

Town of Scituate

ZONING BOARD OF APPEALS

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



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Decision of the Scituate Zoning Board of Appeals on the application of Joseph P. Joyce and Marie Antionette Titine Joyce of 39 Ocean Avenue Scituate, MA 02066 for a Special Permit/Finding under M.G.L. Chapter 40A, Section 6 and Section 810.2(a) of the Scituate Zoning Bylaw to allow the existing dwelling to be razed and reconstructed in a location with conforming property line setbacks and building heights. The applicants were represented at the hearing by Paul J. Mirabito of Ross Engineering Company, Inc.

The application was received, advertised and a public hearing was duly held on January 20, 2022 with the following members of the Zoning Board of Appeals hearing the application:

Anthony Bucchere, Chairman
George Xixis
Susan Harrison

The property is owned by the applicant, as evidenced by a deed dated August 10, 2021 and recorded at the Plymouth County Registry of Deeds in Book 55454, Page 1. The property is known as 39 Ocean Avenue as depicted on the "ZBA Plan for Ocean Avenue in Scituate, Mass." prepared by Ross Engineering Company, Inc. dated November 16, 2021 ("Site Plan"). According to the Town of Scituate Assessor's Card, submitted by the applicant, the existing single family dwelling located upon the property was constructed in 1910 and contains 2,415 square feet. The property contains 13,597 square feet.

The property is located in the R-3 Zoning District and is non-conforming as to lot frontage and lot width (premises contains 75 feet of frontage and is 75 feet wide). The existing structure is conforming as to all dimensional setbacks. All other characteristics of the property comply with the current zoning by-law.

The application seeks approval to allow the razing and reconstruction of the existing dwelling and replace the premises with a 3,400 square foot home, which meets all dimensional setbacks as indicated on the Site Plan and the Architectural Drawings submitted with the application. The

proposed dwelling according to the Site Plan and Architectural Drawings will increase the square footage of the home to 3,400 square feet, an increase of 40.8%. The proposed addition conforms with all dimensional setbacks and will not alter any of the other existing non-conforming characteristics of the lot nor will it create any new non-conformities.

Upon review of the application and hearing testimony from the applicants, the applicants' representatives and the public, the Board made the following finding:

- A. That the proposed razing and reconstruction of the single family dwelling pursuant to the plan did not create any new non-conformities.
- B. That to the extent the proposed construction and razing of the single family dwelling, if constructed per the plan intensifies any of the existing non-conformities, such intensification will not be substantially more detrimental to the surrounding neighborhood.

Based on the foregoing, the Board unanimously voted to GRANT the applicant's request for a Special Permit/Finding pursuant to M.G.L. c. 40A § 6 and 810.2 of the Town of Scituate Zoning By-Laws to permit the razing and reconstruction of the proposed single-family dwelling to the existing structure all as shown on the plans.

SCITUATE ZONING BOARD OF APPEALS



Anthony Bucchere, Chairman



George Xixis



Susan Harrison

This decision was filed with the Town Clerk on January 31, 2022

Appeal of this special permit may be made pursuant to MGL 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 filing of the decision with the Town Clerk.

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 expiration of the appeal period of twenty (20) days.

The Zoning Board of Appeals certifies that it has complied with all statutory requirements of MGL c. 40A, Section 9 and 11, and will file copies of this decision with the Town Clerk. The Zoning Board of Appeals further certifies that it has taken into consideration all testimony rendered at the Public Hearing, the comments and suggestions of other boards which have reviewed and made comments on the plans.