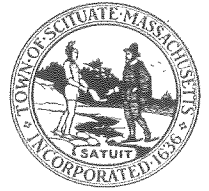


Town of Scituate

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 Allen Gacicia of 46 Bridge Street, Norwell, MA ("Applicant") for a Special Permit/Finding under MGL 40A § 6 and the Town of Scituate Zoning Bylaws 810.2 and 470, to allow the raze and reconstruction of a pre-existing, conforming single family dwelling on a pre-existing non-confirming lot located at 138 River Street, Scituate, MA, Assessor's Map 73, Block 10, Parcel 7 (the "Property"), increasing the square footage by greater than 20%.

The application was received, advertised and a public hearing was duly held on June 4, 2020 with the following members of the Zoning Board of Appeals hearing the application:

Anthony J. Bucchere, Chairman
Edward C. Tibbetts
Thomas J. Cavanagh
Brian B. Sullivan
George Xixis

The Applicants were represented at the hearing by their architect, Dick Rockwood, Rockwood Design, Inc., 1020 Plain Street, Marshfield, MA.

The property is owned by Alan P. Gacicia & Terese R. Gacicia, as evidenced by a Quitclaim Deed dated August 20, 2019, and filed Plymouth County Registry of Deeds Land Court Division as Document No. 788094, Certificate of Title No. 128997. According to the deed the Property is shown as Lot 105A on Sheet 2 of subdivision plan #5280k drawn by Irving Rosenblatt, C.E., dated February 1941 and field with Certificate of Title No. 7448. According to the Town of Scituate Assessors Card, submitted by the applicant, the existing single-family dwelling located upon the lot was constructed in 1948 and contains 726 square feet.

The Property is located in the R-3 Zoning District and Flood Plain Watershed Protection District. The existing structure is non-conforming as to rear set back. The front set back is 23.1' where 30' is required, however pursuant to 620.4, and the Plan hereinafter mentioned, the average front set back is 13.3'. The lot is non-conforming as to Lot Area, Lot Frontage and Lot Width. However, both the structure and the lot were created prior to the adoption of the current zoning bylaw and therefore are considered pre-existing nonconforming.

The application seeks approval to raze and reconstruct the dwelling as shown on a plan submitted by the applicant, prepared by Stenbeck & Taylor, Inc., 844 Webster Street, Suite 3, Marshfield, MA 02050, entitled "Certified Location Plan, Showing Proposed Elevated House, 138 River Street, Scituate, MA, Parcel 73-10-7" dated January 23, 2019 (the "Plan"). The proposed dwelling per the Plans will increase the Gross Floor Area of the home from 726 to 2,905 square feet, an increase of 300%. The proposed dwelling will not alter any of the existing non-conforming characteristics and will not create any new non-conformities.

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

- a. That the proposed dwelling if constructed per the Plan will not create any new non-conformities;
- b. That to the extent the proposed dwelling, constructed per the plan, intensifies any of the existing nonconformities, such intensification will not be substantially more detrimental to the surrounding neighborhood.
- c. That the proposed dwelling is appropriate complies with Section 470 of the Town of Scituate Zoning Bylaws.

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 470 and 810.2 of the Town of Scituate Zoning Bylaws, to construct the proposed dwelling as shown on the Plans.

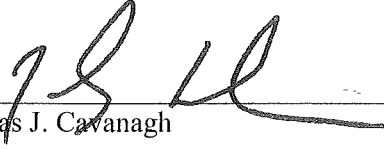
SCITUATE ZONING BOARD OF APPEALS



Anthony J. Bucchieri, Chairman



Edward E. Tibbetta



Thomas J. Cavanagh

Filed with the Town Clerk and Planning Board on 6/12/20

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.