



Decision of the Scituate Zoning Board of Appeals on the application of Pamela Gray-Prescott, et. al, Trustees of 556 First Parish Road Realty Trust, of Marshfield, Massachusetts (hereinafter, collectively, the "**Applicant**") for a Special Permit and/or any other relief that the Board of Appeals may grant pursuant to Sections 6210.2B and 950.2B of the Scituate Zoning Bylaws to erect a single-family dwelling on a lot with more than fifty feet of frontage and two times the required upland square footage at 556 First Parish Road, Scituate, Massachusetts (hereinafter, the "**Special Permit**").

The application was received, advertised and a public hearing was held on March 16, 2011. The following members were present and voted at the public hearing:

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

The Applicant was represented by attorneys William H. Ohrenberger, III, and Jeffrey A. De Lisi of Ohrenberger Associates, Scituate, MA, and by Paul J. Mirabito of Ross Engineering Co. Inc., Norwell, MA.

The Applicant owns the subject property by Deed of Natalie E. Gray dated August 25, 2009, and filed with the Plymouth County Registry District of the Land Court as Document No. 654334 on Certificate of Title No. 113691, and with the Plymouth County Registry of Deeds at Book 37661, Page 345 (hereinafter, collectively, the "**Property**"). The Applicant's petition for the Special Permit concerns Lot 3 and Lot 4, respectively, shown on a plan entitled "Plan of Land in the Town of Scituate, Massachusetts 556 and 562 First Parish Road" dated February 25, 2011, and prepared by Ross Engineering Company, Inc., a copy of which plan was provided to the Board of Appeals with the application (hereinafter, the "**Application Plan**"). Lot 3 shown on the Application Plan contains approximately 18,063 S.F. and has 50.03 Ft. of frontage on First Parish Road (hereinafter, "**Lot 3**"). Lot 4 shown on the Application Plan is registered land (shown as Lot C on Land Court Plan No. 6205C filed with Certificate No. 113691 at the Plymouth County Registry District of the Land Court), and contains approximately 106,410 S.F. (hereinafter, "**Lot 4**"). Lot 3 and Lot 4 shall be held and owned together as a single buildable parcel of land, which together shall hereinafter be referred-to as the "**Subject Lot**". Specifically, the Applicant seeks a special permit to erect a single-family detached dwelling and appurtenances on the Subject Lot that will meet all dimensional zoning requirements for single-family dwellings or their appurtenances in the Residence R-1 zoning district (hereinafter, collectively, the "**Proposed Dwelling**").

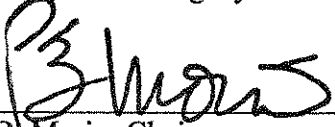
The Application Plan shows that the Subject Lot has at least fifty feet of frontage on First Parish Road, and a width of at least fifty feet at every point between First Parish Road and the nearest part of the Proposed Dwelling to be erected thereon. In addition,

according to the Application Plan, the Subject Lot contains at least two times the required area of upland for the Residence R-1 zoning district.

Section 610.2B of the Scituate Zoning Bylaw permits the Board of Appeals to grant special permits under certain conditions to enable applicants 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..."

Based upon the application materials, the information provided at the public hearings, and the foregoing, the Board of Appeals finds that the Applicant has demonstrated that she meets all conditions and requirements of Section 610.2B of the Scituate Zoning Bylaw. In addition, in accordance with Section 950.3 of the Scituate Zoning Bylaw, the Board is assured, and specifically finds, that all of the criteria under said Section 950.3 are satisfied.

For the foregoing reasons, the Board unanimously voted to GRANT the Special Permit with the condition that the Subject Lot shall not be further divided, and further on the condition that the Applicant impose a deed restriction as required by Section 610.2B(3) of the Scituate Zoning Bylaw.



Peter B. Morin, Chairman



Brian B. Sullivan



Sara J. Trezise

Filed with the Town Clerk: April 14, 2011.

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