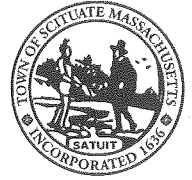


Town of Scituate

ZONING BOARD OF APPEALS

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



RECEIVED
2017 OCT 17 PM 2:04
TOWN OF SCITUATE
TOWN CLERK

Decision of the Scituate Zoning Board of Appeals on the application of Craig S. Valdez, 58 Woodworth Road, Scituate, MA 02066 under Scituate Zoning By-laws to allow the raze and reconstruction of a pre-existing non-conforming residence at 164 Turner Road, 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 September 21, 2017 with the following members of the Zoning Board of Appeals hearing the application:

Anthony Bucchere
Edward C. Tibbetts
Sara J. Trezise

At the time of the application, title to the premises was in the name of Erwin Ilano, as Trustee of the Valdez 2016 Irrevocable Trust u/d/t dated June 28, 2016 by way of a deed dated July 21, 2016 and recorded with the Plymouth County Registry of Deeds in Book 47357 Page 248.

The property contains 3,453, more or less, square feet of land with 36.92 feet of frontage along Meadow Road, a private way, and lot width of less than 45 feet.

The structure that is on the property is a two story single family home which according to Town Assessors records was constructed in 1900. The application seeks approval to raze and reconstruct the existing dwelling in accordance with

1) A site plan prepared by John Spink, P.E. Designs; 59 Clay Street, Middleboro, MA 02346 dated August 8, 2017 and stamped by Registered Professional Engineer John Culver Spink and Registered Land Surveyor Charles T. Camp

2) A Floor Plan for Beach House email dated June 4, 2017

3) Foundation Plans prepared by Spink Designs, 59 Clay Street, Middleboro, MA 02346 dated July 11, 2017

(All hereinafter referred to as “the plans”). The existing structure has a GFA of approximately 1,152 square feet. The proposed reconstructed structure will have a GFA of 1,972 square feet, an increase of 58.417%.

The property is located in the residential R3 zoning district. The R-3 Residential District requires 10,000 square feet lot area and 100 feet of frontage and 100 feet of lot width. In addition, the R-3 Residential District requires a 30 feet front setback, 8 feet side yard setbacks, 8 feet rear yard setback for detached accessory structures and 20 feet rear yard setback for all other buildings. It does not lie in the Scituate Watershed Protection District. The proposed structure will be constructed on a concrete foundation to be in compliance with the FEMA flood zone designation AE at elevation 15.

Pursuant to Gale v ZBA of Gloucester, 80 Mass App 331 (2011), the Board identified the particular respects in which the existing structure does not conform to the present by-law. The Board found that the existing structure was non-conforming with respect to Westerly side set back. It also found that the property was non-conforming as to lot area, lot width and lot frontage. The Board further found that the proposed structure as set forth in the plans will not increase any existing non-conformity, will decrease the Westerly side set back non-conformity and will not intensify existing non-conformities. The Board further found that to the extent any non-conformity might be deemed an intensification of an existing non-conformity, such intensification would not be substantially more detrimental to the neighborhood than the existing property.

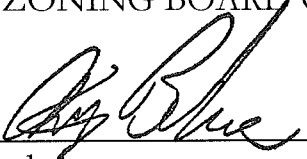
The following table illustrates the existing and proposed non-conformities relative to current applicable dimensional requirements contained in Section 600 – Dimensional Regulations.

	Lot Area (sq. ft.)	Lot Width	Frontage	Property Line Side Setbacks Westerly	Property Line Rear Setbacks To Center Line of ROW
Required	10,000	100'	100'	8'	20'
Existing	3,452	42' ±	36.92'	7'-9"	22'-7"
Proposed	3,452	42' ±	36.92'	8'-3"	22'-10"

In light of the foregoing, the Board determined that pursuant to Gale, the applicant is entitled to the permit/ finding as requested.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicant's request for a finding under Section 810.2 of Scituate Zoning Bylaws and MGL Chapter 40A § 6 and for a Special Permit to raze and reconstruct the dwelling as shown on the plans.

SCITUATE ZONING BOARD OF APPEALS



Anthony Bucchere



Sara J. Trezise



Edward Tibbetts

Filed with the Town Clerk and the Planning Board on: October 17, 2017

This Special Permit/Finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County 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, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.