

Town of Scituate

ZONING BOARD OF APPEALS

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



Decision of the Scituate Zoning Board of Appeals on the application of Kathy A. & Frank J. Nelson for a finding under MGL 40A § 6 in accordance with Section 810.2 of the Scituate Zoning Bylaw and to raze and reconstruct a pre-existing, non-conforming single-family dwelling located at 9 Collier Road, Scituate, Massachusetts.

The application was received, advertised and a public hearing was duly held on February 15, 2024, with the following members of the Zoning Board of Appeals hearing the application:

George Xixis, Chair
Justin Marks
Gregory Fleming

The property that is the subject matter of this application is located in the R-3 Residential District. The property does not lie in the Town of Scituate Flood Plain and Water Resource Protection Zoning District.

At the time of the application, title to the premises was in the name of Frank J. Nelson and Kathy A. Nelson by deed dated August 8, 2023, and recorded with the Plymouth County Registry of Deeds in Book 58169 Page 135 and is shown on the Scituate Assessors Map Parcel ID No: 64-6-2-0.

The premises contain 19,491 square feet of land and 19.75 feet of frontage and 38.97 feet lot width. The R-3 Residential District requires 10,000 square feet lot area and 100 feet of frontage and 100 feet of lot width. In addition, the R-3 Residential District requires a 30 feet front setback, 8 feet side yard setbacks, and 20 feet rear yard setback.

The existing single-family dwelling located upon the lot was constructed in 1890. The existing 2,864 sq. foot dwelling does not meet front yard setbacks (16.8'), and the left side yard setback (0.0').

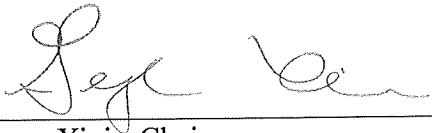
At the February 15, 2024, public hearing, the Board reviewed with the Applicant a plan drawn by Morse Engineering of Scituate, MA dated January 18, 2024, and revised on February 7, 2024. The proposal calls for the raze and reconstruction of the existing dwelling.

The proposed new dwelling will contain approximately 4,822 square feet of living space, an increase of 68.3%. Front yard setback will increase to 36.1'. The right side yard setback will be 16.0' and left side yard setback will now be 5.1'. The rear yard setback will be 65.5'.

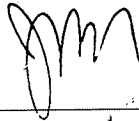
After hearing testimony and reviewing the Plan the Board voted unanimously to grant the special permit to allow the raze and reconstruction in accordance with the Plan. In doing so the Board found:

1. That the proposed addition will not create any new nonconformities.
2. That to the extent the proposed home intensifies any existing nonconformities, such intensification will not be substantially more detrimental to the surrounding neighborhood.
3. The Board granted the approval with the following conditions: 1. The air conditioner unit will be at least 8' from the lot line; and 2. The generator will be at least 15' from the lot line.

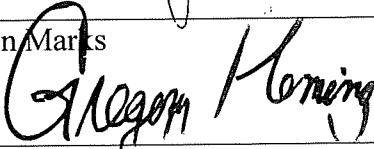
SCITUATE ZONING BOARD OF APPEALS



George Xixis, Chairman



Justin Marks



Gregory Fleming

Filed with the Town Clerk on 3.11.2024

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