

# Town of Scituate

## ZONING BOARD OF APPEALS

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



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Decision of the Scituate Zoning Board of Appeals on the application of Albert and Donna Bangert of 108 Captain Peirce Road, Scituate, MA (the "Applicant") for a Special Permit/Finding under Section 610.2B of the Scituate Zoning Bylaw to allow the division of the current at 108 Captain Peirce Road, Scituate MA, Assessor's Map 26, Block 3, Parcel 8 to create two lots, one of which being a Fifty Foot Frontage Lot.

The application was received, advertised, and a public hearing was duly held on June 15, 2017 with the following members of the Zoning Board of Appeals hearing the application:

Edward Tibbetts, Acting Chairperson  
Frank Lynch  
Anthony J. Bucchere

The property is located at 108 Captain Peirce Road, Scituate MA and is owned by the Applicant who acquired the property by virtue of a deed dated January 25, 2010 and recorded with the Plymouth County Registry of Deeds in Book 38189, Page 197 (Also see corrective deed recorded at Book 43034, Page 343.

The property sits in the R-2 district. The required and existing lot measurements at the property are listed below:

	REQUIRED	EXISTING
Frontage:	100 FT	291.2 FT
Area:	20,000 S.F	229,307 S.F. of Upland
Lot Width:	125 FT	>150 FT

The applicant has submitted a plan entitled "Plan of Land in Scituate, Massachusetts Showing a Division of Parcel 26-3-8, 108 Captain Peirce Road," dated May 18, 2017 and prepared by Morse Engineering (the "Plan"). The Plan shows the division of the existing lot into a "Lot 1" and a "Lot 2." Lot 1 as shown on the plan meets all lot requirements for the R-2 district and

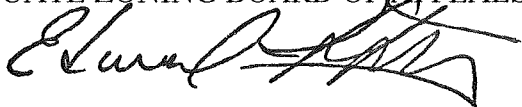
requires no relief or other action from the Board. Lot 2 as shown on the plan contains only 50.13 feet of frontage and therefore requires a special permit under Section 610.2B of the Bylaw.

In connection with the application the Board found the following:

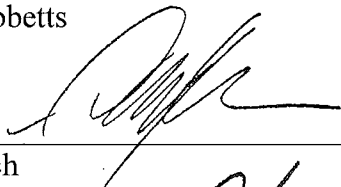
1. In order to receive a special permit under Section 610.2B a proposed lot must contain at least 50' of width at all points, the board found that Lot 2 as shown on the Plan is 50' in width at its narrowest point. Also under Section 610.2B Item 1, the proposed lot must contain at least twice the required upland area. The Board found that as shown on the plan, Lot 2 contains 165,129 S.F. of upland, well in excess of the 40,000 S.F. required.
2. As the application and corresponding plan involve the creation of only one fifty foot frontage lot Section 610.2 Item 2 does not apply to this application.
3. Under Section 610.2 Item 3, Lot 2 as shown on the plan shall not be further subdivided and that this recorded Special Permit and any recorded plan showing Lot 2 shall note such restriction.
4. The Board found that other than the provisions of the Scituate Zoning Bylaws and the above restriction regarding subdivision, no additional conditions, safeguards or limitations were necessary for the creation of Lot 2 under Section 610.B Item 4.

Based on and subject to the foregoing the board voted unanimously to Grant the Special Permit for the creation of Lot 2 as shown on the Plan.

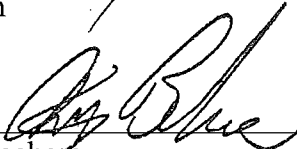
SCITUATE ZONING BOARD OF APPEALS



Edward Tibbetts



Frank Lynch



Anthony Bucchere

Filed with the Town Clerk and the Planning Board on: July 13, 2017

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.