

# 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 Bob Burwick of 17 New Driftway, Scituate, MA requests a Special Permit under Section 610.2B of the Scituate Zoning Bylaws to allow the creation of a 50 foot frontage lot at 25 and 31 Torrey's Lane, Scituate, MA (Assessor's Map 55, Block 1, Parcels 26A & 26B).

The application was received, advertised and a public hearing was duly held on February 15, 2018 with the following members of the Zoning Board of Appeals hearing the application:

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

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, Elaine A. Riddle of 15 Torrey's Lane, Scituate, Plymouth County, Massachusetts was the owner of the subject property consisting of Lot 1 containing 20,009 square feet of land, more or less, and Lot 2 containing 40,013 square feet of land, more or less, as shown on a plan entitled "Plan of Land in Scituate, Massachusetts, Showing a Division of Parcels: 55-1-26A & 55-1-26B Vacant Lots off of Torrey's Lane" which plan is dated January 11, 2018; Scale: 1" = 20'; prepared by Morse Engineering, Inc., 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 Applicant, Robert Burwick represents the Owner by letter of authorization signed 1/18/2018.

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 40,013 square feet, more or less, of upland and contains 50.00 feet of frontage along Torrey's Lane, a public way in the Town of Scituate. Lot 2 also maintains 50.00 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.

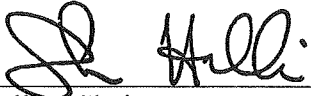
At the February 15, 2018, public hearing, the Board reviewed application for the creation of a 50' frontage lot and discussed the history of the previous applications in 2005 and 2016. The 2005 application for the creation of a 50' frontage lot was approved and a permit was granted. The submitted site plan did not show wetlands now found to exist in the property. The 2005 permit expired and was reissued in 2016 subsequent to the second application for such. The present application and submitted site plan propose shifting the 50' frontage of Lot 2 to the Northeast of Lot 1 frontage and to redraw lot lines to comply with local wetlands regulations.

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 **request for a 50' frontage lot as shown on the plan dated 1/11/18 by Morse Engineering showing the subdivision of lots 55-1-26A and 55-1-26B off Torrey's Lane**, subject, however, to the following:

1. A restriction shall be inserted in the recorded deed of said 50' frontage lot 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

  
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John Hallin, Chairman

  
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Sara J. Trezise

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

Filed with the Town Clerk on April 6, 2018

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.