

Town of Scituate

ZONING BOARD OF APPEALS

600 Chief Justice Cushing Hwy.
Scituate, Massachusetts 02066
(781) 545-8716



2023 APR 13 PM 12:02

Decision of the Scituate Zoning Board of Appeals on the application of Colin Reedy and Kimberly Devine Reedy for a Special Permit/Finding under MGL c. 40A, §6 to construct an attached accessory dwelling at 27 Pine View Drive, Scituate, MA 02066.

The application was received, advertised and a public hearing was duly held on March 16, 2023 with the following members of the Zoning Board of Appeals hearing the application:

George Xixis, Chairman
Susan Harrison
Christopher Carchia

The property is owned by the applicant, as evidenced by a deed dated September 12, 2022 and recorded at the Plymouth County Registry of Deeds in Book 57273, Page 26. The property is known as 27 Pine View Drive as depicted on the "Board of Appeals Site Plan for 27 Pine View Drive in Scituate, MA" prepared by Grady Consulting, LLC dated January 27, 2023 ("Site Plan"). According to the Town of Scituate Assessor's Card, submitted to the Board by the applicant, the existing single-family dwelling located upon the property was constructed in 1965 and the property contains 46,620 square feet. The subdivision lot was created in 1963. The property is located in FIRM Zone AE and has no flood elevation determination. The property is also entirely within the Town of Scituate Flood Plain and Watershed Protection District and Water Resource Protection District. The existing dwelling meets all required property line setbacks. However, the lot width through the rear line of the existing dwelling is 170.1 feet which is non-conforming with the Scituate Zoning By-Law requirements of 175.0 feet. This is the only existing zoning non-conformity.

The applicants seek to construct an attached accessory dwelling unit by altering a portion of the existing dwelling and constructing two (2) separate one story additions. The gross floor area of

the premises shall be increased by 37.5%. The proposed northerly addition at the rear of the existing house will result in a lot width through the rear line of the dwelling of 169.4 feet.

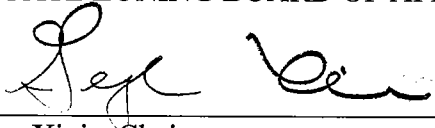
The applicants were represented at the hearing by Paul J. Mirabito, PLS of Ross Engineering Company, Inc.

Upon review of the application and hearing testimony from the applicants and the applicants' representatives, and the public, the Board made the following finding:

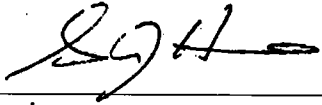
- A. Because the lot is with the Town of Scituate Flood Plain and Watershed Protection District, a special permit is required pursuant to Section 470.6F. The proposed work is a substantial improvement because:
 - 1. The foundation will be installed on concrete piers consistent with the requirements of the National Flood Insurance Program;
 - 2. The proposed work shall be compliant with current Massachusetts Building Code;
 - 3. The proposed work shall not alter the natural drainage pattern of the existing brook which is off-site and more than 250 feet from the structure.
- B. Because the applicant is increasing the Gross Floor Area by 37.5%, a Finding/Special Permit is required pursuant to Scituate Zoning By-Law § 810.2B.
- C. That the proposed Special Permit/Finding under §610.3 to allow the applicant to construct an attached accessory dwelling at 27 Pine View Drive does not create any substantial new non-conformities. The property is in the R-1 district and as such the proposed use as an accessory dwelling slightly altering the lot width through the rear line is de minimis and is appropriate.
- D. That the proposed attached accessory dwelling is not substantially more detrimental to the surrounding neighborhood. There is no undue nuisance or serious hazard as a result of the proposed use.
- E. Adequate and appropriate facilities are provided for the reconstructed dwelling. There is Town Water and an existing on-site sanitary waste disposal system.
- F. There will be no adverse impact to public or private drinking water supply. There is no additional flow being added to the existing on-site sanitary waste disposal system.

Based on the foregoing, the Board unanimously voted to GRANT the applicants' request for a Special Permit/Finding pursuant to Scituate ZBL §810.2B of the Town of Scituate Zoning By-Laws, to allow the applicant to construct an attached accessory dwelling at 27 Pine View Drive.

SCITUATE ZONING BOARD OF APPEALS



George Xixis, Chairman



Susan Harrison



Christopher Carchia

Filed with the Town Clerk on April 18, 2023

Appeal of this special permit may be made pursuant to MGL 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 filing of the decision with the Town Clerk.