

Town of Scituate

ZONING BOARD OF APPEALS

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Scituate, Massachusetts 02066
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Decision of the Scituate Zoning Board of Appeals on the application of Joseph D. Burke and Maura E. Burke, 17 Bertis Adams Way, Westborough, MA 01581 ("Applicant") for a Special Permit/Finding under MGL 40A § 6 and the Town of Scituate Zoning Bylaws 810.2 and 470, to allow an addition on a pre-existing, non-conforming single family dwelling on a pre-existing non-confirming lot located at 89 Marion Road, Scituate, MA, Assessor's Map 40, Block 12, Parcel 5 (the "Property"), increasing the square footage by 27.2%.

The application was received, advertised and a public hearing was duly held on February 25, 2021 with the following members of the Zoning Board of Appeals hearing the application:

Anthony J. Bucchere, Chairman
Edward C. Tibbetts
Thomas J. Cavanagh
George Xixis
Susan Harrison

The Applicants were represented at the hearing by their architect, Paulette O'Connell, OCO Architecture and Design, P.O. Box 709, Hingham, MA 02043.

The property is owned by Joseph D. Burke & Maura E. Burke, as evidenced by a Quitclaim Deed dated March 2, 2007, and filed Plymouth County Registry of Deeds Land Court Division as Document No. 619154, Certificate of Title No. 110255. According to the deed the Property is shown as Lot 895 of subdivision plan #8507Q drawn by C.B. Humphrey, Engineer for the Court, dated August 26, 1943 and field with Certificate of Title No. 8681. According to the Town of Scituate Assessors Card,

submitted by the applicant, the existing single-family dwelling located upon the lot was constructed in 1928 and contains 1,844 square feet.

The Property is located in the R-3 Zoning District. The lot is non-conforming as to Lot Area (4,507 SF where 10,000 SF required), Lot Frontage (50' where 100' is required), Lot Width (50' where 100' is required). In addition, per 620.4A of the Town of Scituate Zoning By-Laws, the average set back on Marion Road for the Property is 26.4' and the average setback for the Property on Eleventh Avenue is 4.7'. Thus, the existing single-family dwelling as well as the proposed addition would comply with the front yard setbacks under the By-Law. Lastly, both the single family dwelling and the lot were created prior to the adoption of the current zoning bylaw and therefore are considered pre-existing nonconforming.


The application seeks approval to add an addition to the existing single-family dwelling as shown on a plan submitted by the applicant, prepared by Morse Engineering., 10 New Driftway, Suite 303, Scituate, MA 02066, entitled "Existing Conditions Plan" dated October 29, 2019 (the "Plan"). The proposed addition to the existing dwelling, per the Plans will increase the Gross Floor Area of the home from 1,844 to 2,345 square feet, an increase of 27.2%. The proposed addition to the existing single-family dwelling will not alter any of the existing non-conforming characteristics and will not create any new non-conformities.

After reviewing the application and hearing testimony, the Board found the following:

- a. That the proposed addition to the existing single-family dwelling if constructed per the Plan will not create any new non-conformities;
- b. That to the extent the proposed addition to the existing single-family dwelling, 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 forgoing 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 470 and 810.2 of the Town of Scituate Zoning Bylaws, to construct the proposed addition to the existing single-family dwelling as shown on the Plans.

SCITUATE ZONING BOARD OF APPEALS



Anthony J. Bucchere, Chairman



Edward C. Tibbetts



Thomas J. Cavanagh

Filed with the Town Clerk and Planning Board on March 9, 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.