

# Town of Scituate

## ZONING BOARD OF APPEALS

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



RECEIVED  
TOWN OF SCITUATE  
TOWN CLERK  
JUL 17 AM 9:27

Decision of the Scituate Zoning Board of Appeals on the application of John Tedeschi of 1 Jericho Lane, Scituate, Massachusetts (hereinafter the "Applicant") for a Special Permit pursuant to Scituate Zoning Bylaw (the "Bylaw") Section 820 to allow the razing of a pre-existing non-conforming multi family structure on two parcels of land and reconstruct a two unit residential structure in two separate buildings connected by a common foundation.

The application was received, advertised and a public hearing was duly held on October 19, 2012, with the following members of the Zoning Board of Appeals hearing the application:

Edward C. Tibbets  
Francis M. Lynch  
Anthony J. Bucchere

The subject property (the "Subject Property") at 28 Otis Place and 27 Allen Place and is depicted on Assessors' Map 5, Block 4, Parcel 6 and Assessors' Map 5, Block 4, Parcel 24. The properties are owned by Joan E. Foster, Trustee of Benjamin Realty Trust under declaration of trust dated January 24, 1985 and the properties are described in deeds to Joan E. Foster, Trustee in the Plymouth Registry of Deeds in Book 5949, Page 340 – 28 Otis Place and Plymouth Registry of Deeds in Book 5949, Page 342 – 27 Allen Place.

The lots are also depicted on a plan entitled "Site Plan Showing Proposed Condominium Structures 28 Otis Place (Assessor's Parcel 50-4-24) Scituate, Massachusetts" prepared by Morse Engineering Co., Inc. for John Tedeschi dated May 28, 2015, a copy of which was filed with this zoning application.

The properties are both located in a R 3 zone and currently are improved by a residential structure which has from time to time been used for a least three families and from time to time as boarding house.

The applicant was represented by Richard A. Henderson, Henderson & Henderson PC, 9 Brook Street, Cohasset, Massachusetts and Gregory Morse, PE, Morse Engineering Co., Inc., Post Office Box 92, Scituate, Massachusetts 02066. The applicant requested a special permit under Zoning Bylaw, Section 820 to raze the existing multiple family structure and replace it with two separate structures connected by a common foundation which would be converted to condominium use and would provide residential living for no more than two single family units.

The Board considered testimony of Mr. Tedeschi, presentations on Mr. Tedeschi's behalf by his lawyer, Richard A. Henderson and his engineer, Gregory Morse. Neighbors commented on the proposal most of which indicated a favorable response to cleaning up the existing structure and the effect it is having on the surrounding neighborhood. Based upon all the testimony that was offered not only by the Applicant and his advisors but also by abutters that the criteria of Massachusetts General Laws, Chapter 40A, Section 6 and the Scituate Bylaw had been met and the pre-existing non-conforming structure may be altered and re-constructed and that such alterations and reconstruction shall not be more detrimental to the neighborhood.

The Board does grant the Special Permit on the condition that the two units will not be separate single family homes but rather units in a condominium located on the two properties. The Board also conditions its approval on the Applicant providing evidence of authorization to make this application by the owner of the property.

For the foregoing reasons, the Board finds that the existing use is non-conforming under Bylaw Section 430.1 and the existing lots are non-conforming as to lot width and front yard set back, that the proposal will not increase or otherwise intensify the non-conformities and that the proposed alterations and reconstruction shall not be more detrimental to the neighborhood than the existing use and structure. The Board unanimously voted to GRANT the Applicant a special permit to raze the pre-existing non-conforming multi family structure located on 28 Otis Place and the adjacent 27 Allen Place and reconstruct the site with a two unit condominium in which the units will be in separate dwellings. The structures will be located essentially as shown on the document entitled "Site Plan Showing Proposed Condominium Structures 28 Otis Place (Assessor's Parcel 50-4-24) Scituate, Massachusetts" prepared by Morse Engineering Co., Inc. for John Tedeschi dated May 28, 2015, a copy of which was filed with this zoning application.

The Applicant will be required to file condominium documents with the Plymouth County Registry of Deeds prior to the issuance an occupancy permit for either unit.

This Special Permit and these findings are issued pursuant to Scituate Zoning Bylaw and Massachusetts General Laws, Chapter 40A, Section 6.

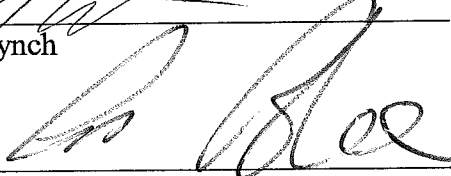
ZONING BOARD OF APPEALS



Edward C. Tibbets



Francis M. Lynch



Anthony J. Bucchere

Filed with Town Clerk and Planning Board on July 17, 2015.

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 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.