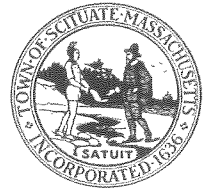


# Town of Scituate

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



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ZONING BOARD OF APPEALS

Decision of the Scituate Zoning Board of Appeals on the application of Adria Gallagher, of 54 Collier Road, Scituate, MA ("Applicant") for a Special Permit/Finding under MGL 40A § 6 and the Town of Scituate Zoning Bylaws 810.2, to allow an addition to a pre-existing non-conforming single family dwelling on a pre-existing non-confirming lot located at 54 Collier Road, Scituate, MA, Assessor Map 54, Block 9, Parcel 15 ("Property"), increasing the square footage by greater than 20%. The Applicant also seeks to raze and reconstruct an existing accessory structure (shed) in a location that would be less non-conforming.

The application was received, advertised and a public hearing was duly held on September 19, 2019 with the following members of the Zoning Board of Appeals hearing the application:

Brian B. Sullivan, Chairman  
Edward C. Tibbetts  
Thomas J. Cavanagh

The Applicant was represented at the hearing by his Paul J. Mirabito, C.E., of Ross Engineering Company, 683 Main Street, Norwell, MA 02061.

The property is owned by the applicant, as evidenced by a deed dated April 23, 2014 and recorded in the Plymouth Country Registry of Deeds in Book 44253, Page 48. The Property is shown as Lot 177, on a Plan entitled "Plan of Rivermoor, 3<sup>rd</sup> Cliff Scituate Mass" and dated April 1906, and recorded in the Plymouth Country Registry of Deeds in Plan Book 1, Page 560. According to the Town of Scituate Assessors Card, submitted by the applicant, the existing single-family dwelling located upon the lot was constructed in 1930 and contains 1,016 square feet.

The Property is located in the R-3 Zoning District. The Property is nonconforming as to Lot Area (5,808 square feet where 10,000 square feet is required), Lot Frontage (64.94' where 100' is required), and Lot Width (52.5' where 100' is required). The existing structure is conforming as to dimensional setbacks. However, the lot was created, and the structure was constructed, prior to the adoption of the current zoning bylaw and therefore considered pre-existing nonconforming. However, the existing shed is .3' feet from the rear set back, where 8' is required for accessory structures. All other characteristics comply with the current zoning bylaw.

The application seeks approval to add additions to the dwelling as is shown on the plans submitted by the applicant, prepared by Paul J. Mirabito, Professional Engineer, Ross Engineering Company, Inc., entitled "Site Plan for a Proposed Addition & Shed Relocation at 54 Collier Road in, Scituate MA" dated August 12, 2019 (the "Plan"). The proposed addition to the dwelling per the Plans will increase the square footage of the home to 1,510 square feet, an increase of 49.0%. The proposed addition conforms with the setbacks and will not alter any of the other existing nonconforming characteristics of the site and will not create any new nonconformities. In addition, the razing and reconstructing the shed in the proposed location as indicated on the Plan, brings the shed off the rear setback and in a location that is less non-conforming

After reviewing the application and hearing testimony from the applicant, the applicant's engineer, as well as several abutters who testified in favor of the request, the Board found the following:

- a. That the proposed addition and razing and reconstruction of the shed, if constructed per the Plan will not create any new non-conformities;
- b. That to the extent the proposed addition or the razing and reconstructing the shed, if constructed per the plan 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 Applicant's request for a Special Permit/Finding pursuant to M.G.L. c. 40A, §6 and Section 810.2 of the Town of Scituate Zoning Bylaws, to construct the proposed addition to the existing structure as well as the razing and reconstruction of the shed, all as shown on the Plans.

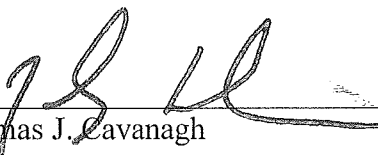
SCITUATE ZONING BOARD OF APPEALS



Brian B. Sullivan, Chairman



Edward C. Tibbetts



Thomas J. Cavanagh

Filed with the Town Clerk and Planning Board on 10/21/19

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