

Town of Scituate

ZONING BOARD OF APPEALS

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



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TOWN OF SCITUATE

Decision of the Scituate Zoning Board of Appeals on the application of D. David Mendes for a finding under MGL 40A § 6 in accordance with Section 810.1 of the Scituate Zoning Bylaw and to remodel of a pre-existing, non-conforming single-family dwelling located at 38 Hawley Road, Scituate, Massachusetts.

The application was received, advertised and a public hearing was duly held on September 21, 2023, with the following members of the Zoning Board of Appeals hearing the application:

George Xixis, Chair
Christopher Carchia
Gregory Fleming

The property that is the subject matter of this application is located in the R-3 Residential District. The property does not lie in the Town of Scituate Flood Plain. The property does not lie in the Town of Scituate Water Resource Protection Zoning District.

At the time of the application, title to the premises was in the name of Christine E. Baker and Deladier David Mendes by deed dated June 15, 2023 and recorded with the Plymouth County Registry of Deeds in Book 677 Page 108 and is shown on the Scituate Assessors Map Parcel ID No: 34-26-19.

The premises contains 7,500 square feet of land (an undersized lot) and contains 75 feet of frontage and 75 feet lot width. The R-3 Residential District requires 10,000 square feet lot area and 100 feet of frontage and 100 feet of lot width. In addition, the R-3 Residential District requires a 30 feet front setback, 8 feet side yard setbacks, and 30 feet rear yard setback.

The existing single-family dwelling located upon the lot was constructed in 1925. The existing 792 sq. foot dwelling does not meet front yard setbacks (12.8'), but does meet the right side yard setback (18.4'), left side yard setback (28') and the rear yard setback (48.6') requirements.

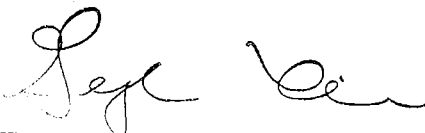
At the September 21, 2023, public hearing, the Board reviewed with the Applicant a plan drawn by Ross Engineering Company of Norwell, MA dated November 2, 2022. The proposal calls for the remodeling of the existing dwelling.

The proposed new dwelling will have the same square footage of living space, as well as the same setbacks.

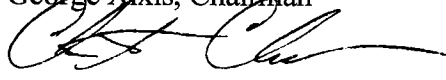
After hearing testimony and reviewing the Plan, the Board voted unanimously to grant the special permit to allow the remodel in accordance with the Plan. In doing so the Board found:

1. That the proposed addition will not create any new nonconformities.
2. That to the extent the proposed home intensifies any existing nonconformities, such intensification will not be substantially more detrimental to the surrounding neighborhood.

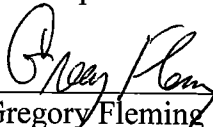
SCITUATE ZONING BOARD OF APPEALS



George Xixis, Chairman



Christopher Carchia



Gregory Fleming

Filed with the Town Clerk on 10.25.23

This Special Permit 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. Chapter 40, Section 17, and shall be filed within twenty (20) days of the date of the filing of the decision with the Town Clerk.