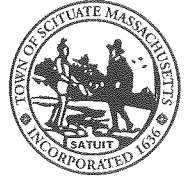


# Town of Scituate

## ZONING BOARD OF APPEALS

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



RECEIVED  
2017 JUL 24 AM 11:49  
TOWN OF SCITUATE  
TOWN CLERK

Decision of the Scituate Zoning Board of Appeals on the application of Karen Lynch, 2 Cedar Crest Lane, Scituate, MA under Scituate Zoning By-laws to allow the construction of a detached garage with accessory living space on a pre-existing non-conforming lot at 2 Cedar Crest Lane, Scituate 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 July 20, 2017 with the following members of the Zoning Board of Appeals hearing the application:

John Hallin, Chairman  
Sara Trezise  
Edward Tibbetts  
Anthony J. Bucchere, Alternate

The existing structure on the property is a one story single family home which, according to Town Assessors records, was constructed in 1946 on a lot shown on a plan dated December, 1939. The application seeks approval to construct a 24' x 34' detached garage with 748 square foot second floor living space in accordance with a site plan prepared by Morse Engineering Co, Inc. dated June 6, 2017 and stamped by Registered Professional Land Surveyor Stephen F. Moran (hereinafter referred to as "the plans"). The existing structure has a GFA of approximately 1,088 square feet. The proposed structure combined with the existing dwelling will have a GFA of 1,836 square feet, an increase of 68.8%. The property is located in the residential R2 zoning district. A portion of the lot does lie in the Scituate Watershed Protection District. The proposed detached garage does not lie in the Scituate Watershed Protection District

Pursuant to *Gale v ZBA of Gloucester*, 80 Mass App 331 (2011), the Board identified the particular respects in which the existing lot does not conform to the present by-law.

The Board found that the property was non-conforming as to lot area. The Board further found that the proposed structure as set forth in the plans will not intensify existing non-conformities. The Board further found that to the extent any non-conformity might be deemed an intensification of non-conformity, such intensification would not be substantially more detrimental to the neighborhood than the existing property.

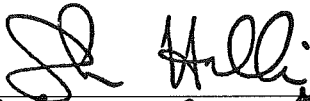
The following table illustrates the existing and proposed non-conformities relative to current applicable dimensional requirements contained in Section 600 – Dimensional Regulations.

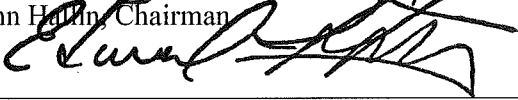
	Lot Area (sq. ft.)
Required	20,000
Existing	17,175 ±
Proposed	17,175 ±


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 application to permit the applicant to construct a detached garage with living space on the property as set forth on the plans for 2 Cedar Crest Lane. The Board confirms that permit granting authority for accessory dwelling permits is the Planning Board.

SCITUATE ZONING BOARD OF APPEALS

  
\_\_\_\_\_  
John Hallin, Chairman

  
\_\_\_\_\_  
Edward Tibbetts

  
\_\_\_\_\_  
Sara J. Trezise

Filed with the Town Clerk and the Planning Board on: July 24, 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.