

# Town of Scituate

ZONING BOARD OF APPEALS

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TOWN OF SCITUATE  
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Decision of the Scituate Zoning Board of Appeals on the application of Oak Development and Design, Paul Antonik, of 1035 Main Street Hingham, MA ("Applicant") for a Special Permit/Finding under MGL 40A § 6 and the Town of Scituate Zoning Bylaws 810.2, and 470.6 to allow the razing and reconstruction of an existing non-conforming dwelling on a pre-existing non-conforming lot located at 83 Glades Road ("Property"), increasing the square footage by 90%.

The application was received, advertised and a public hearing was duly held on August 20, 2020 with the following members of the Zoning Board of Appeals hearing the application:

Anthony J. Bucchere, Chairman  
Thomas J. Cavanagh  
George Xixis

The Applicant was represented at the hearing by his engineer, Jeff Hassett of Morse Engineering.

The property is owned by 83 Glades Road, LLC, 39 Ocean Avenue, Scituate MA as evidenced by deed Quitclaim Deed dated August 2, 2010, and filed with the Plymouth Country Registry of Deeds Book 38810 Page 52. Document No. 2010/00062276. According to the Town of Scituate Assessors Card, submitted by the applicant, the existing single-family dwelling located upon the lot was constructed in 1890 and contains 838 square feet.

The Property is located in the R-3 Zoning District. The Property is nonconforming as to Lot Area (2,267 Square feet where 10,00S.F. is required), Lot Frontage (32.73' where 100' is required), and Lot Width (32.73 where 100' is required). The existing structures front yard setback is 7.4' and proposed setback is 8.0'', Current right side yard setback is 2.5' and 3.5' is proposed. Left yard setback is currently conforming and is conforming as proposed. Rear Yard setback is 14.0' where 20.4' is proposed bringing the rear yard into conformance. The lot was created, prior to the adoption of the current zoning bylaw and therefore considered pre-existing nonconforming.

The Property is located within the Town of Scituate Flood Plain and Watershed Protection District. The Property IS NOT located within the Town of Scituate Water Resource Protection District. The Property lies in a FEMA Zone AE15 but does not lie in DEP designated "Zone II" Resource Area or a DEP "Zone A" surface water supply area.

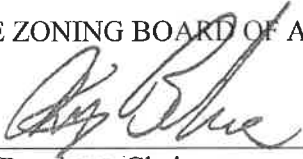
The application seeks approval to raze and reconstruct the dwelling as is shown on the plans submitted by the applicant, prepared by Morse Engineering Company, Inc., entitled "Proposed Location Plan" dated July 22, 2020 (the "Plans"). The proposed dwelling is to be elevated on concrete piers out of the flood plain consistent with maximum zoning height requirements. The proposed raze and reconstruction to the dwelling per the Plan will increase the square footage of the home to 1,596 square feet, an increase of 90%. The proposed raze and reconstruct, eliminates the non-conformity with respect to the rear yard setback and reduces the non-conformity with respect to the front and side yard setback and will not create any new nonconformities.

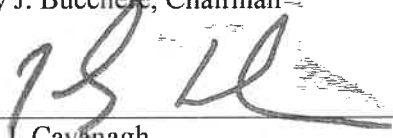
After reviewing the application and hearing testimony from the applicant, their engineer, building inspector and abutters, the Board found the following:

- a. That the proposed raze and reconstruct if constructed per the Plan will not create any new non-conformities.
- b. That to the extent the proposed raze and reconstruct if constructed per the plan intensifies any of the existing nonconformities, such intensification will not be substantially more detrimental to the surrounding neighborhood.

Based on the foregoing the Board unanimously voted to GRANT the Applicant's request for a Special Permit/Finding pursuant to M.G.L. c. 40A, §6 and Section 810.2, as well as Section 470.6 of the Town of Scituate Zoning Bylaws, to raze and reconstruct the preexisting non-conforming dwelling.

SCITUATE ZONING BOARD OF APPEALS

  
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Anthony J. Bucchere, Chairman

  
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Thomas J. Cavanagh

  
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George Xixis

Filed with the Town Clerk and Planning Board on February 5, 2021

This Finding 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. Ch. 40, Section 17, and shall be filed within twenty (20) days of the date of filing the decision with the Town Clerk.