

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
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Decision of the Scituate Zoning Board of Appeals on the application of Diamond Development Realty Trust, PO BOX 1480, Duxbury, Massachusetts 02331 for a special permit under Section 610.2B of the Zoning Bylaw that will allow the construction of a single family dwelling on a lot which will have frontage along Hatherly Road of at least fifty (50) feet at every point between Hatherly Park and the nearest part of the dwelling to be erected on said lot.

The application was received, advertised and a public hearing was duly held on February 18, 2016 with the following members of the Zoning Board of Appeals hearing the application:

Sara J. Trezise, Chairman
Edward C. Tibbetts
John Hallin

The property that is the subject matter of this application is located in the R-3 Residential District. The R-3 Residential District requires 10,000 square feet lot area, 100 feet of frontage and lot width through a proposed dwelling. The property does not lie in the Town of Scituate Flood Plain and Watershed Protection District, nor does the property lie in the Town of Scituate Water Resource Protection Zoning District. The property lies in Zone X as shown on FIRM MAP COMMUNITY PANEL 250282 0128 J, dated July 17, 2012.

At the time of the application, the lot to be created was a portion of a single family dwelling lot owned by Karen A. Brady and Donald C. Pipes, Certificate of Title No. 118172 of the Plymouth County Registry District of the Land Court. The Applicant was at the time of the application and public hearing the contract purchaser. On February 29, 2016, the Applicant purchased the property by way of a deed dated February 26, 2016, filed and registered with the Plymouth County Registry District of the Land Court as Document No. 742505, Certificate of Title No. 123104.

As shown on the plan accompanying the application prepared by Ross Engineering and dated January 14, 2016, the lot to be created is shown as LOT 1, and contains 23,409 square feet of which 23,377 is upland. The lot contains 50.00 feet of frontage along Hatherly Road, a public way.

At the February 26, 2016 public hearing, the Board reviewed with the Applicant the plan by Ross Engineering Co., Inc. dated January 14, 2016. No one in attendance at the public hearing spoke in favor or in opposition of the application.

LOT 1 contains 23,409 square feet of which 23,377 square feet are upland which is in excess of two times the required area of upland for the R-3 Zoning District. The Lot contains 50.00 feet of frontage along Hatherly Road, a public way, which distance is maintained at every point between the frontage and the nearest part of the dwelling to be constructed.

Based upon the evidence presented, the Board finds that LOT 1 abuts Hatherly Road, a street or way in the Town of Scituate, for a distance of at least fifty (50) feet and which has a lot width of at least fifty (50) feet at every point between Hatherly Road and the nearest part of the dwelling to be erected on said lot. LOT 1 has in excess of two (2) times the required area of upland for the Zoning District. Pursuant to Section 950.3 of the Bylaw, said lot is appropriate for a single family dwelling. The use of the lot for a dwelling should not adversely affect the neighborhood, nor create any undue nuisance or hazard to vehicles or pedestrians. The town's Board of Health and the Building Commissioner will ensure that appropriate facilities are provided to assure the proposed use of said lot. The proposed use of said lot will not have a significant impact on any public or private water supply, and said lot is not located within the Water Resource Protection District.

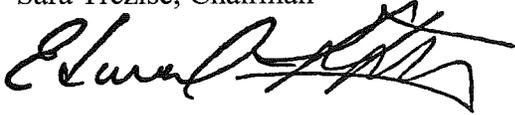
For the foregoing reasons, the Board unanimously voted to GRANT the applicant's Special Permit to allow the creation of a single family house lot shown as LOT 1 on the Application Plan, subject to the following:

1. A restriction shall be inserted in the recorded deed of said LOT 1 stating that said lot is subject to a Zoning Board Special Permit, and shall not be further divided nor subdivided.

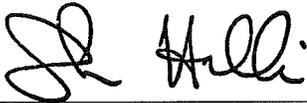
ZONING BOARD OF APPEALS



Sara Trezise, Chairman



Edward C. Tibbets



John Hallin

Filed with the Town Clerk and the Planning Board on May 9, 2016

This Special Permit 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. Chapter 40, Section 17, and shall be filed within twenty (20) days of the date of the filing of the decision with the Town Clerk.