

Town of Scituate

ZONING BOARD OF APPEALS

600 Chief Justice Cushing Hwy.
Scituate, Massachusetts 02066
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Jeffrey Schechter and Cynthia Schechter (collectively, the “**Applicants**”) request a special permit pursuant to Zoning Bylaw Section 470, finding, and/or any relief that the Board of Appeals may grant to authorize the construction of a second floor in the existing dimensionally conforming single-family dwelling on a dimensionally conforming lot in the Scituate Flood Plain and Watershed Protection overlay zoning district for property at 143 Jericho Road, Scituate, Massachusetts (Assessor Parcel No. 46-14-1-0) (the “**Requested Relief**”).

The application was received, advertised, and a public hearing was held on March 18, 2021. The following members were present and voted at the public hearing:

Anthony J. Bucchere, Chairman
Thomas J. Cavanagh
George Xixis

The Applicants were present at the public hearing and were represented by attorney Jeffrey A. De Lisi, of Ohrenberger, De Lisi & Harris, LLP of 28 New Driftway, Scituate, MA 02066, and by Paul J. Mirabito, PLS, of Ross Engineering Company, Inc. of 683 Main Street, Norwell, MA 02061.

The subject property at 143 Jericho Road (hereinafter, the “**Property**”) is owned by the Applicants by deed dated September 21, 2020 and recorded with the Plymouth County Registry of Deeds at Book 53477, Page 341, and is identified as Scituate Assessor Parcel No. 46-14-1-0. The Property is further shown as Lots 60, 61, and 62 on a 1945 plan recorded with the said Registry at Plan Book 6, Page 706. The Property is a corner lot having frontage on both Jericho Road and Otis Road, and is located in the Residential R-3 zoning district, and the Scituate Floodplain and Watershed Protection overly zoning district. In the R-3 Zoning District, lots are required to have 10,000 S.F. of area, and 100 Ft. of frontage and lot width. According to the Zoning Chart submitted with the

Application and stamped by the Applicants' Professional Land Surveyor, the Property contains 16,494 S.F. of lot area, 110.2 Ft. of lot width, 105 Ft. of frontage on Jericho Road, and 164.95 Ft. of frontage on Otis Road. Therefore, the Property is conforming to lot size requirements of the Scituate Zoning Bylaw. Additionally, the existing dwelling constructed on the Property was built in 1910 according to the tax assessor's property card, and is dimensionally conforming in all respects.¹

The Applicants propose to construct an addition as the second story of the existing dwelling which will not create any new nonconformities or intensify any existing nonconformities. Therefore, the Applicants are not required to obtain from this Board a finding pursuant to either Zoning Bylaw Section 820 or G.L. Ch. 40A, Section 6. However, because the property is located in Scituate's Floodplain and Watershed Protection overlay zoning district, the Applicants are required to obtain a special permit from the Board pursuant to Zoning Bylaw Section 470.6.F.

Pursuant to said Section 470.6.F, the Board may grant a special permit authorizing substantial improvements of an existing structure which legally existed on March 2, 1992, provided: (1) such improvements must be consistent with the requirements of the National Flood Insurance Program; (2) any improvements must be consistent with those provisions of the State Building Code (780 Code of Massachusetts Regulations) pertaining to flood resistant construction, in consultation with the Building Commissioner; and (3) any improvements shall not affect the natural drainage patterns of the watercourse.

As stated above, the dwelling has legally existed since prior to 1992. All construction will be required to comply with the Massachusetts Building Code, and there is no issue with respect to the effect of the addition on natural drainage patterns of a watercourse. Therefore, the Board specifically finds that Zoning Bylaw Sections 470.6.F.2 and 470.6.F.3 have been satisfied. Additionally, the Applicants demonstrated that the area of the new addition will be above the required FEMA flood elevation. In any event, the Board will condition approval of this Special Permit on compliance with Section 470.6.F.1.

Based upon the application materials, the presentation, and the information provided at the public hearing, and the foregoing, the Board of Appeals finds that the Applicants have demonstrated that they are entitled to the Requested Relief.

¹ Section 620.4 of the Scituate Zoning Bylaw provides for a reduction in the required front yard setback due to the average setbacks of buildings on the same side of the street between two intersecting streets and ways and within 200 feet of the lot in question. In this case, the average front yard setback from Jericho Road is 6.6 feet.

For the foregoing reasons, the Board unanimously voted to GRANT the special permit, on the condition that the said addition be consistent with the requirements of National Flood Insurance Program.

SCITUATE ZONING BOARD OF APPEALS



Anthony J. Buochere, Chairman



Thomas J. Cavanagh



George Xixis

Filed with the Town Clerk and Planning Board: April 27, 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.