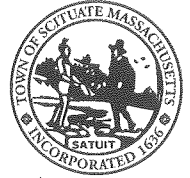


Town of Scituate

ZONING BOARD OF APPEALS

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



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Decision of the Scituate Zoning Board of Appeals on the application of Patrick and Emily Farr, 3 Garden Road, Scituate, MA 02066 ("Applicants") for a finding under MGL 40A § 6 and the Town of Scituate Zoning Bylaws 810.2 and 950.2D, to allow an addition to a pre-existing non-conforming dwelling on a conforming lot at 3 Garden Road, Scituate, Massachusetts (Assessor's Map ID# 34-22-3) ("Property"), increasing the gross floor area of the pre-existing non-conforming structure by more than 20%.

The application was received, advertised and a public hearing was duly held on July 19, 2018 with the following members of the Zoning Board of Appeals hearing the application:

John Hallin, Chairman
Edward C. Tibbetts
Anthony J. Bucchere
Thomas J. Cavanagh

The property is located in the A-3 Residential District. The property does not lie in the Town of Scituate Flood Plain and Watershed Protection District, nor does the property lie in the Town of Scituate Water Resource Protection Zoning District. The existing structure has a gross floor area of approximately 1,450 square feet. The proposed reconstructed structure by adding the proposed addition will have a gross floor area of 2,750 square feet, an increase of 90%.

At the time of the application, title to the premises was in the name of Emily M. Farr and Patrick Farr as evidenced by Certificate of Title No. 120528 in the Plymouth County Registry of Deeds Land Court Division. The Property consists of Lots 260, 261, and 262, which are identified on sheet 3 of Plan No. 4226D, a copy of which is filed with Certificate of Title No. 1217 in the Plymouth County Registry of Deeds Land Court Division.

The property contains 15,000 square feet of land, more or less, with 100 feet of frontage along Garden Road and 150 feet of frontage along Hatherly Road, both public ways in the Town of Scituate. The property has a lot width of 150 feet. The A-3 Residential District requires 10,000 square feet lot area and 100 feet of frontage and 100 feet of lot width. In addition, the A-3 Residential District requires a 30 feet front setback, 8 feet side yard setbacks, 20 feet rear yard setback.

According to the Certificate of Title, Lots 260, 261, and 262, which are identified on sheet 3 of Plan No. 4226D, which is filed with Certificate of Title No. 1217, were created by a plan dated December 1921. According to the Town of Scituate Assessors Card, submitted by the applicant, the existing dwelling located upon the lot was constructed in 1925.

The Board reviewed with the Applicant's plans drawn by Gregory Morse, P.E., of Morse Engineering Co., Inc., dated February 9, 2018 ("Plan"). The Board also reviewed the Zoning Chart submitted by the applicant, along with the photographs of the property. According to the material submitted to the Board, the dwelling is pre-existing non-conforming as to the Front Set Back (15.1 feet where 30 feet is required) and Right Side Set Back (7.1 feet where 8 feet is required). The proposal calls for the construction of an addition on the southerly side (rear) of the dwelling resulting in an 8.5 foot right side yard setback, thus conforming with the current Zoning By-law. The proposed addition will no way affect the front yard setback, which is pre-existing non-conforming, as the proposed addition is located off the back of the existing structure. IN addition, the proposed addition will have a rear set back of 84.3 feet, thus conforming with the current Zoning By-Law. However, due to the pre-existing non-conformities, and assuming that the Addition is considered habitable space, then the proposed percentage increase in gross floor area is more than 20%, requiring a finding in accordance with Section 810.2 of the Scituate Zoning Bylaw

The case of Gale v. Zoning Board of Appeals of Gloucester (2012), allows the addition to a pre-existing non-conforming single-family dwelling if the Board first identifies the particular respect or respects in which the existing structure does not conform to the present Bylaw and then determine whether the proposed reconstruction, alteration or addition would intensify the existing nonconformities or result in additional ones. If the answer to that inquiry is in the negative, a finding under Chapter 40A, § 6 would be required.

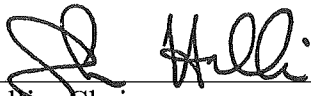
Based upon the evidence presented, the Board finds that the existing dwelling located at 3 Garden Road is pre-existing and nonconforming with respect to the front yard setback and right-side yard setback. The Applicant's proposal to construct an addition is entitled to be reviewed by the Board pursuant to the terms of MGL c. 40A § 6.

At the hearing, the Board FOUND that the dwelling located thereon is preexisting and nonconforming to the Scituate Zoning Bylaw as to the front yard setback and right-side yard setback. The Board further FOUND that the proposed addition will not create any new nonconformities and to the extent that it may intensify or extend any existing

nonconformities, such intensifications or extensions are not significantly more detrimental to the neighborhood. The Board further FOUND that the increase in GFA is not significantly more detrimental to the neighborhood.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicant's request for a Finding to construct an addition to the existing dwelling as shown on the plans provided.

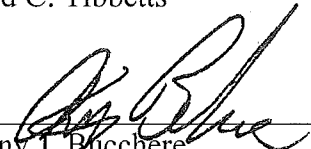
ZONING BOARD OF APPEALS



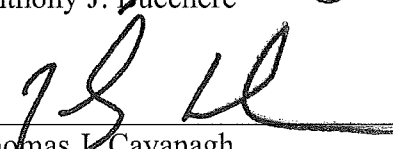
John Hallin, Chairman



Edward C. Tibbetts



Anthony J. Bucchere



Thomas J. Cavanagh

Filed with the Town Clerk and Planning Board on 7-30-2018

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.