

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
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Decision of the Scituate Zoning Board of Appeals on the application Jason and Kristin Swan of 31 Common Street, Scituate MA for a Special Permit/ Finding under M.G.L Chapter 40A, Section 6 and/or Section 810.2 of the Scituate Zoning Bylaw to allow the razing and reconstruction of a pre-existing, nonconforming single family dwelling on a pre-existing nonconforming lot at 31 Common Street, Scituate MA, Assessor's Map 49, Block 1, Parcel 11.

The application was received, advertised, and a public hearing was duly held on March 15, 2018 with the following members of the Zoning Board of Appeals hearing the application:

John Hallin, Chairman
Sara Trezise
Edward Tibbetts
Thomas Cavanagh

The property is owned by Jason and Kristin Swan who acquired the property by deed dated May 25, 2017 and filed with the Plymouth County Registry of Deeds in Book 48467, Page 141.

The building on the property is a single-family home containing 1,145 square feet which according to Town Assessors' records was constructed in 1930, prior to the adoption of the Scituate Zoning Bylaw. The property is located in the R2 residential zoning district. The existing frontage is 99.49 ft, whereas 100 ft. of frontage is required in the district. While the lot is non-conforming due to the frontage, as it pre-existed current zoning requirements, it is legally non-conforming. All other existing setbacks are conforming and all proposed setbacks will also conform.

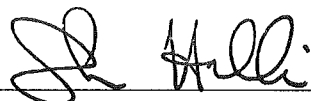
The application seeks approval to allow the razing and reconstruction of the dwelling as per plans submitted by the applicant, drawn by Morse Engineering, entitled Plan to Accompany Zoning Board of Appeals Application, dated January 25, 2018. The Plan shows a proposed single-family dwelling containing 2,511 square feet representing an increase in square footage of 119%. The proposed dwelling will not create any new non-conformities and will in fact pull the structure out of a DEP designated Zone A, Water Resource Area. The applicant's Registered Engineer, Gregory Morse, represented that there was a tributary to the water reservoir on the property but that the relocated home would be outside the one hundred fifty non-disturbance required by Zoning By-law 520.4. Furthermore, it was represented that the septic system was to be located in the front yard, which is also outside the zone.

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

- a. That the proposed dwelling if constructed per the Plan will not create intensify any pre-existing non-conformities nor create any new non-conformities;
- b. That the proposed reconstruction will remove the structure from the Water Resource Area as noted above; and
- c. That to the extent the proposed dwelling intensifies any existing nonconformities, such intensifications will not be substantially more detrimental to the surrounding neighborhood.

Based on the forgoing the Board unanimously voted to GRANT the application to permit the razing and reconstruction of the proposed dwelling per the Plan, subject to the condition that the plan referenced above must be amended to locate the tributary on the property.

SCITUATE ZONING BOARD OF APPEALS



John Hallin



Sara Trezise



Edward Tibbetts

Filed with the Town Clerk and the Planning Board on: MARCH 26, 2018

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.