

Town of Scituate

ZONING BOARD OF APPEALS

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



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Decision of the Scituate Zoning Board of Appeals on the application of Susan Whalen and Michael Whalen, 78 Scituate Avenue, Scituate, MA (hereinafter, the "Applicant") for a Special Permit/Finding pursuant to M.G.L. Chapter 40A, Section 6 and Section 810.2 of the Scituate Zoning Bylaw (the "Bylaw") and any other relief to allow the construction of an addition to the preexisting nonconforming single-family dwelling at 78 Scituate Avenue, Scituate, Massachusetts, 02066 (Assessor's Map 40, Block 3, Parcel 4) on a nonconforming lot.

The application was received, advertised and a public hearing was duly held on March 16, 2023 with the following members of the Zoning Board of Appeals hearing the application:

George Xixis, Chairman
Susan Harrison
Christopher Carchia

The Applicant and their representative Alissa Jones of Alissa Jones Design Studio located at 146 Front Street, Suite 211, Scituate, MA appeared at the hearing.

The subject property (the "Subject Property") at 78 Scituate Avenue, is owned by Susan Whalen and Michael Whalen according to a deed recorded at Plymouth County Registry of Deeds at Book 54805, Page 227 dated March 24, 2021. The Subject Property is located in an R-3 Zoning District, the primary purpose of which is to provide locations for neighborhoods containing higher-density, single-family homes. The Subject Property is not located in the Water Resources Protection District and the dwelling is not located in the Floodplain and Watershed Protection District. A rear portion of the lot (but not the structure) lies in Flood Hazard Zone AE 15.

The lot is non-conforming as to lot are, lot width, and lot frontage. The building is non-conforming as to front and right-side setbacks.

The Applicant has provided a copy of the current tax assessment from the Town of Scituate which indicates that the single-family dwelling was constructed in 1952, prior to the adoption of zoning in the Town of Scituate.

The applicant proposes to add two separate additions to the existing one and a half story, two-bedroom, Cape structure as shown on as shown entitled "Plan of Land at 78 Scituate Ave, Scituate, Mass., Prepared for Michael & Susan Whalen" dated January 30, 2022, prepared by J Webby Consulting LLC, Professional Land Surveyors and Planners, 6 Pine Hill Road, Kingston, MA. 02364.

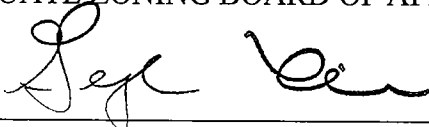
Massachusetts General Laws Ch. 40A Section 6 reads in part: "Pre-existing non-Conforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or bylaw that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure] or use to the neighborhood."

After hearing from the applicant and their representative and hearing no public comment,-the Board finds:

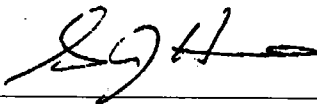
1. that the proposed additions as shown on said plan will not create any new non-conformities
2. That to the extent the proposed additions intensify any existing nonconformities or creates any new non-conformities such intensification will not be substantially more detrimental to the surrounding neighborhood.

For the foregoing reasons, the Board unanimously voted to GRANT the Special Permit and the requested findings to allow the construction of the additions to the existing single-family dwelling in accordance with the prior referenced plan.

SCITUATE ZONING BOARD OF APPEALS



George Xixis, Chairman



Susan Harrison



Christopher Carchia

Filed with Town Clerk on May 5, 2023, 2023

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.