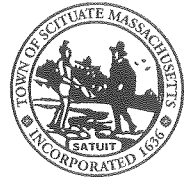


Town of Scituate

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 Irving and Mary Jane Versoy of 44 Captain Pierce Road, 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 44 Captain Pierce Road, Scituate, MA (Assessor's Map 27, Block 3, Parcels 16).

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

John Hallin, Chairman
Edward C. Tibbetts
Thomas J. Cavanagh
Brian B. Sullivan, Alternate

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, Irving R. Versoy and Mary Jane Bouve Versoy of 44 Captain Pierce Road, Scituate, MA was the owner of the subject property consisting of Lot 1 containing 42,025 square feet of land, more or less, Lot 2 containing 20,083 square feet of land, more or less, and Lot 3 containing 20,118 square feet of land, more or less as shown on a plan entitled "Plan of Land in Scituate, Massachusetts, Showing a Division of Parcels: 27-3-16, 44 Captain Pierce Road, Scituate, Massachusetts" which plan is dated October 17, 2018; Scale: 1" = 20'; prepared by Morse Engineering, Inc., being the property conveyed to the Applicant, Irving R. Versoy and Mary Jane Bouve Versoy by deed dated April 15, 1977 and recorded with the Plymouth County Registry of Deeds in Book 4257 Page 303.

The Applicant was represented by James Garfield of Morse.

As shown on the plan that accompanied the application, the Applicant proposes to create Lot 1 containing 41,299 square feet, more or less, of upland and contains 50.00 feet of frontage along Captain Pierce Road, a public way in the Town of Scituate. Lot 1 also maintains 50.00 feet lot with at every point between the frontage street or way and the nearest part of the dwelling to be erected on said lot.

Based upon the evidence presented, the Board finds that Lot 1 abuts Captain Pierce Road, 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 Captain Pierce Road and the nearest part of the dwelling to be erected on said lot. Lot 1 has two (2) times the required area of upland for 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 10/17/18 by Morse Engineering showing the division of parcels: 27-3-16, 44 Captain Pierce Road,** 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

John Hallin

John Hallin, Chairman

Edward C. Tibbetts

Edward C. Tibbetts

Thomas J. Cavanagh

Thomas J. Cavanagh

Filed with the Town Clerk on 1/15/19

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.