

Town of Scituate

ZONING BOARD OF APPEALS

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Decision of the Scituate Zoning Board of Appeals on the application of Lund A. Jensen Trustee, 11 Elm Park, Scituate, Massachusetts for a special permit under Section 610.2B of the Zoning Bylaw for the creation of two lots for a single family dwelling on each of the two lots which are shown as Lot 1 and Lot 2 on the application plan of Cavanaro Consulting dated October 1, 2015, each of which lots will have frontage along Elm Park of at least fifty (50) feet at every point between Elm Park and the nearest part of the dwelling to be erected on each said lot.

The application was received, advertised and a public hearing was duly held on November 19, 2015 with the following members of the Zoning Board of Appeals hearing the application:

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

The property that is the subject matter of this application is located in the R-2 Residential District. The R-2 Residential District requires 20,000 square feet lot area, 100 feet of frontage and 125 feet of lot width through a proposed dwelling. 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. The property lies in Zone X as shown on FIRM MAP COMMUNITY PANEL 25023C0136JX, dated July 17, 2012.

At the time of the application, the two lots to be created were a portion of a single family dwelling lot owned by the applicant Lund A. Jensen, Trustee by way of a deed recorded with the Plymouth County Registry of Deeds in Book 37942 Page 23. The remaining portion of the applicant's property contains an existing antique single family dwelling, an antique barn and cottage. That house lot will retain the required frontage along Elm Park,

and no non-conformities with the Zoning Bylaw will result. Prior to the application before the Board of Appeals, the applicant received an Accessory Dwelling Special Permit for the cottage which decision, dated October 9, 2015, containing the certification of the Town Clerk of no appeal, was recorded with the Plymouth County Registry of Deeds in Book 46245 Page 190.

As shown on the plan that accompanied the application, the two lots to be created are shown as LOT 1, which contains 60,657 square feet (all upland) and LOT 2, which contains 40,057 square feet (all upland). The plan calls for the lots to be created to be accessed by way of Elm Park (Greenfield Lane) a public way. As provided in the plan, the two lots do not share a lot line.

At the November 19, 2015 public hearing, the Board reviewed the plans submitted with the applicant, his attorney and engineer. One person in attendance at the public hearing expressed concern about the historical nature of the existing dwelling, barn and cottage. The Board and the Applicant discussed the uniqueness the property, and the Board expressed its gratitude that the plans would not affect the antique structures on the remaining house lot.

LOT 1 contains 60,657 square feet (all upland) which is three times the required area of upland for the R-2 Zoning District. The Lot contains 50.04 feet of frontage along Elm Park (Greenfield Lane) a public way, which distance is maintained at every point between the frontage and the nearest part of the dwelling to be constructed.

LOT 2 contains 40,057 square feet (all upland) which is two times the required area of upland for the R-2 Zoning District. The Lot contains 50.80 feet of frontage along Elm Park (Greenfield Lane) a public way, which distance is maintained at every point between the frontage and the nearest part of the dwelling to be constructed.

Based upon the evidence presented, the Board finds that LOT 1 and LOT 2 abut Elm Park (Greenfield Lane), a street or way in the Town of Scituate, for a distance of at least fifty (50) feet and which has a width of at least fifty (50) feet at every point between Elm Park and the nearest part of the dwelling to be erected on said each said lot. LOT 1 has three (3) times the required area of upland for the Zoning District, and LOT 2 has two (2) times the required area of upland for the Zoning District. Pursuant to Section 950.3 of the Bylaw, each said lot is appropriate for a single family dwelling. The use of the lots 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 said lots. The proposed use of each lot will not have a significant impact on any public or private water supply, and said lots is not located within the Water Resource Protection District.

The Board requested that the Applicant submit a revised plan adding to the Notes Section a note stating that the lots are subject to a Special Permit and that said lots shall not be

further neither divided nor subdivided. A revised plan (revision date November 20, 2015) with the requested language was filed with the Board on November 23, 2015.

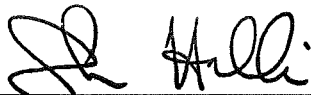
For the foregoing reasons, the Board unanimously voted to GRANT the applicant's Special Permit to allow the creation of two (2) single family house lots shown as LOT 1 and LOT 2 on the Application Plan, subject, however, to the following:

1. A restriction shall be inserted in the recorded deed of said LOT 1 and LOT 2 and shown on the recorded plan stating that each said lot is subject to a Zoning Board Special Permit, and that each of said lots shall not be further divided nor subdivided.

ZONING BOARD OF APPEALS


Sara Trezise, Chairman


Edward C. Tibbets


John Hallin

Filed with the Town Clerk and Planning Board on December 14, 2015.

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.