

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
(781) 545-8716



Decision of the Scituate Zoning Board of Appeals on the application of Damian and Jenn Liddiard of 6 Turner Road, Scituate, Massachusetts for a finding/special permit pursuant to M.G.L. Chapter 40A, Section 6 and Zoning Bylaw section 810.2 to construct a small 12' x 12.62' addition to a pre-existing non-conforming structure, namely a single family residential dwelling located at 6 Turner Road, Scituate, MA.

The application was received, advertised, and a public hearing was duly held on August 20, 2015 with the following members of the Zoning Board of Appeals hearing the application:

Sara J. Trezise, Chairman
John Hallin
Francis M. Lynch

The lot is shown on Assessor's Map 39, Block 26, Parcel 22 and is owned by the Applicant pursuant to a deed recorded with the Plymouth County Registry of Deeds in Book 581 at Page 171, Certificate number 116371.

The property is a triangular shaped lot with the majority of the lot located in the R-3 residential district. However, there is a section of the southernmost portion of the lot located in the R-2 zoning district. Under Section 330 of the Scituate Zoning By-laws, as the lot lies within 2 districts, and as the lot extends more than 25 feet into the more restricted zone, the dimensional regulations that control the entire lot as those which are more restricted, that is the requirements applicable to R2. The present rear setback is 11.3 feet from the lot line at its closest point, whereas R2 regulations require a 30 foot rear yard setback. The lot area is presently 16,111 square feet where the current R2 require 20,000 sq. ft. lot area. All other dimensional requirements are in compliance with the R2 regulations.

The Assessor's card shows the structure as having been built in 1925. Thus, as the structure predates the adoption of the zoning by law in 1953, the existing structure and lot enjoy "grandfathered" protected status. The building is nonconforming as to lot area, (16,111 square feet where 20,000 square feet are required) and the building is set back 11.3 feet from the rear lot line (where 30 feet is required).

The Applicant proposes to construct a 12x 12.62 ft. addition to the rear of the pre-existing non-conforming structure on the lot which when constructed will intensify the present non-conformity, but will be less than the present nonconformity being setback 14.4 feet from the rear lot line. Lot area will not change.

After a public hearing, which was duly noticed and advertised, the Board made the following findings, based upon the applicant's representations:


- a. The existing structure does not comply with the current zoning bylaw requirements as to the rear/ southwesterly lot sideline setback and the required lot size. The structures on the lot are pre-existing non-conforming;
- b. The proposed addition will intensify the existing non-conformities but it would not be substantially more detrimental to the neighborhood than the present structure.

For the foregoing reasons, based upon the application, plans and testimony submitted by the applicant, the Board voted unanimously to GRANT the applicants' request for a Special Permit and FINDS that that the Applicant has met the standard for a M.G.L. Ch. 40A, Section 6 finding and the issuance of a Special Permit in accordance with the plans prepared by Michael P. Clancy, registered Professional Land Surveyor, C& G Survey Co., 37 Jackson Rd, Scituate MA as prepared for Damian & Jennifer Liddiard dated May 27, 2015.

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Sara J. Trezise, Chairperson


John Hallin


Francis M. Lynch

Filed with Town Clerk and Planning Board on SEPTEMBER 2, 2015

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 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.