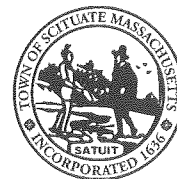


# Town of Scituate

ZONING BOARD OF APPEALS

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



RECEIVED

TOWN OF SCITUATE  
TOWN CLERK  
2017 MAR -6 AM 8:46

Decision of the Scituate Zoning Board of Appeals on the application of Robert Terrell, Administrator for the Estate of Patsy Jo Terrell, 129 W. Summit Avenue, Haddonfield, NJ 08033 (hereinafter, the "Applicant") for a Special Permit/Finding pursuant to Zoning Bylaw Section 610.2.B. to create a fifty foot frontage lot.

The application was received, advertised and a public hearing was duly held on February 16, 2017 with the following voting and alternate members of the Zoning Board of Appeals hearing the application:

John Hallin, Chair  
Sara J. Trezise  
Edward C. Tibbetts  
Francis M. Lynch  
Anthony Bucchere

The subject property (the "Subject Property") is 0 Mann Hill Road (See Deed of William Loring Bradlee, Trustee to George W. Terrel and Patsy Jo Terrell, dated August 25, 1970, Book 3614, Page 476, recorded with the Plymouth County Registry of Deeds on August 28, 1970). It is located in Residence R-2 Zoning District. The Subject Property has 104,277 square feet of upland, more or less, with frontage on Mann Hill Road as shown on the Subdivision Plan of Land on Mann Hill Road, approved on October 26, 1982 and recorded at Book 23, Page 328. The subject property is not located with the Town of Scituate Flood Plain and Watershed Protection District and is not located within the Town of Scituate Water Resource Protection District.

The Applicant has proposed the creation of three lots, each to have a single-family detached dwelling, as shown on the Plan of Land entitled "Mann Hill Road" dated January 6, 2017 and certified by Professional Land Surveyor Paul J. Mirabito on February 22, 2017 (hereinafter "the Plan"). Lot 3 has 100' of frontage on Mann Hill

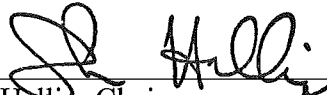
Road, with 23,451 square feet of upland. Lot 3 is not the subject of this application. The Applicant proposes the creation of two so-called 50' lots. Lot 1, consisting of 40,657 square feet of upland, will have 51.58' frontage on Mann Hill Road. Lot 2, consisting of 40,169 square feet of upland, will have 98.42' frontage on Mann Hill Road. The Applicant will need approval from the Planning Board for the common driveway and storm water compliance. Approval from the Board of Health for septic systems is also required.


The Board FINDS that the proposed Lot 1 and Lot 2 abut Mann Hill Road will each have at least fifty feet frontage and will each meet the requirement of 40,000 square feet of upland for a fifty foot lot in the R-2 District. The Board finds that the proposed lots otherwise will be in conformance with the Zoning Bylaws. The Board also finds that Lot 1 and Lot 2 meet the requirements of Scituate Zoning Bylaw Section 950.3.

Based on the information presented, the Board GRANTS the Applicant's request to issue a Special Permit to create two fifty foot lots designated Lot 1, consisting of 40,657 square feet of upland and 51.58' frontage, and Lot 2, consisting of 40,169 and 98.42' frontage, as set forth on the Plan. A deed restriction providing that the Lot 1 and Lot 2 are each subject to a special permit and that the lots shall not be further subdivided shall be recorded with the Plymouth County Registry of Deeds.

This Special Permit and these findings are issued pursuant to Zoning Bylaw Sections 610.2.B.

#### ZONING BOARD OF APPEALS

  
\_\_\_\_\_  
John Hallin, Chair

  
\_\_\_\_\_  
Edward C. Tibbetts

  
\_\_\_\_\_  
Sara J. Trezise

Filed with Town Clerk and Planning Board on: March 6, 2017

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.