

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
(781) 545-8716



Decision of the Scituate Zoning Board of Appeals on the request of Kendall Village Cohasset Builders, LLC, PO BOX 1480, Duxbury, Massachusetts to extend the special permit granted by this Board under Section 610.2B of the Zoning Bylaw to allow the creation of a single family dwelling lot at 820 First Parish Road which lot will have frontage along First Parish Road, a public way, of at least fifty (50) feet at every point between First Parish Road and the nearest part of the dwelling to be erected on said lot.

The request was received by the Board, and discussed at the Board's scheduled public hearing April 16, 2009 with the following members of the Zoning Board of Appeals hearing the application:

Peter Morin, Chairman
Brian B. Sullivan
Sara J. Trezise

The property that is the subject matter of this application is located in the A-1 Residential District. A portion of the property does lie in the Town of Scituate Flood Plain and Watershed Protection District, and the property does 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 0003 E. dated October 16, 2003.

At the time of the application, the lot to be created was a combination of three parcels of land. The applicant currently own Lots 1B and 4B on a plan entitled "Plan of Land in the Town of Scituate, Massachusetts First Parish Road" dated March 2, 2007 and drawn by Ross Engineering Co., Inc., Norwell, Massachusetts (the "Application Plan"). A third lot, shown as Lot 4 on said plan is owned by Donald and Marlene T. Hartley. The applicant produced the Hartley's written authority to represent their interests in the application before the Board. Said plan was endorsed by the Scituate Planning Board as Approval under the Subdivision Control Law Not Required on March 22, 2007.

As shown on the Application Plan, the lot to be created is the combination of lots shown as LOT 1B, LOT 4B and LOT 4 and the same together contain 87,074 square feet with fifty (50) feet of frontage on First Parish Road, a public way in the Town of Scituate.

At the May 17, 2007 public hearing, the Board reviewed with the applicant the plans submitted. Comments from the Department of Public Works were reviewed. No one in attendance at the public hearing expressed opposition to the application.

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The Board unanimously voted to GRANT the Applicant's Special Permit to allow the creation of a single family house lot comprised of the three lots shown as LOT 1B, Lot 4B and LOT 4 on the Application Plan, subject, however, to the condition that a restriction shall be inserted in the recorded deed of and shown on the recorded plan stating that said lot is subject to a Zoning Board Special Permit, and that said lot shall not be further divided nor subdivided. The decision was filed with the Town Clerk on May 30, 2007 and no appeal was taken.

At the April 16, 2009 public hearing, the Board discussed with the Applicant the Applicants efforts to resolve title insurance issues relating to the property as well as the fact that the economic recession has made Applicant's proceeding with exercising the special permit difficult.

After discussion, the Board unanimously voted to GRANT the Applicant's request to extend the special permit to May 20, 2010.

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Peter Morin, Chairman


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Filed with the Town Clerk on: April 27, 2009

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 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.