



**ZONING BOARD OF APPEALS  
DECISION ON APPLICATION FOR MODIFICATION OF  
COMPREHENSIVE PERMIT PURSUANT TO G.L. c. 40B**

**I. BACKGROUND**

Applicant: Walden Woods, LLC

Project Location: Off Stenbeck Place – Assessors Map 45, Block 16, Parcel 30

Title reference: Book 19298, Page 34

Premises: All those certain parcels of land located at Stenbeck Place,  
Assessors Map 45, Block 16, Parcel 30

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On May 1, 2002, the Applicant submitted an application for a comprehensive permit for a project consisting of 28 two bedroom condominium units. After an extensive public hearing process the Board, on November 21, 2002 voted to grant the comprehensive permit with conditions. The Board's written decision was filed with the Scituate Town Clerk on January 16, 2003. The Board's decision (copy enclosed), filed with the Town Clerk on January 16, 2003 was timely appealed by the Applicant to the Housing Appeals Committee. Also, an abutter's appeal was timely filed in the Land Court, Misc. No. 287331. The Applicant's appeal was concluded, in the Applicant's favor, by the enclosed Housing Appeals Committee Decision On Stipulation, dated December 15, 2003. The Land Court dismissed the abutter's appeal by the enclosed Order Allowing Defendant's Second Renewed Motion to Dismiss, dated June 29, 2009. The abutter filed a timely Notice of Appeal which was withdrawn by the enclosed Withdrawal of Plaintiff's Notice of Appeals, dated September 9, 2009 which resulted in the enclosed Judgment entered by the Land. The abutter also appealed the Superseding Order issued by the Department of Environmental Protection for the project. The Adjudicatory hearing resulted in a decision, during the pendency of the Land Court appeal, favorable to the applicant, which was not further appealed by the abutter. As a result, the Comprehensive Permit issued by the Board of Appeals, as modified by the Housing Appeals Committee Decision n Stipulation, dated December 15, 2003, became final on September 9, 2009. The Board has modified its decision on various dates since then.

By letter, dated September 4, 2013, the Applicant requested a modification of Condition #29 of the Comprehensive Permit decision regarding access to the site by construction vehicles.

the Board and the testimony received at the hearing from the Applicant's attorney, Robert L. Devin, and others in attendance, the Board finds that the request for a determination is in fact an insubstantial modification request subject to the modification of the last sentence of Section 29 to read "All construction vehicles in excess of one and one-half tons to enter and exit the Premises from Tilden Road and that dust shall be mitigated as necessary". Pursuant to the applicable regulations, 760 C.M.R. 56.05(11)(b), by virtue of the foregoing finding, the comprehensive permit is deemed modified as set forth in the preceding sentence.

**SCITUATE ZONING BOARD OF APPEALS**

  
Sara Trezise, Chairman

  
Edward Tibbetts

  
Anthony J. Bucchiera

 October  
September 3, 2013

 October  
Filed with the Town Clerk on September 3, 2013.