

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 application of Kendall Village Cohasset Builders, LLC, PO BOX 1480, Duxbury, Massachusetts for a special permit under Section 610.2B of the Zoning Bylaw that will 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 application was received, advertised and a public hearing was duly held on May 17, 2007 with the following members of the Zoning Board of Appeals hearing the application:

Agnes Rona, Acting Chairperson
Brian B. Sullivan
Albert G. Bangert

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.

Based upon the evidence presented, the Board finds that lot to be created abuts First Parish Road, a public 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 First Parish Road and the nearest part of the dwelling to be erected on said lot. The lot has two (2) times the required area of for

the Zoning District, and contains an area of contiguous upland equal to the minimum lot size in the Zoning District. Pursuant to Section 1030.2 of the Bylaw, the 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 the lot. The proposed use of said lot will not have a significant impact on any public or private water supply, and since the lot is located within the Water Resource Protection District, the Board has given appropriate consideration of nitrate-nitrogen loading and requires that the on site septic system shall in be in conformance with Title V for nitrate-nitrogen sensitive areas and shall not exceed the requirements of said Title V.

For the foregoing reasons, the Board unanimously voted to GRANT the applicants' 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 following:

1. 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.

ZONING BOARD OF APPEALS



Agnes Rona, Acting Chairman



Brian B. Sullivan



Albert G. Bangert

Filed with the Town Clerk on 5/30/07

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.