

Town of Scituate

ZONING BOARD OF APPEALS

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



2011 MAR 14 P 1:30

SCITUATE, MASS.

Decision of the Scituate Zoning Board of Appeals on the application of Benjamin Goulston, Trustee of GAG Realty Trust and of SLC Realty Trust, 240 Wolcott Road, Chestnut Hill, MA for a Special Permit/Finding under Section 610.2 (B) of the Scituate Zoning Bylaw to allow the creation of a fifty foot frontage lot in conformance with the with the requirements of section 610.2 (B).

The application was received on or about November 17, 2010, advertised, and a public hearing was held on December 15, 2010 with the following members of the Zoning Board of Appeals hearing the application:

Peter Morin, Chairman
Brian Sullivan
Sara J. Trezise

Paul Maribito from Ross Engineering represented the applicant. The property, located off Longley Road, (Map 35, block 16, Parcels 13F, F2 and F3, is in the A-3 residential district and is owned by Benjamin Goulston, Trustee of GAG Realty Trust and of SLC Realty Trust, pursuant to deeds registered in the Plymouth County Registry of Deeds Document 284067, No. 76704 and Document 264803, No. 74403. The locus is vacant land on the westerly side of Longley Road. The proposed lot is a subdivision of Lots 396, 397 and 398 as shown on Land Court Plan 4226D. The lot does comply with the current zoning bylaw requirement as to setbacks and lot area. The frontage on Longley Road is 50.08 feet. The lot is 50 ft. wide for 121.07 ft on the north side of the lot and 123.88 ft on the southerly side of the lot, after which the lot opens up in a distorted Y shape, 179.12 ft by 239.86 ft by 63.64 ft by 96.99 ft. Total square footage of the lot is 25,177, .058 of an acre, all upland. There is an existing 10 ft. wide right of way running through the rear portion of the lot.

The applicant seeks a special permit to create the lot to erect a single-family detached dwelling on a lot which abuts on a 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. The applicant has demonstrated to the Board that the lot to be created is at least two (2) times the required area of upland for the Zoning District. In the A-3 District 10,000 square feet is required (upland) for a lot, and in the case of the applicant 25,177 square feet is proposed. This is well over two times the area required in the district to construct a dwelling. All other dimensional requirements for the Lot will be met. Additionally, the Department of Public Works reviewed the proposed plan and they had no comments on the application.


Finally, the applicant has assured the Board, as a condition of the issuance of the special permit that there is a restriction on the plan providing that said Lot subject to the Special Permit recorded therewith, and that said Lot shall not be further divided. Said restriction shall be noted on the Special Permit Plan entitled, "Longley Road, Scituate, MA" which plan is dated November 8, 2010. Said Special Permit Plan shall be recorded with said Special Permit Decision.

Accordingly, the Board voted to approve the Applicant's application for the creation of a 50 ft. frontage Road as shown on the Ross Engineering plan dated November 8, 2010 and may construct a dwelling thereupon, provided that the construction is completed within two (2) years following the issuance of the Special Permit.

ZONING BOARD OF APPEALS


Peter Morn, Chairman


Brian Sullivan


Sara Trezise

Filed with the Town Clerk on: March 14, 2011.

This Special Permit/Finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County 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.