



ph: 508-430-7506

TO: Zoning Board of Appeals
FROM: Rachel Lohr, Zoning Compliance Officer
DATE: December 11, 2023
RE: ZB2023-39 41 Zylpha Site Summary

The existing single-family dwelling located at 41 Zylpha Rd in Zoning District RH-2 is a pre-existing non-conforming structure that was constructed in 1950 according to Town Assessing records, and is currently a single-story dwelling with 3 bedrooms, on a lot that consists of 5,278 square feet. The applicants are proposing a raze & replace.

The proposed structure is a 2-story single family dwelling with 3 bedrooms. The table below shows the existing and proposed non-conformities. According to the Engineered site plan provided by Dan A. Speakman Construction and dated October 18, 2023, with a revision date of November 9, 2023.

Existing Non-Conformities	Proposed Conditions
• Setback on North side – 12.8ft	• Setback on North side – 11.2ft
• Setback on East side – 12.8ft	• Setback on East side – 20.9ft
• Setback on South side – 17.4ft	• Setback on South side – 17.4
• Setback from the road – 15.9ft	• Setback from the road – 7.9 ft
• Building coverage – Existing 21.3% Max Allowed 20%	• Building coverage – Proposed 29.8% Max Allowed 20%
• Site coverage – Existing 44% Max Allowed 35%	• Site coverage – Proposed 37.3 Max Allowed 35%

The proposed project will **increase** the following non-conformities; North side setback, West side setback (setback from the road), and Building Coverage.



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The proposed project will **decrease** the following non-conformities; East side setback to become conforming, Site Coverage will be reduced but will not become conforming. The **South side** set back will **remain unchanged.**

According to the Towns Zoning By-Law Chapter §325-54A(5a) Non-Conforming Structures and Uses, “A lawfully preexisting nonconforming single- or two-family residential structure may, *by special permit*, be demolished and replaced with a new structure on the same site, provided that it is determined by the Board of Appeals that;”

(a) The replacement of the structure will not be substantially more detrimental to the neighborhood than the existing structure;

(b) The replacement of the structure will not cause or contribute to any undue nuisance, hazard or congestion in the neighborhood, zoning district or Town;

(c) The replacement structure **will not increase** any of the following existing nonconformances: building coverage, site coverage, or setback encroachment;

(d) The replacement structure **will reduce at least one** of the following existing nonconformances: building coverage, site coverage, or setback encroachment; and

(e) The replacement structure may not increase the habitable square footage of the structure by more than 25% over the habitable square footage of the existing structure over a ten-year period beginning on the date of the issuance of the special permit by the Board of Appeals.

Based on the information provided in the application the proposed project would not meet condition (c) as they are proposing to increase building coverage, and set back encroachment. If the board determines this to be true then the following section 325-54 A(6) would apply.

(6) A proposal to demolish and replace a single- or two-family residential structure **which will increase the nonconforming nature** of the structure will require a variance from the Board of Appeals pursuant to MGL c. 40A, § 10.