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TOWN OF SCITUATE



600 Chief Justice Cushing Highway  
Scituate, Massachusetts 02066  
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RE: 35 Dreamwold Road, Scituate, MA

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 (The "Property").

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

Sara Trezise, Chairman  
Edward Tibbetts  
John Hallin  
Frank Lynch  
Anthony Bucchere

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 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 December 30, 2014. (The "Plan").

Lots 1 and 2 as shown on the Plan offer 50.50 and 51.53 feet of frontage along Dreamwold Road respectively. As such, the Applicant seeks relief as to the 100 foot frontage requirement for Lots 1 and 2 under the Scituate Zoning By-laws Section 610.2 B. All other lots on the plan (Lots 3 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 & 2 would contain 40,197 S.F. and 41,865 S.F. respectively
2. That when two or more such lots are created at the same time which share a lot line (as is the case in this application) that a common driveway under Section 720 of the Bylaw will be utilized so that there will be no more than one curb cut per 100' of frontage.
  - a. The Plan includes the plotting of a common driveway.
3. 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 & 2 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 & 2 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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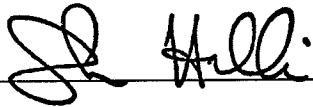
SCITUATE ZONING BOARD OF APPEALS



Sara Trezise



Edward Tibbetts



John Hallin

Filed with the Town Clerk and Planning Board on March 16, 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.*