

Town of Scituate

ZONING BOARD OF APPEALS

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



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Decision of the Scituate Zoning Board of Appeals on the application of David D. McGowan, of 126 Elm Street, Scituate, MA ("Applicant") for a Special Permit/Finding under M.G.L. Chapter 40A § 6 and Section 810.2A of the Scituate Zoning Bylaw and any other relief to allow an addition to a single-family dwelling on a pre-existing non-confirming lot located at 126 Elm Street, Scituate, MA, (Assessor's Map 44, Block 03, Parcel 22) ("**Property**") and increasing the gross floor area by more than 20%.

The application was received, advertised and a public hearing was duly held on August 17, 2023 with the following members of the Zoning Board of Appeals hearing the application:

George Xixis, Chairman
Justin M. Marks
Christopher Carchia

The Applicant was represented at the hearing by Paul J. Mirabito, C.E., of Ross Engineering Company, 683 Main Street, Norwell, MA 02061 and Grady Consulting LLC, 71 Evergreen Street, Suite 1, Kingston, MA 02364.

The property is owned by the applicant, as evidenced by a deed dated May 15, 2013 and recorded in the Plymouth Country Registry of Deeds in Book 43067, Page 324. The Property is shown as Lot 27, on a Plan entitled "Plan of development of Brungardt Farm, Scituate, Massachusetts, April 26, 1952" and recorded in the Plymouth Country Registry of Deeds in Plan Book 8, Page 886. According to the Town of Scituate Assessors Card, submitted by the applicant, the existing single-family dwelling located upon the lot was constructed in 1966 and contains 1,970 square feet.

The Property is located in the R-2 Zoning District. The Property is nonconforming as to Lot Area (18,029 square feet where 20,000 square feet is required). The existing structure is conforming as to dimensional setbacks. However, the lot was created, and the structure was

constructed, prior to the adoption of the current zoning bylaw and therefore, considered pre-existing nonconforming. All other characteristics comply with the current zoning bylaw.

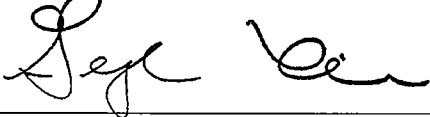
The application seeks approval to add additions to the existing single-family dwelling as is shown on the plans submitted by the applicant, prepared by Paul J. Mirabito, Professional Engineer, Ross Engineering Company, Inc., Grady Consulting, LLC entitled "ZBA PLAN for 126 Elm Street in Scituate, Mass." dated July 10, 2023 (the "**Plan**"). The proposed addition to the dwelling per the plan will increase the square footage of the home to 2,695 square feet, an increase of 37.0%. The proposed addition conforms with the setbacks and will not alter any of the existing nonconforming characteristics of the site and will not create any new nonconformities.

After reviewing the application and hearing testimony from the applicant, the applicant's engineer, as well those who testified at the hearing, the Board found the following:

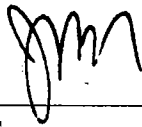
- a. That the proposed additions, if constructed per the plan will not create any new non-conformities;
- b. That to the extent the proposed additions, if constructed per the plan intensifies any of the existing nonconformities, such intensification are not substantially more detrimental to the surrounding 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 Section 810.2A of the Town of Scituate Zoning Bylaws, to construct the proposed additions to the existing single-family dwelling, all as shown on the Plans.

SCITUATE ZONING BOARD OF APPEALS



George Xixis, Chairman



Justin M. Marks



Christopher Carchia

Filed with the Town Clerk and Planning Board on August 30, 2023

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.