

# Town of Scituate

## ZONING BOARD OF APPEALS

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



2019 MAR 28 PM 3:53

Decision of the Scituate Zoning Board of Appeals on the application of Kelly and Susan Killeen of 185 First Parish Road, Scituate, Massachusetts, (herein after, the "Applicant") for a Special Permit/Finding under MGL 40A § 6 and the Town of Scituate Zoning Bylaw 810.2(a), to allow the construction of an accessory dwelling up to 720 square feet, and in accordance with section 530 of the zoning by law, on the Applicant's property at 185 First Parish Road. The Applicant's property is a pre-existing, nonconforming property as shown on the Assessor's Map 44, at Block 3, parcel 60.

The application was received, advertised and a public hearing was duly held on January 17, 2019 with the following members of the Zoning Board of Appeals hearing the application:

Anthony J. Bucchere, Chairman  
Edward C. Tibbetts  
Brian B. Sullivan

The Applicant, a Registered Professional Engineer with CHA 141 Longwater Drive, Suite 104, Norwell, MA 02061, represented himself at the hearing.

The property is owned by the Applicant, as evidenced by a deed recorded at the Plymouth County Registry of Deeds at Book 49815, Pages 29-30. According to the Town of Scituate Assessors Card, submitted by the Applicant, the existing single-family dwelling located upon the lot was constructed in 1920 and the lot contains 17,924 square feet.

The Property is located in the R-2 Zoning District. The Property is nonconforming as to Lot Area (17,924 square feet where 20,000 square feet is required). And frontage (107 feet, where 125 feet is required). The existing structure is conforming as to dimensional setbacks. However, the lot was created, and the structure was constructed, prior to the adoption of the current zoning bylaw and therefore considered pre-existing nonconforming. All other characteristics comply with the current zoning bylaw.

The application seeks approval to add an additional dwelling on the lot, as is shown on the plans submitted by the applicant, prepared by the Applicant, and dated November 10, 2018, titled "185

First Parish Road Site Plan and Proposed Accessory Dwelling”(herein after, the “Plan”). The proposed dwelling per the Plans will contain a one bedroom accessory dwelling of 720 square feet. The septic system at the property can accommodate the structure with its one bedroom, per the applicant. The proposed structure will meet all setback requirements, and will otherwise be entirely conforming with the zoning by law. The proposed structure will not alter any of the other existing nonconforming characteristics of the site and will not create any new nonconformities.

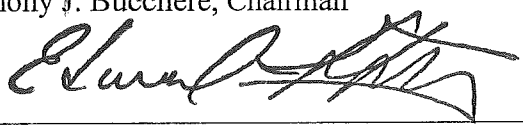
After reviewing the application and hearing testimony from the Applicant, the Board found the following:

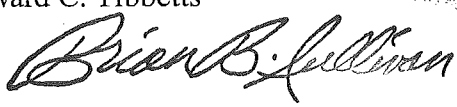
- a. That the proposed additional structure if constructed per the Plan will not create any new non-conformities;
- b. That to the extent the proposed additional structure constructed per the plan intensifies the existing nonconformity, such intensification will not be substantially more detrimental to the surrounding neighborhood.

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 810.2, and section 530 of the Town of Scituate Zoning Bylaw, to construct the proposed additions to the existing structure as shown on the Plans.

SCITUATE ZONING BOARD OF APPEALS

  
\_\_\_\_\_  
Anthony J. Bucchere, Chairman

  
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Edward C. Tibbetts

  
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Brian B. Sullivan

Filed with the Town Clerk and Planning Board on \_\_\_\_\_

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.