

**TOWN OF PLYMPTON ZONING BOARD OF APPEALS
CERTIFICATE OF DECISION ON
APPLICATION FOR SPECIAL PERMIT**

To: Plympton Town Clerk
Plympton Town Hall
Five Palmer Road
Plympton, MA 02367

Re: APPLICANT: Alex Molino
APPLICATION: Special Permit, Demolition/Reconstruction
PROPERTY: 22 Grove Street, Plympton, Massachusetts
ZONING: Agricultural-Residential

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This matter concerns the real property located at 22 Grove Street, Plympton, Massachusetts (Assessors Map 1, Parcel 1/4/14) and the Applicant's proposal to demolish a house and construct a new house (the "Project") on the property. On February 26, 2019, the Applicant filed an application with the Zoning Board of Appeals (the "Board") for a special permit for the Project on the Property. The Board advertised, posted and noticed a public hearing regarding the application and held the public hearing on April 3, 2019.

The following Board members were present at the public hearing during which substantive testimony and other evidence was presented and then deliberated toward a decision in this matter: Kenneth A. Thompson, David F. Alberti and Harry L. Weikel.

FINDINGS OF FACT

1. The public hearing on the Application was duly noticed, posted and advertised, and notice thereof was duly mailed to the Applicant and Abutters.
2. The property is located at 22 Grove Street, Plympton, Massachusetts (Assessors Map 1, Parcel 1-4-14) in the Agricultural-Residential Zoning District, and is comprised of 41,011 square feet of land and has 150 feet of frontage.
3. The Applicant seeks a special permit so as to demolish a house and construct a new house (the "Project") on the property.
4. The Parcel is shown as Lot 12 on a plan of land entitled "Plan of Land in Plympton, Mass, Scale: 1" = 50', May 22, 1978, drawn by Vautrinot and Webby Registered Land Surveyors, County Road, Plympton, Mass.", which said Plan is recorded with the Plymouth County Registry of Deeds in Plan Book 20, Page 183.
5. According to the field card for the Parcel maintained at the Plympton Assessors' office, the dwelling located on the Parcel was built in 1979. The Certificate of Occupancy for the

dwelling dated April 25, 1979 was issued by the Town of Plympton Building Department.

DETERMINATIONS

On April 3, 2019, following all of the testimony and evidence presented during the public hearing, the Board voted 3-0 to make the following determinations:

1. The Property is located in the Agricultural-Residential Zoning District.
2. Section 6.2 (Non-Conforming Uses) of the Town's Zoning Bylaws, provides that the ByLaw shall not apply to structures or uses lawfully in existence or lawfully begun before the first publication of the notice of the public hearing on the By-Law required by MGL Chapter 40A, Section 5, but it shall apply to any alteration of a structure to provide for the structure's use in a substantially different manner or to a substantially greater extent.
3. The Parcel shown on the Subdivision Plan as Lot 12 was endorsed by the Plympton Planning Board on June 6, 1978, and as such Lot 12 was lawfully in existence at the time of the change in the ByLaw.
4. The structure on the Parcel was built in 1979 as evidenced by the Certificate of Occupancy issued by the Town Building Department dated April 25, 1979. As such, the structure on the Parcel was lawfully in existence at the time of the change in the ByLaw in 1985.
5. Pursuant to Section 7.1 of the Town's Zoning Bylaws, special permits may be issued for specified uses only which are in harmony with the general purpose and intent of the Bylaws. The past and future use of the reconstructed home on the Parcel will be as a single-family home so the use of the Parcel/structure will not increase the aforementioned non-conformities and will not create any new non-conformities
6. The Board finds that the reconstruction of a new single-family on the Property is in harmony with the general purpose and intent of the Bylaw.
7. As set forth in Section 7.1.2 of the Zoning Bylaw, the Board further finds that, if kept in accordance with the conditions set forth in this decision:
 1. The proposed use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need;
 2. The advantages of the proposed use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be significantly greater than could be expected from development which could occur if the special permit were denied; and

3. The applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.

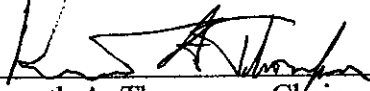
DECISION

On motion made and seconded, the Board voted 3-0, based upon the Findings and Determinations made above, to grant the application for a special permit for the demolition and construction of a new single family home for a relative of the property owner on a non-conforming lot located at 22 Grove Street, and that proposed Project will not be substantially more detrimental to the neighborhood or more detrimental to the Town than the existing structure and use thereof, the Applicant may construct a new single family dwelling subject to the following conditions:

1. The new structure shall be limited to 150% of the size of the current structure.
2. The new structure will adhere to all Zoning 'set-backs'.
3. Construction of the new structure will not increase any non-conformity on the property, and will not create any new non-conformities.
4. Nothing herein shall relieve the Applicant of any other requirements of law concerning construction, without limitation, compliance with the applicable Building Codes.

The following Board member(s) certify the above decision is a true record of the actions and votes of the Board.

TOWN OF PLYMPTON ZONING BOARD OF APPEALS


Kenneth A. Thompson, Chair

DATED: April 10, 2019

FILED:

April 10, 2019

Any person aggrieved by this Decision may appeal to a court of competent jurisdiction pursuant to M.G.L. Chapter 40A, Section 17, and the Appeal must be filed within twenty days after the date of filing of this Decision in the office of the Town Clerk.

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