



Decision of the Scituate Zoning Board of Appeals on the application of Matthew Murmes (hereinafter, "**Murmes**") and Arnold M. Friedertig (hereinafter, "**Friedfertig**") of 7 Surfside Road, Scituate, MA, and Paul C. Coneys and Suzanne Marie Coneys of 9 Surfside Road, Scituate, MA (hereinafter, collectively, the "**Coneys**") 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 create a lot with more than fifty feet of frontage and two times the required upland square footage at 7 and 9 Surfside Road, Scituate, Massachusetts (hereinafter, the "**Special Permit**").

The application was received, advertised and a public hearing was held on August 16, 2012. The following members were present and voted at the public hearing:

Sara J. Trezise
John Hallin
Francis M. Lynch

Murmes, Friedfertig, and the Coneys (hereinafter, collectively, the "**Applicants**") were represented by attorneys William H. Ohrenberger, III, and Jeffrey A. De Lisi of Ohrenberger Associates, Scituate, MA, and by Neil J. Murphy of Neil J. Murphy Associates, Inc. of Cohasset, MA.

The said property known as "Surfside Condominium" was established as a condominium pursuant to Master Deed dated December 27, 2011 and recorded with the Plymouth County Registry of Deeds (hereinafter, the "**Registry**") in Book 40782, Page 203 (hereinafter, the "**Surfside Condominium**"). Murmes and Friedfertig are the owners of Unit A, 7 Surfside Road, Scituate, MA by a certain deed dated July 31, 2008 and recorded with the Registry in Book 36239, Page 308. The Coneys are the owners of Unit B, 9 Surfside Road, Scituate, MA, by a certain deed dated December 27, 2011 and recorded with the Registry in Book 40782, Page 232. Surfside Condominium, the said Unit A, and the said Unit B shall hereinafter collectively be referred to as the "**Property**".


The Property is located in the Residence R-3 Zoning District. The Applicants provided the Board of Appeals with a plan entitled "Proposed Subdivision Plan Surfside Condominium 7 & 9 Surfside Road Scituate, MA" dated May 15, 2012 by Neil J. Murphy Associates, Inc. (hereinafter, the "**Plan**"). The Applicants propose to divide the Property into two lots shown on the Plan. The first lot shown on the Plan is identified as "Lot 1" which contains 26,845 S.F. of lot area and upon which Unit A with an address of 7 Surfside Road is located (hereinafter, "**Lot 1**"). The second lot shown on the Plan is identified as "Lot 2" which contains 10,076 S.F. of lot area and upon which Unit B with an address of 9 Surfside Road is located (hereinafter, "**Lot 2**"). The subject of this application is Lot 1 because Lot 2 meets all zoning requirements in the Residence R-3 Zoning District.

Lot 1 shown on the Plan has more than fifty feet of frontage on Surfside Road, and a width of at least fifty feet at every point from Surfside Road to the nearest part of the dwelling located thereon. In addition, according to the Plan, Lot 1 contains at least two times the required area of upland for the Residence R-3 Zoning District and meets all other requires set forth in Section 610.2B of the Scituate Zoning Bylaw, which permits the Board of Appeals to grant special permits under certain conditions to enable the creation of lots "which abut[] on at least one street or way for a distance of at least fifty (50) feet, and which ha[ve] a width of at least fifty (50) feet at every point..."

Based upon the application materials, the information provided at the public hearings, and the foregoing, the Board of Appeals finds that the Applicants have demonstrated that they meet 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 Lot 1 shall not be further subdivided, and further on the condition that the Applicants impose a deed restriction as required by Section 610.2B(3) of the Scituate Zoning Bylaw.


Sara J. Trezise


John Hallin


Francis M. Lynch

Filed with the Town Clerk: ^{Sept 4} August ^{NR}, 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. Ch. 40, Section 17, and shall be filed within twenty (20) days of the date of filing the decision with the Town Clerk.