

TOWN OF SCITUATE

Highway  
02066



600 Chief Justice Cushing

Scituate, Massachusetts

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Zoning Board of Appeals

Decision of the Scituate Zoning Board of Appeals on the application of Gary and Jane McGovern of 12 Kings Way, Scituate, MA 02066, to request a finding and/ or special permit under M.G.L Ch 40A Sec. 6 to allow the razing and reconstruction of a single-family dwelling on a pre-existing non-conforming single-family lot located at 15 Collier Avenue.

The application was received, advertised, and a public hearing was duly held on May 15, 2014 with the following members of the Zoning Board of Appeals hearing the application:

Sara Trezise, Chairman  
John Hallin  
Ed Tibbetts  
Francis Lynch, Alternate  
Anthony J. Bucchere, Alternate

The property is located at 15 Collier Avenue and is owned by Gary and Jane McGovern who acquired the property from the McNeil Family Realty Trust u/d/t dated May 7, 2001 and recorded with the Plymouth County Registry of Deeds at Book 20169, Page 260 by deed dated March 23, 2014 and recorded at Book 44184, Page 120.

The building on the property is a single family dwelling which according to Town Assessors records was constructed in 1949.

The application seeks approval to raze the existing residential structure and to rebuild the house as per plans submitted by the applicant and drawn by Morse Engineering Co., Inc., dated 4/4/2014 (the "Plan").

The property is located in the R-3 residential zoning district. The existing side yard setback, lot area, lot frontage and lot width are non-conforming but pre-existed current zoning requirements. The applicant seeks to rebuild the dwelling per the Plan, which will decrease the nonconformity of the side yard setback and bring it into conformity with the current zoning requirements. All other non-conformities will remain unchanged.

The Board voted to approve the application allowing the razing and reconstruction of the home per the plans submitted with the application and described above. The board stipulated that its decision is pending receipt of a revised plan which notes that the increase in habitable space is 29%.

In approving this application, the Board found the criteria required under Section 810.2 will be satisfied by the present plans as follows:

- A. The proposed residence, if constructed per the Plan will not increase the nonconforming nature of said Structure.

For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the razing and reconstruction of the residence not to exceed the dimensions noted on the Plan, FINDING that the same will not be substantially more detrimental to the neighborhood than the current pre-existing nonconforming dwelling.

#### SCITUATE ZONING BOARD OF APPEALS

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Sara Trezise

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John Hallin

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Ed Tibbetts

Filed with the Town Clerk and Planning Board on: May 28, 2014.

This Special Permit/Finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County 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 in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.