

TOWN OF SCITUATE

OFFICE OF
BUILDING COMMISSIONER
ZONING ENFORCEMENT OFFICER



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Decision of the Scituate Zoning Board of Appeals on the application of Carl Christenson, Trustee of The Carl Christenson 2007 Revocable Trust, u/d/t dated August 10, 2007, of 9 Stone Avenue, Scituate, MA ("Applicant") for a Special Permit/Finding under MGL 40A § 6 and the Town of Scituate Zoning Bylaws 810.2, to allow the razing and reconstruction to a single family dwelling on a pre-existing non-confirming lot located at 9 Stone Avenue, Scituate, MA ("Property"), increasing the square footage by 50.4% .

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, Paul Mirabito, of Ross Engineering Company, Inc..

The property is owned by the applicant, as evidenced by deed dated July 14, 2016, and filed with in the Plymouth Country Registry of Deeds Land Court Division, as Document No. 747538, Certificate of Title No. 123722. According to the Town of Scituate Assessors Card, submitted by the applicant, the existing single-family dwelling located upon the lot was constructed in 1987 and contains 3,007 square feet. According to the Certificate of Title the lot was created in 1924.

The Property is located in the R-3 Zoning District. The Property is nonconforming as to Lot Frontage (66.66' where 100' is required), and Lot Width (66.66' where 100' is required). The existing structures front yard setback and proposed setback is 23.8', however the average setback on the street, pursuant to the Scituate Zoning By-Laws, is 23. However, the lot was created, prior to the adoption of the current zoning bylaw and

therefore considered pre-existing nonconforming. All other characteristics comply with the current zoning bylaw.

The application seeks approval to raze and reconstruct the dwelling as is shown on the plans submitted by the applicant, prepared by Paul Mirabito, Professional Engineer, Ross Engineering Company, Inc., entitled "Site Plan for 9 Stone Avenue in Scituate, MA" dated June 10, 2020 (the "Plans"). The proposed raze and reconstruction to the dwelling per the Plans will increase the square footage of the home to 4,525 square feet, an increase of 50.4%. The proposed raze and reconstruct, conform with the set-backs and will not alter any of the other existing nonconforming characteristics of the site 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 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 810.2 of the Town of Scituate Zoning Bylaws, to construct the proposed additions to the existing structure as shown on the Plans.

SCITUATE ZONING BOARD OF APPEALS



Anthony J. Bucchere, Chairman



Thomas J. Cavanagh



George Xixis

Filed with the Town Clerk and Planning Board on 9/22/20

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.