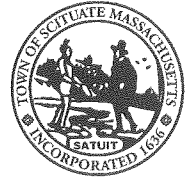


# Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY  
SCITUATE, MASSACHUSETTS 02066  
(781) 545-8716



RECEIVED

JAN 22 AM 9:30

Decision of the Scituate Zoning Board of Appeals on the application of Ryan Bell and Maura Gilmore, 143 Tilden Road, Scituate, MA 02066 for a finding under MGL 40A § 6 and the Scituate Zoning Bylaws 810.2 to allow an addition to a pre-existing non-conforming dwelling on a conforming lot at 143 Tilden Road, Scituate, Massachusetts, increasing the gross floor area of the structure by more than 20%.

The application was received, advertised and a public hearing was duly held on January 18, 2018 with the following members of the Zoning Board of Appeals hearing the application:

John Hallin, Chairman  
Sara J. Trezise  
Edward C. Tibbetts

The property that is the subject matter of this application is located in the R-2 Residential District. The property does not lie in the Town of Scituate Flood Plain and Watershed Protection District, nor does the property lie in the Town of Scituate Water Resource Protection Zoning District. The existing structure has a GFA of approximately 1,868 square feet. The proposed reconstructed structure will have a GFA of 3,075 square feet, an increase of 64.6%.

At the time of the application, title to the premises was in the name of Ryan Bell and Maura Gilmore by way of a deed dated July 24, 2014 and recorded with the Plymouth County Registry of Deeds in Book 44581 Page 63.

The property contains 20,305, more or less, square feet of land with 178.27 feet of frontage along Tilden Road, a public way, and lot width of 168.5 feet. The R-2 Residential District requires 20,000 square feet lot area and 100 feet of frontage and 125 feet of lot width. In addition, the R-2 Residential District requires a 30 feet front setback, 15 feet side yard setbacks, 8 feet rear yard setback for one-story detached accessory structures and 30 feet rear yard set back for all other buildings.

According to the Quitclaim Deed, the lot was created by a plan dated March 1, 2001, which plan is recorded with the Plymouth County Registry of Deeds as Plan No. 391 of 2001. According to the submitted Town of Scituate Assessors Card, the existing dwelling located upon the lot was constructed in 1884. The dwelling is pre-existing and non-conforming to the bylaw as to its front setback.

The following table illustrates the existing and non-conformities relative to current applicable dimensional requirements contained in Section 600 – Dimensional Regulations.

	Lot Area (sq. ft.)	Lot Frontage	Lot Width	Property Line Front Setback
<b>Required</b>	20,000	100'	125'	30'
<b>Existing</b>	20,305	178.27' ±	168.5' ±	29.2'
<b>Proposed</b>	20,305	178.27' ±	168.5' ±	29.2'

The Board reviewed with the Applicant plans drawn by Morse Engineering Co., Inc. of Scituate, Massachusetts dated December 4, 2017. The proposal calls for the construction of a two-story addition on the northerly side that will be no closer than the existing front setback (29.2feet).

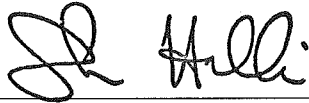
The case of Gale v. Zoning Board of Appeals of Gloucester (2012), allows the addition to a pre-existing non-conforming single family dwelling if the Board first identifies the particular respect or respects in which the existing structure does not conform to the present Bylaw and then determine whether the proposed reconstruction, alteration or addition would intensify the existing nonconformities or result in additional ones. If the answer to that inquiry is in the negative a finding under Chapter 40A § 6 and Special Permit would be required.

Based upon the evidence presented, the Board finds that the existing dwelling located at 143 Tilden Road is pre-existing and nonconforming to the bylaw. The Applicant's proposal to construct a two-story addition is entitled to be reviewed by the Board pursuant to the terms of MGL c. 40A § 6, paragraph one.

The Board FOUND that the dwelling located thereon is preexisting and nonconforming to the Scituate Zoning Bylaw as to front setback. The Board further FINDS that the proposed addition will not create any new nonconformity and to the extent that it may intensify any existing nonconformities such intensifications are not significantly more detrimental to the neighborhood. The Board further FINDS that the increase in GFA is not significantly detrimental to the neighborhood.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicant's request for a Finding under MGL Chapter 40A § 6 and for a Special Permit to construct an addition to the dwelling by adding a two-story addition as shown on the plans provided.

ZONING BOARD OF APPEALS



John Hallin



Sara J. Trezise



Edward C. Tibbetts

Filed with the Town Clerk and Planning Board on 1-22-18

This Special Permit 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. Chapter 40, Section 17, and shall be filed within twenty (20) days of the date of the filing of the decision with the Town Clerk.