



Decision of the Scituate Zoning Board of Appeals on the application of Delryn Development of 207 Front Street, Scituate, MA under Scituate Zoning By-laws 810.2.A to allow the razing and reconstruction of the pre-existing non-conforming structure on the property and to increase the gross floor area of the structure by more than 20%.

The application was received, advertised, and a public hearing was duly held on October 17, 2013 with the following members of the Zoning Board of Appeals hearing the application:

Sara Trezise, Chairman  
John Hallin  
Frank Lynch

The property is located at 582 Hatherly Road, between Grasshopper Lane and Gannett Road. The building that is on the property is a two story single family home which according to Town Assessors records was constructed in 1920. There is an existing garage on the property which will be repaired but not razed. The application seeks approval to reconstruct the existing dwelling with a new dwelling having a larger gross floor area (GFA) than previously exists. The existing structure has a GFA of approximately 1,500 square feet. The proposed GFA is 2,900 square feet or approximately 93% greater than that of the existing dwelling.

The property is located in the residential "A3" zoning district. It does not lie in the Scituate Flood Plain or Watershed Protection District or the Scituate Water Resource protection Zoning District.

Pursuant to Gale v ZBA of Gloucester, 80 Mass App 331 (2011), the Board identified the particular respects in which the existing structure does not conform to the present by-law. The existing lot size and width are the only non-conformities and pre-exist current zoning requirements, the structure having been built in 1920. The following table illustrates the existing and proposed non-conformities relative to current applicable dimensional requirements contained in Section 600 – Dimensional Regulations.

	Lot Area (sq. ft.)	Lot Width	Frontage	Property Line Front Setbacks	Property Line Side Setbacks	Property Line Rear Setbacks
<b>Required</b>	10,000	100'	100'	30'	8'	20'
<b>Existing</b>	10,687	70'+	70.05	> 31.00	14.2/ 12.0	>50' House

<b>Proposed</b>	10,687	70+	70.05	31'	19/9	50' House

The Applicant intends to raze the existing structure and replace it with a larger structure 93% larger. The new dwelling will meet all dimensional requirements except for the frontage and lot width. This proposed alteration would neither intensify the existing nonconformities nor would it result in additional ones. Therefore, the Board determined that pursuant to Gale, the applicant is entitled to the Special Permit.

For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the razing and reconstruction of the current dwelling and permit construction of a new larger single family dwelling as proposed on the site plan for 582 Hatherly Road submitted by the applicant with its application and dated September 30, 2013 and as revised on October 22, 2013 by Ross Engineering. The only revision to the site plan was to correct the Zoning Classification only- the original plan having misclassified the Zoning District as R-1.

#### SCITUATE ZONING BOARD OF APPEALS

  
 Sara Trezise

  
 John Hallin

  
 Frank Lynch

Filed with the Town Clerk and the Planning Board on: November 1, 2013.

This Special Permit/Finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County 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 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.