



Decision of the Scituate Zoning Board of Appeals (hereinafter referred to as "the Board") on the application of 156 First Parish Road Realty Trust, 27 Hemlock Drive, Canton, Massachusetts (hereinafter referred to as "the Applicant") for a Special Permit under Sections 610.2B and 1020.2B of the Scituate Zoning Bylaw (SZB) to allow the construction of a single-family dwelling at 158 First Parish Road (hereinafter referred to as "subject property"), which lot will have at least fifty feet of frontage along First Parish Road and at least fifty feet of width at every point between First Parish Road and the nearest part of the dwelling to be erected.

The application was received, advertised and a public hearing was duly held on May 15, 2008 with the following members of the Zoning Board of Appeals hearing the application:

Albert Bangert, Chairman
Brian B. Sullivan
Peter Morin

Attorney Greg Harris of Ohrenberger Associates, 28 New Driftway, Scituate, MA represented the Applicant at the hearing.

At the time of the application, title to the subject property was in the name of Daniel Duffin and Glenn O. Hay, Trustees of 156 First Parish Road Realty Trust by way of a quitclaim deed recorded with the Plymouth County Registry of Deeds on 25 October 2007 in Book 35219 Pages 253-254.

The subject property is located in both the A-2 and A-3 Residential Districts (minimum Required Lot Area of 20,000 and 10,000 square feet, respectively) and consists of 88,312 square feet of upland and 68 feet of frontage on First Parish Road, a public way in the Town of Scituate. 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 AE (elevation 23) and in Zone X as shown on FIRM Map Community Panel 250282 0004 E. dated October 16, 2003.

At the public hearing, the Board reviewed the Applicant's plan drawn by Ross Engineering Company, 683 Main Street, Norwell, MA, dated March 20, 2008.

No one in attendance at the public hearing expressed opposition to the application.

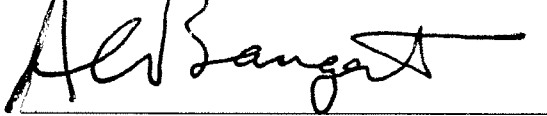
Based upon the evidence presented, the Board finds that the subject property abuts a public way in the Town of Scituate for a distance of at least fifty feet and has a width of at least fifty feet at every point between First Parish Road and the nearest part of the dwelling to be erected on said lot. The lot has two times the required area of upland for the Zoning District.

Pursuant to SZB 1030.2 the Board finds that a) the subject property is an appropriate location for a single-family dwelling, b) the use of the property for the construction of a single-family dwelling will not adversely affect the neighborhood, c) the proposed use of property will not be an undue nuisance or serious hazard to vehicles or pedestrians, d) the Board of Health and the Building Commissioner will ensure that adequate and appropriate facilities will be provided to assure the proper operation of the dwelling, e) the proposed use of property will not have a significant impact on the public water supply, and f) the property is not located within the Water Protection District.

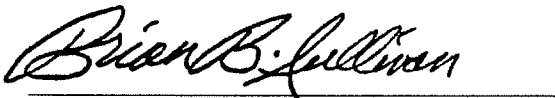
THEREFORE, based upon the information presented, the Board unanimously voted to GRANT the applicant a Special Permit pursuant to SZB 610.2B to erect a single-family dwelling at 158 First Parish Road as shown on the plan submitted with this application, provided that the construction is completed within two years of the issuance of the Special Permit and subject to the following condition:

1. A restriction shall be inserted in the recorded deed of 158 First Parish Road and shown on the recorded plan stating that said lot is subject to a Zoning Board Special Permit, and that each of said lots shall not be further divided nor subdivided.

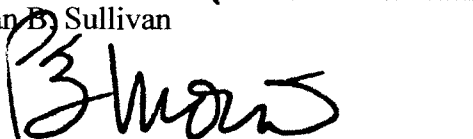
ZONING BOARD OF APPEALS



Albert G. Bangert, Chairman



Brian B. Sullivan



Peter Morin

Filed with the Town Clerk on: June 11, 2008

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.