

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
(781) 545-8716



Decision of the Scituate Zoning Board of Appeals on the application of Richard G. Metropolis and Jennifer G. Metropolis of 89 Turner Road, Scituate, Massachusetts for a finding under MGL 40A § 6 and a special permit to allow the reconfiguration the common lot line between 89 and 91 Turner Road, Scituate, Massachusetts as shown on a plan dated October 19, 2009 and recorded with the Plymouth County Registry of Deeds in Plan Book 55 Page 629.

The application was received, advertised and a public hearing was duly held on July 15, 2010 with the following members of the Zoning Board of Appeals hearing the application:

Brian Sullivan, Acting Chairman
Sara J. Trezise
Edward C. Tibbetts

The property that is the subject matter of this application is located in the A-3 Residential District. 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.

At the time of the application, title to the premises was in the name of Richard G. Metropolis and Jennifer G. Metropolis, by way of a deed dated June 25, 2010 which deed is recorded with the Plymouth County Registry of Deeds in Book 38889 Page 42. The Applicants purchased the property from the heirs of and the estate of Patricia A. McNally, late of Scituate. One of the heirs, Mary M. Radley, along with her husband, John D. Radley, owns the abutting dwelling known as and numbered 91 Turner Road.

The premises 89 Turner Road contains 8,512 square feet of land and contains 68.10 feet of frontage along said Turner Road. The A-3 Residential District requires 10,000 square feet lot area and 100 feet of frontage. The single-family dwelling located upon the lot was built in 1935, and is set back from Turner Road 24.6 feet; the dwelling meets the 8.0-foot side yard and 20.0-foot rear yard requirements. The current single-family dwelling is therefore nonconforming as to its front setback from Turner Road. The Lot is therefore nonconforming as to lot area and frontage. Both the lot and dwelling are therefore pre-existing and nonconforming.

At the July 15, 2010 public hearing, the Board reviewed two plans submitted with the application. The first, entitled "Plan of House Lots Wampatuck Farm Scituate owned by Jas W. Turner" Surveyed Sept. 1901, was recorded with the Plymouth County Registry of Deeds in Plan Book 1 Page 522. 89 Turner Road is shown as Lot 4 and 91 Turner Road is shown as Lot 5 on said plan. The second plan, entitled "Plan of Land #89 & #91 Turner Road, Scituate, MA" prepared by J. Lowell Associates, dated October 19, 2009 was signed by the Chair of the Scituate Planning Board as Approval under Subdivision

Control Law Not Required, and was recorded with the Plymouth County Registry of Deeds in Plan Book 55 Page 629.

It was explained to the Board that the purpose of the second plan was to reconfigure the common lot line between 89 Turner Road (Lot 4 on the first mentioned plan) and 91 Turner Road (Lot 5 on the first mentioned plan) so as to bring the lot line in conformity with the existing grade and landscaping that has evolved over the years. The 2009 plan shows a jog into the front half of the lot at 89 Turner Road along the common lot line with 91 Turner Road that takes approximately 389 square feet and 3.05 feet of frontage from 89 Turner Road and adds it to 91 Turner Road.

The Board noted that the re-drawing of the lot line would result in 89 Turner Road being more nonconforming as to frontage (by 3.05 feet) and as to lot area (by the said 389 square feet). The Board also noted that the existing dwelling would still meet the side yard setback on the reconfigured common lot line. Further, the Board noted that the reconfigured common lot line makes the lot and dwelling at 91 Turner Road less nonconforming as the dwelling will meet the side yard setback requirements on the common lot line and the lot area of 91 Turner Road will increase by the said 389 square feet.

No one in attendance at the Public Hearing spoke in opposition to the proposal.

Based upon the evidence presented, the Board finds that both the lot and existing single-family dwelling located at 89 Turner Road pre-exist the adoption of subdivision control in Scituate and are nonconforming to the bylaw. The Applicants' proposed reconfiguring of the common lot line with 91 Turner Road might be considered pursuant to MGL c. 40A § 6.

The Board further finds, pursuant to MGL c. 40A § 6, that the proposal, while increasing the nonconforming nature of the property, is not substantially more detrimental to the neighborhood than the existing nonconforming nature of the property.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicants' request for a finding under MGL Chapter 40A § 6 to allow the reconfiguring of the common lot line between 89 and 91 Turner Road as shown on the above mentioned second Application Plan.

ZONING BOARD OF APPEALS

A handwritten signature in cursive script, reading "Brian B. Sullivan". The signature is written in dark ink and is positioned above a horizontal line.

Brian Sullivan, Acting Chairman


Sara Trezise


Edward C. Gibbetts

Filed with the Town Clerk on: July 20, 2010.

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.