

Town of Scituate

ZONING BOARD OF APPEALS

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



RECEIVED

2017 MAR 28 PM 5:59

TOWN OF SCITUATE
TOWN CLERK

Decision of the Scituate Zoning Board of Appeals on the application of Cheryl Fever of 15 Buttonwood Lane, Scituate MA 02066 (hereinafter the "Owner") and Michael Rocino 37 Derby Street, Hingham MA 02043 (hereinafter the "Applicant") requests M. G. L. C40A, Sec 6 Special Permit/Finding and/or Section 810.2 of the Scituate Zoning Bylaw to construct an addition that will increase the gross square foot area by more than 20% of the pre-existing non-conforming single family dwelling located at 15 Buttonwood Lane.

The application was received, advertised and a public hearing was duly held on February 16th, 2017 with the following members of the Zoning Board of Appeals Board hearing the application:

John Hallin, Chairman
Edward Tibbetts
Francis Lynch
Anthony Bucchere

The subject property (the "Subject Property") at 15 Buttonwood Lane is owned by Cheryl Fever (See Plymouth County Registry of Deeds: Book 46899, Page 231, 232 and 233 Plymouth Registry of Deeds). The subject property is located in R-2 Zoning District. The subject property has a 79.98' frontage on Buttonwood Lane, a 26.1' and greater side setbacks, 28.1' front set back and is 12,086 sq. ft.. in area. The applicant has provided a copy of current tax assessment from the Town of Scituate which indicates that the single family dwelling was built in 1909, prior to the adoption of zoning laws in the Town of Scituate. The pre-existing nonconformities of the subject property are (a) Lot frontage of 79.98' and lot width of 90.7' where required frontage is 100' and required lot width is 125'. (b). Lot area of 12,086 sq. ft. where required area is 20,000 sq. ft. (c). Front yard setback of 28.1'; required is 30'. In all other respects the lot and dwelling are conforming.

The Applicant is proposing to raze the existing 1869 sq. ft. dwelling and reconstruct a 2,834 sq. ft. home, representing an increase in gross floor area of 65%. The proposed structure, to be constructed on the existing footprint, does not increase any of the pre-existing nonconformities

of the subject property, as shown on the plan submitted by Steinbeck & Taylor, Inc., registered professional engineers and land surveyors located at 844 Webster Street, Marshfield, MA 02050.

M. G. L. Ch. 40A, Section 6 provides that "pre-existing nonconforming structures and uses may be extended or altered, provided, that no such extension or alteration be permitted unless there is a Finding by the permit granting authority or by the Special Permit granting authority designated by the ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming [structure or] use to the neighborhood."

The Board finds that the existing single family dwelling is a pre-existing, nonconforming structure/use entitled to the protection afforded in M. G. L. Ch. 40A Section 6.

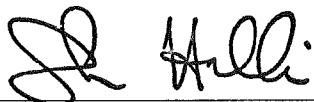
Whereas the Applicant seeks Special Permit/Finding from Section 810.2:

- A. In all other instances of alteration, reconstruction, extension or structural change to single or two family dwellings, the applicant may petition the Board of Appeals for a Finding under General Laws Chapter 40A, Section 6 to allow the proposed repair, alteration, reconstruction, extension or structural change.

Based on the information presented, the Board finds that the proposed reconstruction and use will not be substantially more detrimental to the neighborhood than the existing nonconforming structure and use, and that the proposed structure or use will not be substantially different in character or substantially more detrimental to the neighborhood. The Board further finds that the Applicant has satisfied the requirement of Bylaw Section 950.3.

For the forgoing reasons, the Board unanimously voted to grant the Applicant a Special Permit and the requested Finding to increase gross floor area of existing single family dwelling by more than 20% in accordance with the following entitled plan prepared by Steinbeck & Taylor, Inc. at 844 Webster Street, Suite 3, Marshfield, MA 02050 dated February 13th, 2017 and received February 17th, 2017 at the Scituate Zoning Board office.

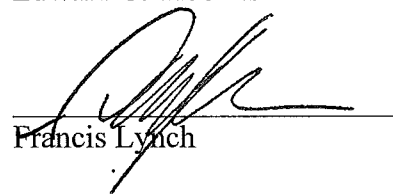
Scituate Zoning Board of Appeals



John Hallin



Edward C. Tibbetts



Francis Lynch

Filed with the Town Clerk on: MARCH 28, 2017

The Special Permit will not become effective until such time as an attested copy of the 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 40A, Chapter 17, and should be filed in a court of competent jurisdiction. Proof of filing shall be provided to the Town Clerk within 20 days of the filing of the decision with the Town Clerk