

# Town of Scituate

ZONING BOARD OF APPEALS

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Decision of the Scituate Zoning Board of Appeals on the application of Robert Terrell, Administrator, of Haddonfield, New Jersey, for a Special Permit pursuant to Section 610.2B of the Scituate Zoning Bylaw for the creation of two single family dwelling lots on Mann Hill Road which will allow the construction of a single family dwelling on each of the two lots shown as Lot 4 and Lot 6 on the application plan by Ross Engineering Co., Inc. of Norwell, Massachusetts; dated November 16, 2020, each of which lot will have frontage along Mann Hill Road of at least fifty (50) feet at every point between Mann Hill Road 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 December 22, 2020, with the following members of the Zoning Board of Appeals hearing the application:

Anthony J. Bucchere, Chairman  
Thomas J. Cavanagh  
Edward C. Tibbetts

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 175 feet of lot width through a proposed dwelling.

Scituate Zoning Bylaw Section 610.2B allows the Board of Appeals to issue a special permit to authorize the erection of dwellings on lots that only have at least fifty feet of frontage and fifty feet in lot width, provided certain criteria are met. Notably, any such fifty-foot frontage lot must (i) be at least two times the required area of upland in the zoning district, (ii) have an area of contiguous upland equal to the minimum lot size in the district, (iii) and, if two or more such lots are created simultaneously which share a lot line, common driveways must be utilized as access.

The subject lots are a portion of a parcel of land owned by Robert Terrell, by way of a deed dated August 25, 1970 and recorded with the Plymouth County Registry of Deeds in Book 3614 Page 476.

As shown on the application that accompanied the application, the two Lots to be created are shown as LOT 4, which contains 40,224 square feet of upland; and LOT 6, which contains 40,068 square feet of upland. Both of the two said Lots contain more than fifty (50) feet of frontage along Mann Hill Road (Lot 4 having 96.44 feet of Frontage, and Lot 6 having 51.58 feet of Frontage), and maintain a minimum of fifty (50) feet lot width from Mann Hill Road and the nearest part of the dwelling to be constructed thereon. The two lots which are the subject of the application do not share a lot line, and therefore, a common driveway is not required.

At the December 22, 2020 public hearing, the Board reviewed the plans submitted with the applicant and engineer. Questions by those in attendance at the public hearing were answered.

Based upon the evidence presented, the Board finds that said LOT 4 and said LOT 6 each separately abut Mann Hill Road, a street or way in the Town of Scituate, for a distance of at least fifty (50) feet and each said Lot has a width of at least fifty (50) feet at every point between Mann Hill Road and the nearest part of the single-family dwelling to be erected on said each said Lot. LOT 4 and LOT 6 each have more than two (2) times the required area of upland for the Zoning District, and contain an area of contiguous upland equal to the maximum lot size in the Residence R-2 Zoning District. Additionally, since LOT 4 and LOT 6 do not share a lot line, Zoning Bylaw Section 610.2B (2) does not apply to the Applicant or the subject property.

Additionally, the Board is assured that the requirements of Section 950.3 have been met. Pursuant to Section 950.3 of the Bylaw, each said Lot is appropriate for a single-family dwelling, and zoned as such. The use of each of the Lots for a dwelling will 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.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicants' requested Special Permit, and authorized the creation of the two (2) single-family house lots on the subject property under Scituate Zoning Bylaw Section 610.2B shown as LOT 4 and LOT 6 on the aforesaid plans.

ZONING BOARD OF APPEALS



Anthony J. Bucchere, Chairman



Thomas J. Cavanagh



Edward C. Tibbetts

Filed with the Town Clerk on: \_\_\_\_\_

1/20/2021

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.