

Town of Scituate

ZONING BOARD OF APPEALS

600 Chief Justice Cushing Hwy.
Scituate, Massachusetts 02066
(781) 545-8716



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Decision of the Scituate Zoning Board of Appeals on the application of Mary Louise Pitts of Scituate, MA, for a Special Permit pursuant to Section 610.2.B of the Scituate Zoning Bylaw for the creation of a single-family dwelling lot on 0/40 Crescent Avenue which will allow the construction of a single family dwelling on LOT 1 shown on the application plan by Grady Consulting, L.L.C. of Kingston, Massachusetts, dated June 13, 2023, which said LOT 1 will have frontage along Crescent Avenue of at least fifty (50) feet at every point between Crescent Avenue and the nearest part of the dwelling to be erected thereon.

The application was received, advertised and a public hearing was duly held on July 20, 2023, with the following members of the Zoning Board of Appeals present and voting:

George Xixis, Chairman
Justin M. Marks
Christopher Carchia

The property is located in the R-3 Residential District. The R-3 Residential District requires 10,000 square feet lot area, 100 feet of frontage and 100 feet of lot width through a proposed dwelling.

Scituate Zoning Bylaw Section 610.2.B allows the Board of Appeals to issue a special permit to authorize the creation of a buildable lot that only has at least fifty feet of frontage and fifty feet in lot width, provided certain criteria are met. Notably, any such fifty-foot frontage lot must (i) be at least two times the required area of upland in the zoning district, (ii) have an area of contiguous upland equal to the minimum lot size in the district, (iii) and, if two or more such lots are created simultaneously which share a lot line, common driveways must be utilized as access.

The Pitts family owns two contiguous properties that, for the purposes of this application, are treated as if merged. They propose to divide the merged property so as to create two newly

configured lots; a fully conforming lot (LOT 2 on the proposed site plan) which contains an existing home, and a separate so-called fifty-foot frontage lot, which is vacant land, and is the subject of this application. For title, see deeds recorded with the Plymouth County Registry of Deeds at Book 39073, Page 255 and at Book 40614, Page 106, respectively.

As depicted on the proposed site plan that accompanies the application, the so-called fifty-foot frontage lot to be created is shown as LOT 1, which contains 36,004 square feet of upland. The said LOT 1 contains 53 and eleven hundredths (53.11) feet of frontage along Crescent Avenue, and maintains a minimum of fifty (50) feet of lot width between Crescent Avenue and the nearest part of any dwelling to be constructed thereon.

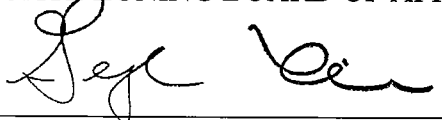
At the July 20, 2023 public hearing, the Board reviewed the application and the site plan with the applicant's attorney, Jeffrey A. De Lisi, and the applicant's land surveyor, Paul Mirabito. Questions by those in attendance at the public hearing were answered.

Based upon the evidence presented, the Board finds that said LOT 1 abuts Crescent Avenue, a street in the Town of Scituate, for a distance of at least fifty (50) feet, and has a width of at least fifty (50) feet at every point between Crescent Avenue and the nearest part of the single-family dwelling to be erected thereon. LOT 1 has significantly more than two (2) times the required contiguous area of upland for the R-3 Zoning District. Additionally, since the applicant is not proposing to create more than one fifty-foot frontage lot at a time, then Zoning Bylaw Section 610.2.B.2 does not apply.

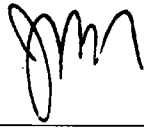
Additionally, the Board is assured that the requirements of Section 950.3 have been met. Pursuant to Section 950.3 of the Bylaw, said Lot 1 is appropriate for a single-family dwelling, and zoned as such. The use of each of LOT 1 for a dwelling will not adversely affect the neighborhood, nor create any 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 said LOT 1.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicant's requested Special Permit, and authorized the creation of LOT 1 as shown in the site plan for the purposes of the construction of a single-family dwelling thereon pursuant to Scituate Zoning Bylaw Section 610.2.B, upon the condition that said LOT 1 shall not be further divided.

SCITUATE ZONING BOARD OF APPEALS



George Xixis, Chairman



Justin M. Marks



Christopher Carchia

Filed with the Town Clerk on August 15, 2023

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 within twenty (20) days of the date of the filing of the decision with the Town Clerk.