

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
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RE: 32R Brunswick Street, Humarock, MA

Decision of the Scituate Zoning Board of Appeals on the application of Michael Inglis of 1 Christmas Tree Lane, Marshfield, MA under Scituate Zoning By-laws 810.2.A to allow the razing and reconstruction of the pre-existing non-conforming structure located at 32R Brunswick Street in Humarock and to increase the gross floor area of the structure by more than 20%.

The application was received, advertised, and a public hearing was duly held on September 17, 2015 with the following members of the Zoning Board of Appeals hearing the application:

Sara Trezise, Chairman
John Hallin
Frank Lynch
Anthony Bucchere

The property is located at 32R Brunswick Street in Humarock. The building that is on the property is a single family home which according to Town Assessors records was constructed in 1950. The application seeks approval to raze and reconstruct the existing dwelling with a new dwelling having a larger gross floor area (GFA) than currently exists. The existing structure has a GFA of approximately 1,158 square feet. The proposed GFA is 1816 square feet or approximately 36% greater than that of the existing dwelling.

The property is located in the residential “R3” zoning district. It does not lie in the Scituate Flood Plain or Watershed Protection District or the Scituate Water Resource protection Zoning District.

Pursuant to *Gale v ZBA of Gloucester*, 80 Mass App 331 (2011), the Board identified the particular respects in which the existing structure does not conform to the present by-law. The existing lot size, frontage, lot width front yard setback are the non-conformities and pre-exist current zoning requirements, the structure having been built in 1950. 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.)	Lot Width	Frontage	Property Line Front Setbacks	Property Line Side Setbacks	Property Line Rear Setbacks
Required	10,000	100'	100'	30'	8'	20'
Existing	5,600	80	80	11.5	10.5/ 48.7	20.5
Proposed	5,600	80	80	15.5	10.5 / 39.5	20.5

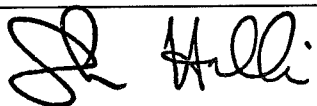
The Applicant intends to raze the existing structure and replace it with a structure 36% larger. The lot area, width and frontage would stay the same. Whereas, the new dwelling will decrease the front yard setback nonconformity and meet all other setback requirements. This proposed alteration would neither intensify the existing nonconformities nor would it result in additional ones. Therefore, the Board determined that pursuant to *Gale*, the applicant is entitled to the Special Permit.

For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the razing and reconstruction of the current dwelling and permit construction of a new larger single family dwelling as proposed on the site plan for 32R Brunswick Street submitted by the applicant with its application and dated August 19, 2015 by Darrin Grady of Grady Consulting.

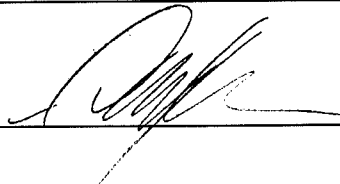
SCITUATE ZONING BOARD OF APPEALS



Sara Trezise



John Hallin



Frank Lynch

Filed with the Town Clerk and the Planning Board on: December 8, 2015

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.