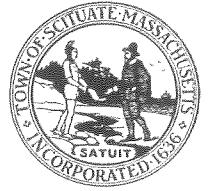


Town of Scituate

ZONING BOARD OF APPEALS

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



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Decision of the Zoning Board of Appeals on the application of Anne Marie and Peter Huie, 86 Humarock Beach, Scituate, Massachusetts 02047 for a Finding/Special Permit pursuant to M.G.L. c. 40A §6 and Scituate Zoning Bylaw §810.2 to construct an addition to a pre-existing nonconforming single-family dwelling increasing the gross floor area by more than 20% and to allow the razing and reconstruction of a pre-existing, non-conforming, detached accessory garage.

The application was received on or after October 7, 2019, advertised, notice was provided to parties in interest, and a public hearing was duly held on November 21, 2019 at 7:00PM at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate, Massachusetts with the following members of the Zoning Board of Appeals present and hearing the application:

Anthony J. Bucchere, Chairperson
Edward C. Tibbets
Brian B. Sullivan

The property, located at 86 Humarock Beach is in the R-3 residential zoning district and is owned by the applicants pursuant to Certificate of Title No. 105391 on file at the Plymouth County Registry District of the Land Court. The applicants were represented by counsel, Robert W. Galvin, Esq., of Galvin & Galvin, PC of Duxbury, MA, their designer, Heidi Condon of HC Design of Scituate, and Robert Crawford, PE, of EET, Inc. of Marshfield, MA, the applicants' civil engineer.

The existing lot, single family dwelling, and garage structure and lot enjoy "grandfathered" protection status as both the lot and structure predate the adoption of the zoning by law in 1953. As is indicated on the Assessor card provided by the applicant, year build is 1920. The applicant proposes to construct an addition over the existing covered porch that will be elevated on wooden pilings on the southerly side of the dwelling, add an open deck on pilings adjacent to the southerly addition, add a small addition to westerly side of the dwelling and covered porch within the existing building envelope, construct a proposed detached raised deck easterly of the dwelling adjoining between the dwelling and seawall in replacement of an existing deck, and to the raze and reconstruct the pre-existing, non-conforming, detached accessory garage also on pilings situated on the easterly side of the dwelling. The additions will increase the gross square footage by more than 20% and therefore require relief under §801.2 of the Zoning Bylaw. As confirmed by the Building Commissioner, the lot technically has no legal frontages since there are no streets or ways that have been constructed with sufficient width, grade and construction to provide legal frontage.

This site is not located in the Water Resources Protection District. The property is located in the 2012 FIRM Map Zone VE19 and AO2. The proposed 2015 FIRM map shows the property to be in VE16 and AE13. The proposed addition would be constructed on wood pilings in accordance with the 2015 proposed FIRM map.

The existing structure, lot size, lot frontage, lot width, sideboard setbacks and rear yard setbacks are non-conforming and pre-exist current requirements. Lot area required 10,000 SF, existing is 6,000 SF; lot width required is 100', existing is 40'; lot frontage required is 100', existing is 0'; front line setbacks required is 30', existing is 0' (due to no frontage) and proposed is 0'; side setbacks required is 8', existing is 9.2' (on north), 15.3' (on west) and 2.0/1.89' (on south). The existing gross floor area is 1,154 sq. ft. the proposed gross square footage is 1,450, representing an increase of 29%.

There were questions from Attorney Jeff Delisi representing the Forde family who live nearby in the neighborhood concerning the side setbacks and additions to gross floor area that were answered by Ms. Condon.

Whereas the Applicant seeks a Special Permit/Finding the following, the Board made the following findings, based upon the materials submitted and the applicant's representations:

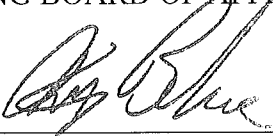
1. The existing dwelling and lot dimensions do not comply with the current zoning bylaw requirements as to lot frontage, lot width, side setbacks and lot area.
2. The lot dimensions, size and structures thereon are pre-existing non-conforming.
3. The proposed additions may intensify the nonconforming nature of the single-family dwelling as to side yard setback on the southerly side of the property.
4. The proposed reconstructed garage will setback further from the northerly side setback when reconstructed and will comply with those side set back requirements when completed.


5. The proposed additions to the single-family dwelling will not be substantially more detrimental to the neighborhood than the existing structure and use.

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, subject to conditions, and FINDS that the proposed use and plans are not substantially more detrimental to the neighborhood than the building and uses now existing; that the proposed new construction meets the requirements of Bylaw Section 950.3A-F and that the Applicant has met the standard for a M.G.L. Chapter 40A, Section 6 finding and the issuance of a Special permit in accordance with the plan prepared by EET Inc. dated June 26, 2019 with revisions through October 3, 2019 entitled Building Location Plan #86 Humarock Beach, Scituate, MA and Elevation Plans dated 10/3/19 by HC Design of Scituate, MA

The Board conditions its approval on their being no habitable space on the second story of the garage.

ZONING BOARD OF APPEALS







Filed with the Town Clerk and Planning Board on 12/9/19

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 within twenty (20) days of the date of the filing of the decision with the Town Clerk.