

Decision of the Scituate Zoning Board of Appeals on the application of Richard Walden of 28 Cherry Lane, Scituate MA (the "Applicant") for a Special Permit/ Finding under M.G.L 40A, Section 6 and/or Section 810.2 and Section 470.6 of the Scituate Zoning Bylaw to allow the razing and reconstruction of a pre-existing, nonconforming single-family dwelling at 36R Bailey's Causeway, Scituate Massachusetts (Assessor's Map 8, Block 7, Parcel 16A) (the "Property").

The application was received, advertised, and a public hearing was duly held on April 25, 2019 with the following members of the Zoning Board of Appeals hearing the application:

Anthony J Bucchere, Chairman

Edward Tibbetts

Thomas Cavanagh

The Property is owned by the Applicant who acquired the property via a Deed from Robert J. Smith and Rita F. Smith, husband and wife, dated May 17, 1979 and recorded with the Plymouth County Registry of Deeds at Book 4660, Page 496.

The building on the Property is a single-family home containing 390 square feet which according to Town Assessors' records was constructed in 1930. The property is located in the R-3 residential zoning district. The Property is nonconforming as to Lot Area (11,760 SF where 10,000 is required, however the lot contains less than 10,000SF of upland), Lot Frontage (None where 100' is required), and Lot Width (98' where 100' is required), however the non-conformities came into existence prior to the adoption of the current zoning bylaw and they are therefore considered pre-existing nonconforming. All other characteristics comply with the current zoning bylaw.

The application seeks approval to raze and reconstruct the dwelling as is shown on a plan submitted by the applicant, drawn by Morse Engineering, dated 3/13/19 and entitled Prop. Single Family Home 36R Bailey's Causeway, Scituate Massachusetts (the "Plan"). The proposed addition to the dwelling per the Plan will increase the square footage of the home to [2,777] an increase of [612%]. The proposed addition will not extend any the nonconforming characteristics of the home or lot and will not create any new nonconformities.

After reviewing the application and hearing testimony from the applicant, building inspector and abutters the Board found the following:


- a. That the proposed construction, if constructed per the Plan will not create any new non-conformities;
- b. That to the extent the proposed construction intensifies any of the existing nonconformities, such intensification will not be substantially more detrimental to the surrounding neighborhood.

Based on the forgoing the Board unanimously voted to GRANT the application to find that the proposed dwelling complies with the current the Scituate Zoning Bylaw.

SCITUATE ZONING BOARD OF APPEALS



Anthony Bucchere, Chairman



Edward Tibbetts



Thomas Cavanagh

Filed with the Town Clerk and the Planning Board on:
/ajb

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.