

Town of Scituate

ZONING BOARD OF APPEALS

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



Decision of the Scituate Zoning Board of Appeals on the application of Adams Equity Partners, LLC, of Sanibel, FL, for a special permit pursuant to Scituate Zoning Bylaw Section 610.2.B to create Lot 2, which is a lot that will have at least 50 ft. of frontage on Summer Street, a width of at least 50 ft. at all points, and at least 80,000 s.f. of upland, which is two times the required upland lot area in the R-1 zoning district, for property with an existing address of 165 Summer Street (Assessor Parcel Nos. 23-1-38-F and 24-2-49-B), and/or any other relief that the Board of Appeals may grant.

The application was received, advertised and a public hearing was duly held on February 15, 2024, with the following members of the Zoning Board of Appeals present at each meeting and voting:

George Xixis, Chairman
Justin Marks
Gregory Fleming

The property is located in the R-1 Residential District. The R-1 Residential District requires 40,000 square feet lot area, 100 feet of frontage and 175 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 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) abut at least one street or way for a distance of at least fifty feet, (ii) have a width of at least fifty feet at every point between the frontage street and the nearest part of the dwelling to be erected on said lot, and (iii) have at least two times the required area of upland for the zoning district in which it is located.

The Applicant owns the said property that, for the purposes of this application, are treated as if merged. It proposes to divide the merged property so as to create Lot 1, which is a fully conforming zoning lot, and a vacant parcel identified by the Applicant as "Lot 2" (hereinafter, "Lot 2"), which is the subject of this zoning application. According to the plot plan submitted with the Application, and the testimony of the Applicant's engineer at the hearing, Lot 2 will have at least fifty feet of frontage on Summer Street, a width of at least fifty feet at every point between the frontage street and the nearest part of the dwelling to be erected thereon, and at least double of the upland land area required in the

zoning district. Therefore, the Board confirmed that said Lot 2 meets the minimum requirements for the issuance of a special permit pursuant to said Section 610.2.B.

The Section 610.2.B.2 requirement of a common driveway is not applicable to this application because the Applicant is not proposing to create more than one “fifty-foot frontage lot” at the same time. However, due to the presence of wetlands between the frontage road and the buildable portion of Lot 2, the Applicant indicated that it will seek a common driveway permit from the Town of Norwell, which has jurisdiction over the portion of Lot 1 that is located in the Town of Norwell (Lot 1 is partially in Scituate and partially in Norwell.) Access to a dwelling on Lot 2 is intended to be achieved over a common driveway located on Lot 1 in Norwell.


At the public hearing, the Board reviewed the application and the proposed plan with the applicant’s attorney, Matthew E. Mitchell, and the Applicant’s engineer, Gregory Morse. Questions by those in attendance at the public hearing were answered.

Based upon the evidence presented, the Board finds that said Lot 2 (i) abuts Summer Street, a street in the Town of Scituate, for a distance of at least fifty (50) feet, (ii) has a width of at least fifty (50) feet at every point between Summer Street and the nearest part of the single-family dwelling to be erected thereon, and (iii) has more than two times the 40,000 SF upland lot area otherwise required in the zoning district.


Additionally, the Board is assured that the requirements of Section 950.3 have been met. Pursuant to Section 950.3 of the Bylaw, Lot 2 is appropriate for a single-family dwelling, and zoned as such. The use of Lot 2 for a single-family 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 uses, and Lot 2 is not located in a Zone II or Zone A to a drinking water supply.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicant’s requested Special Permit, and authorized the creation of Lot 2 as shown on the site plan by Morse Engineering dated January 17, 2024, which may be used for single-family dwelling purposes thereon pursuant to Scituate Zoning Bylaw Section 610.2.B, upon the condition that Lot 2 not be further subdivided.

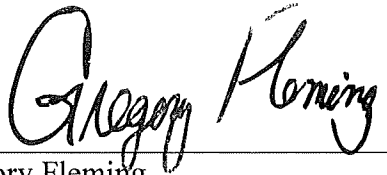
ZONING BOARD OF APPEALS



George Xixis, Chairman



Justin Marks


Gregory Fleming

Filed with the Town Clerk on 2.26.2024

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.