

Town of Scituate

ZONING BOARD OF APPEALS

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2009 OCT 19 P 3: 51

SCITUATE, MASS.

Decision of the Scituate Zoning Board of Appeals on the request of William Kochman and Linda Kochman, William Kochman and James Kochman, Trustees (the "Applicants") to extend a Special Permit granted by this Board and filed with the Town Clerk on October 22, 2007 for property known as Lot 3 Tilden Road (the "subject property"). The Special Permit so granted allowed the erection of a single family dwelling on a lot which has a width of less than one hundred feet at any point between the frontage street or way and the nearest part of the dwelling erected or to be erected on said lot, but which has a width of at least fifty feet at every point between the frontage street or way and the nearest part of the dwelling to be erected on said lot under Section 610.2(B) and 1020.2(B) of the Scituate Bylaws. A copy of the decision, with the Town Clerk's certification of no appeal was recorded with the Plymouth County Registry of Deeds on January 8, 2008 in Book 35481 Page 179.

The request by received by the Board and discussed at the Board's scheduled public hearing on October 15, 2009 with the following members of the Zoning Board of Appeals hearing the request:

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

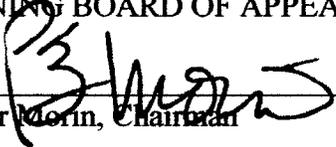
Attorney Michael C. Hayes represented the Applicants before the Board and explained to the Board that despite the approval of the Special Permit in 2007, the Applicants have been diligently performing infrastructure work but have yet to begin construction of a dwelling. That work included construction of the common driveway, the laying of underground utilities and the placing of a fire hydrant on the common driveway as directed by the Scituate Fire Chief. While work that has commenced has been ongoing, the fact that construction of the permitted dwelling has not occurred requires the applicant to request an extension of the Special Permit.

Mr. Hayes also explained to the Board that the other issues regarding the Board's deliberations in 2007 have occurred. Specifically, the Planning Board has approved the common driveway that will service the subject property and the Kochman's existing dwelling. The Scituate Conservation Commission has approved the project and the Selectmen have accepted the Applicants' donation of land sometimes known as Cook's Swamp to the Conservation Commission and that deed has been recorded.

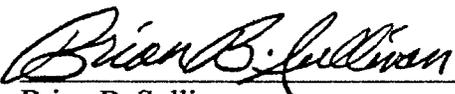
For the foregoing reasons, the Board unanimously voted to GRANT the Applicant's request and hereby extends the Special Permit for two years until January 8, 2011, which

date is two years from the date the original Special Permit was recorded with the Plymouth Registry of Deeds.

ZONING BOARD OF APPEALS


Peter Morin, Chairman


Sarah J. Trezise


Brian B. Sullivan

Filed with the Town Clerk on: October 19, 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.