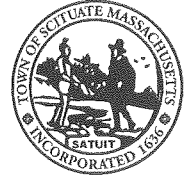


# Town of Scituate

## ZONING BOARD OF APPEALS

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



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TOWN CLERK

Decision of the Scituate Zoning Board of Appeals on the application of Stephen Yates of 68 Gilson Road, Scituate MA for a Special Permit/Finding under M.G.L. Chapter 40A, Section 6 to extend a pre-existing non-conforming front setback by the addition of a new farmer's porch to the front of the home located at 68 Gilson Road, Scituate MA.

The application was received, advertised, and a public hearing was duly held on September 22, 2017, with the following members of the Zoning Board of Appeals hearing the application:

John Hallin, Chairman  
Sara J. Trezise  
Anthony Bucchere

The property located at 68 Gilson Rd. is in the R-2 residential district and is owned by Stephen and Erica Yates, pursuant to a deed recorded at the Plymouth County Registry of Deeds at Book 46498, Page 225.

The property does not comply with the current zoning bylaw requirement for the R-2 zoning district as to the following:

Front setback:

Required is 30 ft. whereas the existing is 15.8 ft.

Side setback:

Required is 15 ft. whereas the existing southerly side setback is 10.8 ft.

Lot area:

Required is 20,000 sq. ft. whereas the existing is 5,866 sq. ft.

Lot width:

Required is 125 ft. whereas the existing is 107.8 ft.

As per the Assessors card, the original dwelling house was constructed in 19301, prior to the adoption of the zoning bylaw in 1953, and therefore enjoys grandfathered status. Accordingly, the board found that the house is a pre-existing, non-conforming structure entitled to the protection of M.G.L. Ch. 40A Sec. 6.

The applicant proposes to extend the pre-existing, non-conforming front setback by the addition of a 5 ft. by approximately 34 ft. farmer's porch across the front of the structure that would increase the non-conforming front yard setback by 4.9 ft. The proposed farmer's porch is to be built in accord with a plan drawn by Morse Engineering Co., Inc., entitled Plan showing Proposed Addition 68 Gilson Road Scituate, Massachusetts, dated August 15, 2017. (The "Plan").

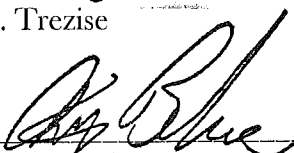
M.G.L. Ch. 40A § 6 provides that "pre-existing nonconforming structures and uses may be extended or altered, provided, that no such extension or alteration be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure or] use to the neighborhood."

Based on the information presented, for the foregoing reasons, and upon Motion duly made and seconded, the Board voted unanimously to GRANT the Special Permit and to FIND that the proposed addition/alteration to the existing structure was not substantially more detrimental or injurious to persons, property or improvements in the vicinity than the existing nonconforming use/structure and is in accord with the provisions of Mass. G.L. Ch. 40 A, Section 6 and Sections 810 of the Scituate Zoning Bylaws.

#### SCITUATE ZONING BOARD OF APPEALS

  
\_\_\_\_\_  
John Hallin, Chairman

  
\_\_\_\_\_  
Sara J. Trezise

  
\_\_\_\_\_  
Anthony Bucchere

Filed with the Town Clerk and the Planning Board on: Sept. 27, 2017

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.