

Town of Scituate

ZONING BOARD OF APPEALS

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



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RE: 35 Dreamwold Road, Scituate, MA – Amended Decision

With reference to the Decision of the Scituate Zoning Board of Appeals on the application of Susan A. Phippen, Kim Stewart & Maureen Hurley co-trustees of the Susan Ann Phippen Trust (The “Applicant”) under Scituate Zoning By-laws Section 610.2 B to permit the creation of two 50-foot frontage lots at 35 Dreamwold Road in Scituate Massachusetts, which decision was filed with the Town Clerk and the Town Planning Board on March 16, 2015 and corrected by the Board in a Decision filed with the Town Clerk and the Town Planning Board on April 16, 2015:

The Applicant filed an application to request Modification of the Special Permit.

The application for Modification was received, advertised, and a public hearing was duly held on October 15, 2015 with the following members of the Zoning Board of Appeals hearing the application:

Sara Trezise, Chairman
Edward Tibbetts
Frank Lynch

The Property is located in the R-2 Residential district which requires 100 feet of frontage. At the time of the application the property provides 338.94 feet of frontage along Dreamwold Road and complies with all other zoning requirements of the district. The Applicant now wishes to Modify the Special Permit referenced above to divide the property into four separate lots as shown on a Plan prepared by Morse Engineering Co., Inc. entitled “Plan of Land in Scituate, Massachusetts Showing a Division of Parcels 33-6-3-1, 33-6-16, 33-6-16A - 35 Dreamwold Road” Dated April 9, 2015, Revised August 14, 2015. (The “Plan”).

Lots 1 and 3 as shown on the Plan offer 50.50 and 75.08 feet of frontage along Dreamwold Road respectively. As such, the Applicant seeks relief as to the 100 foot frontage requirement for Lots 1 and 3 under the Scituate Zoning By-laws Section 610.2 B. All other lots on the plan (Lots 2 and 4) offer the required 100 feet of frontage.

Section 610.2 B provides in relevant part that the Board of Appeals may grant a special permit for a single family detached dwelling on a lot with at least 50' of frontage provided that the following conditions are met:

1. That any lot so created contain at least two times the required area.
 - a. The R-2 district requires 20,000 S.F. of area and the proposed Lot 1 & 3 would contain 40,197 S.F. and 68,957 S.F. respectively
2. That any lot so created will be subject to a deed restriction that the lot may not be further subdivided and that such restriction shall be noted on the recorded plan.
 - a. The Plan contains reference to said restriction.

In light of the above the Board specifically FINDS that the creation of Lots 1 & 3 meet the requirements of Section 610.2 B. Further, after reviewing the application and hearing comments from the abutters the Board has determined that no additional conditions, safeguards or limitations are necessary.

For the foregoing reasons, the Board unanimously voted to GRANT the Special Permit under Section 610.2 B of the Scituate Zoning By-laws allowing the creation of Lots 1 & 3 with a minimum of 50' of frontage as shown on the Plan as same meets all requirements of Scituate Zoning By-Laws Section 610.2 B.

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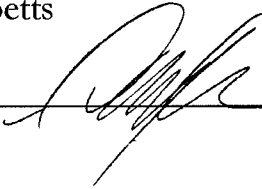
SCITUATE ZONING BOARD OF APPEALS



Sara Trezise



Edward Tibbetts



Frank Lynch

Filed with the Town Clerk and Planning Board on NOVEMBER 18, 2015

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 Registry of Deeds following the expiration of the appeal period of twenty (20) days from the date hereof.

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.