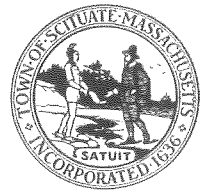


Town of Scituate

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



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2019 OCT 21 PM 3:47

ZONING BOARD OF APPEALS

RECEIVED

Decision of the Scituate Zoning Board of Appeals on the application of Kieran Whelan, of 57 Seaside Road, 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 an existing single family dwelling on a pre-existing non-confirming lot located at 57 Seaside Road, Scituate, MA, Assessor's Map 28, Block 5, Parcel 6, increasing the square footage by greater than 20%.

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 and his wife were present at the hearing.

The property is owned by the applicant, as evidenced by a deed dated September 1, 2016, and recorded in the Plymouth Country Registry of Deeds in Book 47535, Page 315. The Property is shown as Lot 172, on a plan of "Shore Acres, Egypt, Mass." dated August 1896, and recorded with the Plymouth Country Registry of Deeds in Plan Book 1, Page 462. According to the Town of Scituate Assessors Card, submitted by the applicant, the existing single-family dwelling located upon the lot was constructed in 1979 and contains 1,566 square feet.

The Property is located in the R-3 Zoning District. The Property is nonconforming as to Lot Area (5,099 square feet where 10,000 square feet is required), Lot Frontage (44.54' where 100' is required), and Lot Width. The existing structure is non-conforming as to a side set back as well as the front yard setback. However, the lot was created, and the structure was constructed, prior to the adoption of the current zoning bylaw and therefore are considered pre-existing nonconforming. All other characteristics comply with the current zoning bylaw.

The application seeks approval to add an addition 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 57 Seaside Avenue, Scituate MA." dated February 2, 2017 (the "Plan"). The proposed addition to the dwelling per the Plans will increase the square footage of the home to 1,862 square feet, an increase of 50.0%. The proposed addition will not alter any of the other existing nonconforming characteristics of the site and will not create any new nonconformities.

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

- a. That the proposed addition if constructed per the Plan will not create any new non-conformities;
- b. That to the extent the proposed addition 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 additions to the existing structure as shown on the Plans, on the condition that the applicant submit a plan stamped by a Professional Engineer which supports the evidence presented at the hearing.

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.