

Town of Scituate

ZONING BOARD OF APPEALS

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Decision of the Scituate Zoning Board of Appeals on the application of Raymond C. and Alma G. Morrison, 22 Tichnor Court, Scituate (hereinafter, the "**Applicant**") for a Special Permit to allow a 50 foot frontage lot at 22 Tichnor Court, Scituate, MA (hereinafter, the "**Requested Relief**").

The application was received, advertised and a public hearing was held on July 16, 2015. The following members were present and voted at the public hearing:

Sara Trezise, Chair
John Hallin
Francis M. Lynch
Anthony Bucchere

The Application was presented by Jeff Hassett, Civil Engineer, of Morse Engineering with Alma G. Morrison. Questions and comments were presented by a number of residents and abutters.

The subject property is 22 Tichnor Court, Scituate, Assessors Map 45, Block 2, Parcels 39 and 40, improved with a single family dwelling, separate barn, garage and shed. See deed recorded with the Plymouth County Registry of Deeds at Book 3097, Page 72 (hereinafter, the "**Property**"). The subject property is 1.4 acres and is located in the R-3 Zoning District. The property is not in the Town of Scituate Flood Plain and Watershed Protection District. The applicants propose to create two lots as shown on a Plan of Land – Showing a Division of Parcels 45-2-39 and 45-2-40, prepared and stamped by William J. McGovern, P.L.S., of Morse Engineering Company, Inc., dated June 24, 2015, revised July 20, 2015 (hereinafter, the "**Plan**"). The first lot, designated Lot 1, would be where the exiting home, barn, garage and shed are presently located. The land area of Lot 1 would be 22,497 square feet and is all upland. The shed, presently near the proposed new property line, would be relocated. The second lot, Lot 2, would be 37,122 square feet and is all upland. The frontage for Lot 1 would be 222 feet and the frontage for Lot 2 would be 50.05 feet.

Section 610.2B of the Scituate Zoning Bylaw permits the Board of Appeals to grant a special permit under certain conditions to enable an applicant to construct single-family detached dwellings on a lot “which abuts on at least one street or way for a distance of at least fifty (50) feet, and which has a width of at least fifty (50) feet at every point between the frontage street or way and the nearest part of the dwelling to be erected on said lot....”

The Board found that the plan for Lot 2 provided for at least 50 feet width throughout, that the applicant understood that if approved Lot 2 could not be further divided, that as a result the property, if further developed, would be less dense than it otherwise could be under the Zoning Bylaw.

Many questions were raised by residents about the home to be built, drainage and septic systems. The Board explained that the issue before the board was the creation of a lot and that any development of the property would require permits from the appropriate entities including the Board of Health for a septic system and Conservation Commission for a drainage permit.

Based on the application materials, the information provided at the public hearings, and the foregoing, the Board of Appeals finds that the Applicant has demonstrated that they meet all conditions and requirements of Section 610.2B of the Scituate Zoning Bylaw. Further, the Board finds that all of the criteria under Section 950.3 of the Scituate Zoning Bylaw are satisfied. The Board required the applicants to submit a revised plan showing, among other things, that the two lots were all upland.

For the foregoing reasons, the Board unanimously voted to GRANT to grant a Special Permit pursuant to the Town of Scituate Zoning Bylaws, Section 610.2B, to the applicants for the creation of a Fifty Foot Frontage Lot, designated Lot 2, as set forth in the submitted Plan dated June 24, 2015, revised July 20, 2015, with the condition that the subject lot shall not be further divided and that the applicant record the deed restriction to this effect as required by Section 610.2B(3).



Sara Trezise, Chair



Francis M. Lynch



John Hallin

Filed with the Town Clerk and Planning Board: SEPTEMBER 2, 2015

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