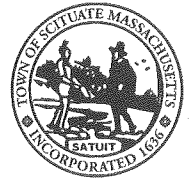


# Town of Scituate

## ZONING BOARD OF APPEALS

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



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TOWN OF SCITUATE  
ZONING BOARD

Decision of the Scituate Zoning Board of Appeals on the application of Mary J. Beaulieu, 77 Rebecca Road, Scituate, MA under Scituate Zoning By-laws to allow the raze and re-construction of a pre-existing non-conforming residence at 77 Rebecca Road, increasing 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 19, 2017 with the following members of the Zoning Board of Appeals hearing the application:

John Hallin, Chairman  
Sara Trezise  
Edward C. Tibbetts

The structure that is on the property is a two story single family home which according to Town Assessors records was constructed in 1920. The application seeks approval to raze and reconstruct the existing dwelling in accordance with a site plan prepared by Environmental Engineering Technologies, Inc. dated May 17, 2017 and stamped by Registered Professional Engineer Robert C. Crawford, as well as Ruddy & Beaulieu Residence, Cottage Renovation, 77 Rebecca Lane, Scituate, MA 02066 prepared by Designs by Marshall, LLC. dated August, 22 2017 (all hereinafter referred to as "the plans"). The existing structure has a GFA of approximately 1,063 square feet. The proposed reconstructed structure will have a GFA of 1,663 square feet, an increase of 56.4%. The property is located in the residential R3 zoning district. It does not lie in the Scituate Watershed Protection District. The proposed structure will be elevated on a concrete foundation to be in compliance with the flood zone designation VE16 according to the 2016 FEMA map.

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 Board found that the existing structure was non-conforming with respect to front set back and right side set back. It also found that the property was non-conforming as to lot area, lot width and lot frontage. The Board further found that the proposed structure as set forth in the plans will not increase any existing non-conformity, will decrease the right side set back non-conformity and will not intensify existing non-conformities. The Board further found that to the extent any non-conformity might be deemed an intensification of an existing non-conformity; such intensification would not be substantially more detrimental to the neighborhood than the existing property.


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 L/R	Property Line Rear Setbacks
<b>Required</b>	10,000	100'	100'	30'	8'	20'
<b>Existing</b>	4,000	40'	40'	7.71'	9.66' / 1.91'	48.30'
<b>Proposed</b>	4,000	40'	40'	7.74'	9.47' / 7.75'	49.07'

In light of the foregoing, the Board determined that pursuant to Gale, the applicant is entitled to the permit/ finding as requested.

For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the applicant to raze and reconstruct the structure on the property as set forth on the plans for 77 Rebecca Road.

#### SCITUATE ZONING BOARD OF APPEALS

  
 John Hallin, Chairman

  
 Sara J. Trezise

  
 Edward C. Tibbetts

Filed with the Town Clerk and the Planning Board on: December 4, 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.