



TOWN OF HINGHAM

Board of Appeals

NOTICE OF DECISION VARIANCE MODIFICATION

IN THE MATTER OF:

Applicant/Owner: Sarah C. Hanlon Family 2013 Trust
149 Stayner Drive
Hingham, MA 02043

Subject Property: 138 Nokomis Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 55382, Page 115

Plan Reference: Plans set entitled "Certified Plot Plan for Proposed Addition #138 Nokomis Road", prepared by Grady Consulting, LLC, 71 Evergreen Street, Suite 1, Kingston, MA, received May 17, 2022 (1 Sheet);

Amended 1st and 2nd Floor Plan, submitted June 16, 2022 by Sarah Hanlon (2 sheets); and

Structural Plans, prepared by Rivermoor Engineering, LLC, 146 Front Street, Suite 211, Scituate, MA, received May 17, 2022 (5 sheets).

SUMMARY OF PROCEEDINGS:

This matter came before the Board of Appeals (the "Board") on the application of Sarah C. Hanlon, Trustee of the Sarah C. Hanlon 2013 Trust ("the Applicant") to modify plans approved in connection with variances from minimum lot area and setback requirements, respectively issued on December 6, 1974 and November 30, 1984, and to remove a detached garage from within side and rear yard setbacks, construct conforming additions to the existing single-family dwelling, and install an in-ground pool at 138 Nokomis Road in Residence District A.

The Board heard the application at a duly advertised and noticed public hearing on Wednesday, June 29, 2022 during a meeting held via Zoom as an alternative means of public access pursuant to Chapter 20 of the Acts of 2021 Suspending Certain Provisions of the Open Meeting Law. The Board of Appeals panel consisted of its regular members Robyn S. Maguire, Chairman, and Jed Ruccio, along with associate member Mario Romania, Jr.. The Applicant's representatives, Attorney Adam J. Brodsky, of Drohan Tocchio & Morgan, P.C. and Nicholas Leing, of Grady Consulting, L.L.C., presented the request. At the conclusion of the hearing, the Board granted the requested relief sought, subject to the findings and condition set forth below.

Throughout the hearing, the Board has been mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

BACKGROUND AND DISCUSSION:

The subject property consists of 18,596 SF of land located on the westerly side of Nokomis Road. The lot is improved by a single-family dwelling and detached garage (both ca. 1975). Both structures maintain noncompliant setbacks on the undersized lot allowed by two separate variances.

The 1974 variance allowed the prior landowners to divide the 16 parcels they owned on Nokomis Road into two lots: one conforming (20,000 SF lot) to support their existing home and the other noncompliant (18,600 SF) to support a proposed dwelling which was to comply with all other zoning requirements. A house and a detached garage were later built on the lot, both violating dimensional setbacks. A dimensional variance (1984) granted relief as to two dimensional setbacks – front yard for the house; rear and side yard for garage. No conditions were imposed in this decision.

Due to the existence of these variances, neither structure benefits from any rights under the Zoning Act or Hingham Zoning By-Law as pre-existing, nonconforming structures.

CURRENT APPLICATION:

The current application proposes to raze the existing garage, thereby eliminating the side and rear yard nonconformities associated with the structure. The present plan calls for construction of conforming additions, including an attached garage, to the single-family dwelling. An in-ground pool was previously permitted in 2021.

As noted above, there were no conditions on the size of the structure that could be constructed on the undersized lot approved by the 1974 variance, or conditions imposed in connection with the later 1984 dimensional variance decision, which impact the ability of the owner to modify the structures in a manner that conforms with current zoning.

Neighbors abutting the property spoke in support of the application.

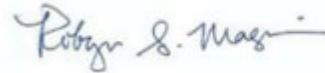
FINDINGS AND DECISION:

Upon a motion made by Jed Ruccio and seconded by Mario Romania Jr., the Board voted unanimously as follows:

- (1) To find that the revised plans (a) do not materially affect the findings made in connection with the original Variance decision, dated December 6, 1974, or the Variance decision, dated November 30, 1984; and (b) eliminate the need for the rear and northerly side yard variances and (c) serve the purpose of reducing non-conformities and therefore the “desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law”.

- (2) To grant the application to modify the plans approved in connection with the above referenced Variances from minimum lot area and setback requirements, respectively issued on December 6, 1974 and November 30, 1984, to remove a detached garage from within side and rear yard setbacks, construct conforming additions to the existing single-family dwelling, at 138 Nokomis Road in Residence District A, provided that such work proceeds in accordance with the referenced plans and representations made by the Applicant to the Board during the hearing. This modification is granted on the condition that the rear yard and side yard dimensional variances granted by the November 30, 1984 Variance is rendered moot by the relocation of the garage and the property shall no longer have the benefit of such rear yard and side yard setback Variances.

For the Board of Appeals,



Robyn S. Maguire, Chair
July 13, 2022

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record.