

Town of Scituate

ZONING BOARD OF APPEALS

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SCITUATE, MASSACHUSETTS 02066
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Decision of the Scituate Zoning Board of Appeals (hereinafter referred to as "the Board") on the application of William Kochman and Linda Kochman, William Kochman and James Kochman, Trustees, of 33 Tichnor Place, Scituate, Massachusetts (hereinafter referred to as "the Applicants") for a Special Permit under Sections 610.2B and 1020.2B of the Scituate Zoning Bylaw (SZB) to allow the construction of a single-family dwelling on Lot 3 Tilden Road (hereinafter referred to as "subject property"), which lot will have at least fifty (50) feet of frontage along Tilden Road and at least fifty (50) feet of width at every point between Tilden Road and the nearest part of the dwelling to be erected.

The application was received, advertised and a public hearing was duly held on September 20, 2007 with the following members of the Zoning Board of Appeals hearing the application:

Albert Bangert, Chairman
Brian B. Sullivan
Sara J. Trezise

Attorney Michael C. Hayes of 43 Front Street, Scituate, MA represented the Applicants at the hearing.

At the time of the application, title to the subject property was in the name of William Kochman and Linda Kochman by way of a deed recorded with the Plymouth County Registry of Deeds in Book 7446, Pages 58-59 and of William Kochman and James Kochman, Trustees, by way of a deed recorded with the Plymouth County Registry of Deeds in Book 17124, Page 340.

The subject property is located in the A-2 Residential District (minimum Required Lot Area of 20,000 square feet) and consists of 304,361.6 square feet (159,769.9 square feet of upland) and 57.4 feet of frontage along Tilden Road, a public way in the Town of Scituate. 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. The property lies in Zone X as shown on FIRM MAP COMMUNITY PANEL 250282 0004 E. dated October 16, 2003.

At the public hearing, the Board reviewed the Applicants' plan drawn by Moran Surveying Incorporated, 14 William Avenue, Pembroke, MA, dated 23 July 2007. The Applicants' propose to build a new single-family dwelling on the subject property. The proposal calls for the new dwelling to be accessed by way of an existing driveway located on Lot 2 as shown on the submitted plans. The Applicants' attorney stated that the proposed use of this existing driveway as the Planning Board as has not yet approved a common driveway required by SZB Section 780. The Applicants' stated at the hearing

that they intend to sell their existing home located on Lot 2 and construct and reside in the new dwelling to be located on the subject property. They also stated that they intend to offer to donate the land shown on the Application Plan as Lot 4 and the land sometimes known as Cook's Swamp to the Scituate Conservation Commission.

No one in attendance at the public hearing expressed opposition to the application.

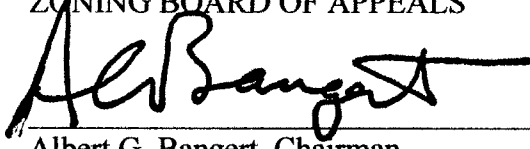
Based upon the evidence presented, the Board finds that Lot 3 abuts Tilden Road, a public way in the Town of Scituate, for a distance of at least fifty (50) feet and which has a width of at least fifty (50) feet at every point between Tilden Road and the nearest part of the dwelling to be erected on said lot. The lot has more than two (2) times the required area of upland for the Zoning District.

Pursuant to SZB 1030.2 the Board finds that a) Lot 3 is an appropriate location for a single-family dwelling, b) the use of Lot 3 for the construction of a single-family dwelling will not adversely affect the neighborhood, c) the proposed use of Lot 3 will not be an undue nuisance or serious hazard to vehicles or pedestrians, d) the Board of Health and the Building Commissioner will ensure that adequate and appropriate facilities will be provided to assure the proper operation of Lot 3, e) the proposed use of Lot 3 will not have a significant impact on the public water supply, and f) Lot 3 is not located within the Water Protection District.

THEREFORE, based upon the information presented, the Board unanimously voted to GRANT the applicants' a Special Permit pursuant to SZB 610.2B to create Lot 3 Tilden Road as shown on the plan submitted with this application and construct a single-family dwelling, provided that the construction is completed within two years of the issuance of the Special Permit and subject to the following conditions:

1. A restriction shall be inserted in the recorded deed of Lot 3 and shown on the recorded plan stating that said lot is subject to a Zoning Board Special Permit, and that said lot shall not be further divided nor subdivided.
2. Access to Lot 3 shall only be from Tilden Road and no other street or way.
3. Access to Lot 3 shall be allowed by the Scituate Planning Board pursuant to Section 780 of the Scituate Zoning Bylaw.
4. The Applicants shall, with Selectmen approval, convey Lot 4 shown on the Application Plan to the Town of Scituate Conservation Commission.

ZONING BOARD OF APPEALS



Albert G. Bangert, Chairman



Brian F. Sullivan



Sara J. Trezise

Filed with the Town Clerk on 10-22-07

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 40, 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.