

Town of Scituate

ZONING BOARD OF APPEALS

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



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Decision of the Scituate Zoning Board of Appeals on the application of Senthil Kumar, Trustee of 322 CJC Realty Trust for a Special Permit/Finding under M.G.L. c. 40A, §6 to allow the applicant to have two (2) lots and a driveway with pre-existing, non-confirming structures at 322 Chief Justice Cushing Highway, Scituate, MA 02066 (Assessor's Map 48, Block 3, Parcel 28).

The application was received, advertised and public hearings were duly held on December 16, 2021 and March 17, 2022 with the following members of the Zoning Board of Appeals hearing the application:

George Xixis, Acting Chairman
Susan Harrison
Justin M. Marks

The applicants were represented at the hearing by Walter B. Sullivan of Sullivan & Comerford, P.C. and Paul J. Mirabito of Ross Engineering Company, Inc.

The proposal is to have two lots formed and a driveway with pre-existing, non-conforming structures. The proposed lots and driveway pre-exist zoning. The proposed lots will not alter any of the other existing non-conforming characteristics of the lot, nor will it create any new non-conformities. Pursuant to §610.3 and GL c. 41 §81L, the premises may be divided into two (2) lots.

The property is owned by the applicant, as evidenced by a deed dated March 30, 2018 and recorded at the Plymouth County Registry of Deeds in Book 49642, Page 284. The property is known as 322 Chief Justice Cushing Highway as depicted on the "Plan of Land in the Town of Scituate, Mass 322 Chief Justice Cushing Highway" prepared by Ross Engineering Company, Inc. dated October 22, 2021 and revised February 3, 2022 ("Site Plan"). According to the Town of Scituate Assessor's Card, submitted by the applicant, the existing single family dwelling located upon the property shown as Lot 2 on the Site Plan was constructed in 1915 and contains

48,719 square feet. Lot 1 contains 80,114 Square feet and contains two (2) existing cottages built in 1925 and one garage. The entire property contains 128,833 square feet of land. Lot 1 contains 98.02 feet of frontage on Chief Justice Cushing Highway and Lot 2 contains 102.21 feet of frontage on Chief Justice Cushing Highway.

After hearing testimony from the applicant and reviewing the Plan, the Board voted unanimously to grant the following:

1. That the proposed Special Permit/Finding under §610.3 and GL c. 41 §81L to allow the applicant to divide the premises into two (2) lots and a driveway with pre-existing, non-confirming structures at 322 Chief Justice Cushing Highway as doing so does not create any new non-conformities.
2. That the proposed additional lot and pre-existing common driveway is not substantially more detrimental to the surrounding neighborhood.

Based on the foregoing, the Board unanimously voted to GRANT the applicants' request for a Special Permit/Finding pursuant to Scituate Zoning Bylaw §610.3 and M.G.L. c. 41 §81L of the Town of Scituate Zoning By-Laws, to allow the applicant to have two (2) lots, both of which are served by a single pre-existing driveway with pre-existing, non-confirming structures at 322 Chief Justice Cushing Highway pursuant to the site plan.

SCITUATE ZONING BOARD OF APPEALS



George Xixis, Acting Chairman



Susan Harrison



Justin M. Marks

This decision was filed with the Town Clerk on May 9, 2022

Appeal of this special permit 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 filing of the decision with the Town Clerk.