



Decision of the Scituate Zoning Board of Appeals on the application of Martha Nugent, Trustee, 568 First Parish Road, Scituate, 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 568 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 October 18, 2012 with the following members of the Zoning Board of Appeals hearing the application:

Peter Morin, Chairman
John Hallin
Edward C. Tibbetts

The property that is the subject matter of this application is located in the R-1 Residential District. The property does not 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 0109 J dated July 17, 2012. The property is shown on the Scituate Assessor's Map 31 as Parcels 27-29 and 39-41.

At the time of the application, the applicant owned the premises by way of a deed dated July 17, 2007 and recorded with the Plymouth County Registry of Deeds in Book 34945 Page 328. The premises consist of 14.12 acres of upland with 307.54 feet of frontage along First Parish Road, a public way in the Town of Scituate. The premises is shown as Lot 1 and Lot 2 on a plan entitled "Plan of Land in the Town of Scituate, Massachusetts 568 FIRST PARISH ROAD", drawn by Ross Engineering Co., Inc., and dated September 26, 2012 (the "Application Plan"). The applicant's childhood and family home currently sits on Lot 2 on said plan.

As shown on the Application Plan, the lot to be created is shown as LOT 1 and contains 87,122 square feet (2.00 acres) with fifty and 15/100 (50.15) feet of frontage on First Parish Road.

At the October 18, 2012 public hearing, the Board reviewed with the applicant's representative, Paul J. Mirabito of Ross Engineering Co., Inc. the plans submitted. Two abutters asked questions of the applicant and no one in attendance at the public hearing expressed opposition to the application.

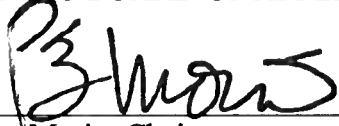
Based upon the evidence presented, the Board finds that lot to be created abuts First Parish Road, a public way, for a distance of at least fifty (50) feet and which has a width of at least fifty (50) feet at every point between First Parish Road and the nearest part of


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 950.3 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.

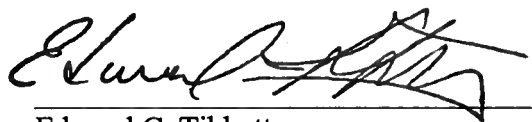
For the foregoing reasons, the Board unanimously voted to GRANT the applicant's Special Permit to allow the creation of a single family house lot shown as LOT 1 on the Application Plan, subject, however to the following:

1. A restriction shall be inserted in the recorded deed stating that said lot is subject to a Zoning Board Special Permit, pursuant to Section 610.2B of the Scituate Zoning Bylaw, and that said lot shall not be further subdivided.

ZONING BOARD OF APPEALS


Peter Morin, Chairman


John Hallin


Edward C. Tibbetts

Filed with the Town Clerk on: December 11, 2012.

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.