification will not be substantially more detrimental to the surrounding neighborhood.

Based on the forgoing the Board unanimously voted to GRANT the Applicant's request for a Special Permit/Finding pursuant to M.G.L. c. 40A, §6 and/or Section 810.2 and 470.6 of the Town of Scituate Zoning Bylaws, to raze and reconstruct the dwelling, and remove the non-conforming shed all as shown on the Plans.

#### SCITUATE ZONING BOARD OF APPEALS

  
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Anthony J. Bucchere, Chairman

  
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Edward Tibbetts

  
\_\_\_\_\_  
George Xixis

Filed with the Town Clerk and Planning Board on April 8, 2021

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.