

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 Elaine A. Riddle of Plymouth, Massachusetts for a special permit pursuant to Section 610.2B and Section 950.3 of the Zoning Bylaw that will allow the creation of a single-family dwelling on Lot 2, Torrey's Lane, which lot will have frontage along Torrey's Lane, a public way, of at least fifty (50) feet at every point between Torrey's Lane and the nearest part of the dwelling to be erected on said lot.

The application was received, advertised and a public hearing was duly held on December 15, 2016 with the following members of the Zoning Board of Appeals hearing the application:

John Hallin, Chairman
Sara J. Trezise
Edward C. Tibbetts

The property that is the subject matter of this application is located in the R-2 Residential District. 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.

At the time of the application, the Applicant was the owner of Lot 1 containing 20,016 square feet of land, more or less, and Lot 2 containing 40,005 square feet of land, more or less, as shown on a plan entitled "Plan of Land Torrey's Lane, Scituate, Massachusetts" which plan is dated January 20, 2005 with latest revision November 11, 2005; Scale: 1" = 30'; prepared by Merrill Associates, Inc., which plan is recorded with the Plymouth County Registry of Deeds as Plan No. 270 of 2006 in Plan Book 51 Page 385, being a portion of the premises conveyed to the Applicant, Elaine A. Riddle by deed dated

October 15, 2001 and recorded with the Plymouth County Registry of Deeds in Book 20827 Page 226. The Scituate Planning Board gave ANR endorsement of the plan on March 28, 2006. The Applicant, by way of a deed dated July 10, 2009 and recorded with the Plymouth County Registry of Deeds in Book 37590 Page 347 conveyed for nominal consideration Parcel 3 on said plan, consisting of 18,297 square feet of land, more or less, to the Town of Scituate.

As shown on the plan that accompanied the application, Lot 1 conforms to all dimensional zoning requirements of the Scituate Zoning Bylaw. Lot 2 contains 40,005 square feet, more or less, of upland and contains 50.01 feet of frontage along Torrey's Lane, a public way in the Town of Scituate. Lot 2 also maintains 50.01 feet lot width at every point between the frontage street or way and the nearest part of the dwelling to be erected on said lot.

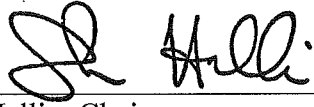
At the December 15, 2016, public hearing, the Board reviewed with the applicant the plan submitted and discussed with the Applicant that municipal services needed to be brought to the Lot, and that the Building Inspector and Board of Health requirements for the constructing of a dwelling on the lot would need to be met. No one in attendance at the public hearing expressed opposition to the application.

Based upon the evidence presented, the Board finds that Lot 2 abuts Torrey's Lane, a public way, for a distance of at least fifty (50) feet and which lot has a width of at least fifty (50) feet at every point between Torrey's Lane and the nearest part of the dwelling to be erected on said lot. Lot 2 has two (2) times the required area of upland for the Zoning District, and therefore, contains an area of contiguous upland equal to the minimum lot size in the Zoning District. Pursuant to Section 950.3 of the Bylaw, said lot is appropriate for a single-family dwelling. The use of said lot for a dwelling should 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 each said lot. The proposed use of each said lot will not have a significant impact on any public or private water supply, and said lot is not located within the Water Resource Protection District.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicant's Special Permit to allow the creation of a single-family house on land shown as Lot 2 on the Application Plan, subject, however, to the following:

1. A restriction shall be inserted in the recorded deed of said Lot 2 stating that said lot is subject to a Zoning Board Special Permit, and that said lot shall not be further divided nor subdivided.

ZONING BOARD OF APPEALS



John Hallin, Chairman



Sara J. Trezise



Edward C. Tibbetts

Filed with the Town Clerk and Planning Board on February 24, 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 40, Section 17, and shall be filed within twenty (20) days of the date of the filing of the decision with the Town Clerk.