

SULLIVAN & COMERFORD, P.C.

ATTORNEYS AT LAW
80 WASHINGTON STREET
BUILDING B, SUITE NO. 7
NORWELL, MA 02061
(781) 871-6500
Fax (781) 792-3993

WALTER B. SULLIVAN
ANITA J. COMERFORD*
KAYLA A. MACLEOD
*ALSO ADMITTED IN IL

ANDREW BULMAN
JOHN RING

June 18, 2020

Town of Cohasset
Zoning Board of Appeals
41 Highland Avenue
Cohasset, MA 02050

Via Hand Delivery

Re: **35 Oak Street**

Dear Jen:

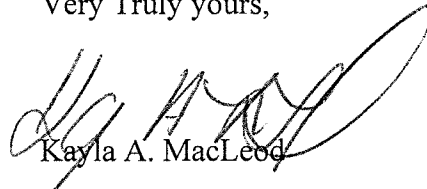
With respect to the above referenced matter, enclosed herewith please find the following:

1. Nine (9) copies of Town of Cohasset Zoning Board of Appeals Application;
2. Nine (9) copies of June 1, 2020 Letter to Walter Sullivan from Robert Egan;
3. Nine (9) copies of May 13, 2020 Letter to Walter Sullivan from Robert Egan;
4. Nine (9) copies of April 3, 2020 Letter to Robert Egan from Walter B. Sullivan;
5. Nine (9) copies of Plot Plan by Cavanaro Consulting; and
6. Check for filing fee made payable to The Town of Cohasset in the amount of \$300.00.

The abutters lists for this application were delivered to your attention on June 10, 2020.

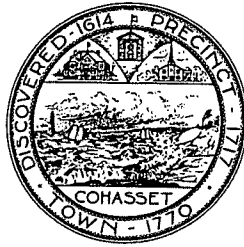
Should you have any questions please do not hesitate to contact our office.

Very Truly yours,



Kayla A. MacLeod

ENC.



**TOWN OF COHASSET
ZONING BOARD OF APPEALS**

**THE UNDERSIGNED HEREBY APPLIES TO THE BOARD OF APPEALS IN
THE NATURE OF:**

_____ A petition for VARIANCE of the requirements of Section _____
of the zoning Bylaw.

_____ A petition for SPECIAL PERMIT pursuant to Section _____
of the zoning Bylaw.

An APPEAL from the attached decision dated June 1, 2020 Decision of Building Inspector
pursuant to Section 300-12.2.C
_____ A Comprehensive Permit/40B

and such OTHER AND FURTHER RELIEF as the Board deems appropriate

AND IN SUPPORT THEREOF REPRESENTS AS FOLLOWS:

Legal owner of land ("Applicant"):

1. NIWDA, LLC c/o Walter B. Sullivan

a. Address: Sullivan & Comerford, PC, 80 Washington Street
Building B Suite 7, Norwell MA 02061

b. Phone: 781-871-6500

2. If Applicant requests another person to represent its interests at the hearing
("Applicant(s) Representative"), please state their name, address, phone and
property interest:

a. Name: Cavanaro Consulting

b. Address: 687 Main Street, Norwell, MA 02061

Amended December 3, 2012

c. Phone 781-659-8187

d. Relationship to applicant (e.g. builder, architect, prospective owner)
Engineer

3. Description of this property:

a. Address: 35 Oak Street

b. Assessors' Map: Page # 38 Plot # 112

c. Deed as recorded in NORFOLK COUNTY REGISTRY OF DEEDS:

certificate # _____ in book # 37558 at page # 241

4. Zoning District: RA Overlay District (if any) _____

5. Has an application for relief from Zoning Bylaws ever been filed for this parcel?

YES/NO NO DATE (if yes) _____

Explain (if yes):

6. Nature of proposed construction, use or relief sought Construction of Single Family Home

7. Date of principal structure / dwelling was built (if applicable): _____

Date and nature of other structures/additions: _____

8. Area Regulations (Section 5.3.1) REQUIRED EXISTING PROPOSED

a. Area (lot size)	_____	_____	_____
b. Frontage	_____	_____	_____
c. Lot width	_____	_____	_____
d. Front setback	_____	_____	_____
e. Rear setback	_____	_____	_____
f. Side setback #1	_____	_____	_____
g. Side setback #2	_____	_____	_____
h. Building height	_____	_____	_____

- i. coverage (structural) _____
- j. coverage (building) _____
- k. ground area coverage (required only for applications for a special permit pursuant to sec. 9.1.1). _____

9. Do present structure(s) and use conform to all other provisions of the Zoning Bylaw? Yes: _____ No: _____ If not, explain: _____

10: Is this parcel connected to Town Sewer? Yes: _____ No: _____
 If Yes, state location, and area dimensions: _____

11. Does the owner/applicant own adjacent land? Yes: No: _____
 If Yes, state location, and area dimensions: 8,018 sf. lot containing a single family home known as 35 Oak Street.

12. Plans submitted herewith are drawn to scale, accurately show all details relevant to the relief being requested, and are complete per Section 2.2 of the Rules of Procedures of the Zoning Board of Appeals:

ALL PLANS

- a. drawn to scale with dimensions on every plan _____(yes/no)
- b. if addition/alteration, proposed construction outlined or in red _____(yes/no)
- c. each plan stamped by registered engineer, land surveyor, or architect (as appropriate) _____(yes/no)

SITE PLAN

- a. Twelve (12) copies of a site plan @1" = 20' Yes _____(yes/no)
- b. North arrow Yes _____(yes/no)
- c. Lot lines/ dimensions & lot area Yes _____(yes/no)
- d. Structural & building coverage calculations _____
- e. Flood Plain & Zoning Districts (as applicable) Yes _____(yes/no)
- f. Locations/dimensions of all buildings, driveways, parking areas & other structures Yes _____(yes/no)

- g. Boundary lines, names of owners, and locations/
dimensions of all buildings, driveways & parking areas
on all immediately adjacent properties Yes _____ (yes/no)
- h. Dimensions of all adjacent streets, sidewalks and
rights-of-way; street names Yes _____ (yes/no)

CONSTRUCTION PLANS

- a. At a scale not smaller than ¼ inch = 1 foot _____ (yes/no)
- b. Showing the existing structure(s) as well as
all proposed alterations/new construction _____ (yes/no)
- c. Showing at least 4 exterior elevations
(front, rear, left & right sides) _____ (yes/no)
- d. Showing all heights on all exterior renderings _____ (yes/no)
- e. Other renderings/photographs (optional) _____ (yes/no)

13: The following pages provide an accurate list of the abutters and the owners of the land next adjoining abutters: **STAMPED AS CERTIFIED BY BOARD OF ASSESSORS** (Stamped Abutter’s List must be presented with application filing)

14: **Litigation Policy – Use of Town Counsel by the Zoning Board of Appeals (ZBA).**

The applicant must read and acknowledge the following policy of the ZBA.

When zoning relief has been approved by the ZBA, either in whole or with conditions, Town Counsel will not primarily defend any appeal against such relief brought by parties claiming to be aggrieved, without the express written consent of both the Chairman of the ZBA and the Town Manager.

The successful applicant is the appropriate party to bear expenses associated with maintaining such relief, be it a Special Permit, a Variance, or an enforcement Appeal.

Generally, the Town will enter an appearance but will mount no active defense or Discovery: it will neither initiate motions nor will it undertake depositions or interrogatories unless prior approval is given per the above.

Sign for acknowledgement of the litigation policy:

Date: _____ Wuxia B. S. [Signature]
Signature(s) of Applicant(s) Representatives, if any

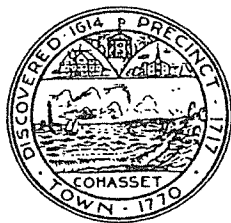
Date: _____ **
Signature(s) of Applicant(s)

15. I have read and understand the Rules of Procedure of the Board of Appeals:

Date: _____ Wuxia B. S. [Signature]
Signature(s) of Applicant(s) Representatives, if any

Date: _____ **
Signature(s) of Applicant(s)

**Application must be signed by legal owner of the land ("Applicant").



TOWN OF COHASSET

COMMONWEALTH OF MASSACHUSETTS

BUILDING DEPARTMENT

41 Highland Avenue
Cohasset, MA 02025

TELEPHONE (781) 383-4112
FAX (781) 383-1561

Building Commissioner
Zoning Officer
Robert Egan

June 1, 2020

Atty. Walter Sullivan
80 Washington St.
Norwell, Ma. 02061

Re: Lot 99 a/k/a 35 Oak St. Cohasset (2nd Letter)

Dear Atty. Sullivan,

The purpose of this letter is to retract my previous letter dated May 13, 2020 regarding the above property. After further consideration, I do not believe that this lot is a protected, buildable lot under Section 8.3.2.(c) of the Cohasset ZBL, the Single Lot Exemption.

In your zoning analysis, you referenced the ZBA decision from 2017 that dealt with an identical lot on Oak St. That decision, in effect, reversed my denial of a building permit based on my belief that the 'taking' of Oak St. did not constitute a taking in the commonly accepted use of the term.

In my opinion, then and now, a taking is an Eminent Domain action similar to the events that occurred when the commuter rail was restored several years ago. In those cases, property owners had land 'taken' that they had owned, used and had benefit from in return for a negotiated amount equal to its actual value.

The 1998 'taking' of Oak St. was an administrative remedy for a 90-year-old oversight. No one on the street lost land or value or were compensated in any way. In fact, the lots never changed size or shape. They are shown on the original 1901 plan as having 8017 sq. ft., as they have today.

With all due respect, I believe that the 2017 ZBA decision may have been in error and it would further compound that error to assume it to be precedent-setting and apply to other lots on the Lincoln Hillside.

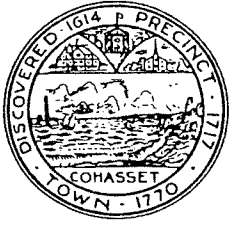
I apologize for the delay in reversing my decision, which, of course, you may appeal.

Please feel free to contact me for any further information or assistance.

Sincerely,

Robert Egan
Building Commissioner/ Zoning Officer

cc. Zoning Board of Appeals



TOWN OF COHASSET

COMMONWEALTH OF MASSACHUSETTS

BUILDING DEPARTMENT

41 Highland Avenue
Cohasset, MA 02025

TELEPHONE (781) 383-4112
FAX (781) 383-1561

Building Commissioner
Zoning Officer
Robert Egan

May 13, 2020

Atty. Walter Sullivan
80 Washington St.
Norwell, Ma. 02061

Re: Lot 99 a/ka/a 35 Oak St. Cohasset

Dear Atty. Sullivan,

Reference your letter of April 3, 2020 regarding the above property.

You have included a current plot plan, a plot plan from the original sub-division of the Lincoln Hillside, deed references, and a recent Cohasset Zoning Board of Appeals decision.

Based on the information that you have provided to me, I agree that the "vacant" lot at 35 Oak St. benefits from the provisions of Section 8.3.2(c) of the Cohasset ZBL, the Single Lot Exemption.

A building permit for a single-family dwelling on that lot will be issued upon the approval of other boards, departments or commissions having jurisdiction.

Please feel free to contact me for any further information or assistance.

Sincerely,

Robert Egan
Building Commissioner
Zoning Officer

SULLIVAN & COMERFORD, P.C.

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80 WASHINGTON STREET
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NORWELL, MA 02061
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WALTER B. SULLIVAN
ANITA J. COMERFORD*
KAYLA A. MACLEOD
*ALSO ADMITTED IN IL

ANDREW BULMAN
JOHN RING

April 3, 2020

Mr. Robert Egan
Building Inspector &
Zoning Enforcement Officer
41 Highland Ave
Cohasset, MA 02025

Re: **Lot 99 "Plan of Lincoln Hillside Cohasset, MA belonging to Herbert A. Tilden" dated 1901/ a/k/a 35 Oak Street**

Dear Mr. Egan:

We represent NIWIDA, LLC, owner of Lots 99 and 100 (35 Oak Street) as referenced above. The premises contains a single family home (Lot 100) and a vacant building lot (Lot 99).

Lot 99 contains 8,017 square feet of land and is located in Residence District A. My client acquired title to Lots 99 and 100 in a deed from Catherine N. Taft recorded at the Norfolk County Registry of Deeds on January 31, 2020 at Book 37568, Page 241. The deed makes reference to a recorded plan located in the Norfolk County Registry of Deeds as Plan of Lincoln Hillside, Cohasset, Mass 1901, W.B. Foster, C.E. ("Foster Plan") in Plan Book 31, Page 1436. Lot 99 contains 8,017 SF of land more or less and Lot 100 contains 8,017 SF of land more or less. Each lot contains 60 feet of frontage upon Oak Street, with Lot 100 having a single family home upon it and Lot 99 being unimproved. See Foster Plan and plan prepared by Cavanaro Consulting "Plot Plan 35 Oak Street-Cohasset dated February 14, 2020, copies of which are annexed hereto.

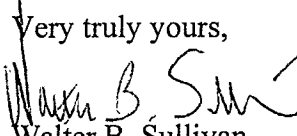
Pursuant to Cohasset ZBL § 8.3.2(c), which states that "...a lawful building may be constructed on a lot having less than the required area, width, depth, and/or frontage (provided that all other provisions of this by-law are complied with) if: (c) such lot was shown on a definitive subdivision plan duly approved by the Cohasset Planning Board and in conformity with the area, width, and frontage provisions of the zoning by-law applicable at the time of such approval to the construction of such a dwelling or other building on said lot."

Lot 99 was duly shown as is in a recorded plan in 1901, which precedes the Town's adoption of zoning. Consequently, my client requests that you confirm that Lot 99 is eligible for a building permit under Single Lot Exemption provisions of ZBL § 8.3.2(c). In additional support we submit therewith a copy of , my client's deed and the Zoning Board's decision for



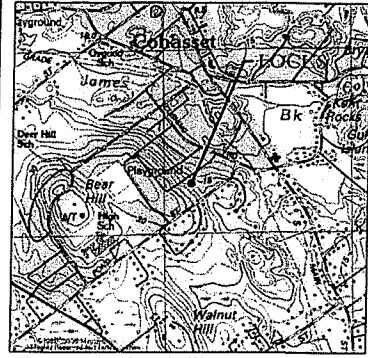
36 Oak Street where the Board found the Single Lot Exemption applied for a similar scenario under ZBL Section 8.3.2 (c)

Could you please confirm that Lot 99 is eligible for a building permit? Thank you.

Very truly yours,

Walter B. Sullivan

WBS: jeg
ENC.

Egan-niwida-baker 040320



LOCUS: 35 OAK STREET - COHASSET, MA

EXISTING CONDITIONS NOTE:
 THE PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE SITE CONDITIONS FOUND AT THE TIME OF FIELD SURVEY CONDUCTED BY CAVANARO CONSULTING, INC.
 CAVANARO CONSULTING, INC. HAS NOT PREPARED AND/OR PROVIDED ANY PERMIT PLANS FOR THIS PROJECT TO DATE. THE STATUS OF ANY OPEN PERMITS IS NOT KNOWN. THIS PLAN DOES NOT EXPRESS OR IMPLY COMPLIANCE WITH CURRENT ZONING BYLAWS AND/OR OTHER REGULATORY AGENCY THRESHOLDS.



DATUM:

ELEVATIONS SHOWN HEREON REFERENCE AN ASSUMED VERTICAL DATUM.

EDMA:

LOCUS LIES IN F.I.R.M. ZONE X AS SHOWN ON COMMUNITY PANEL NO. 25021C0256E DATED JULY 17, 2012.

OWNER OF RECORD:

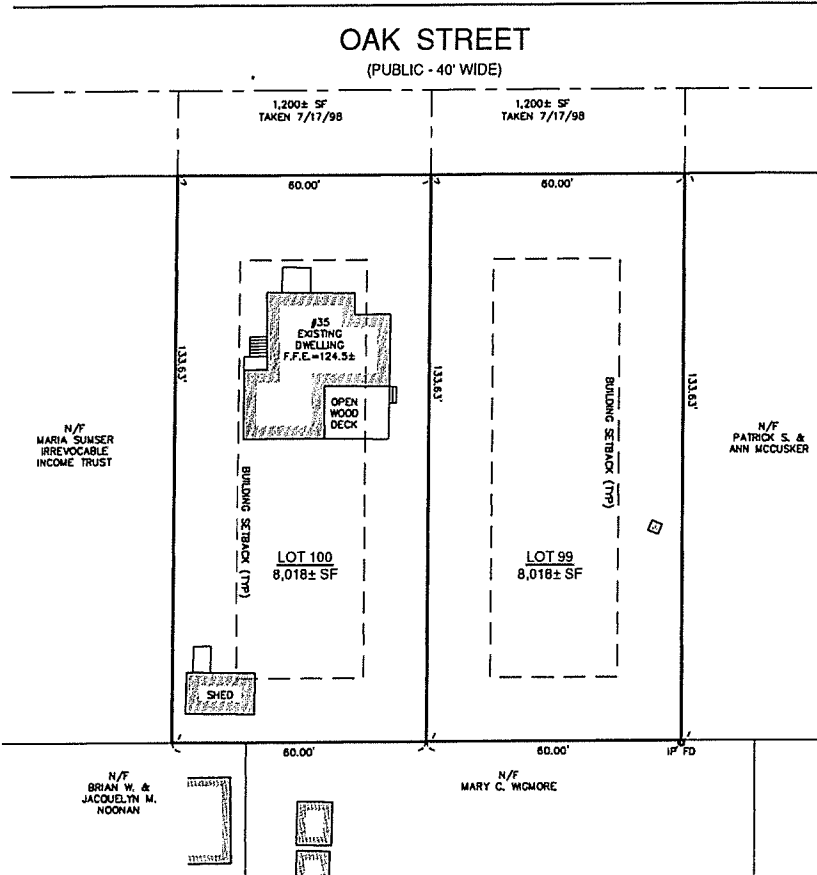
NIWDA, LLC
 72 SHARP STREET, SUITE A5
 HINGHAM, MA 02043
 ASSESSOR'S PARCEL: #38-112
 DEED BOOK: 37568, PAGE: 241
 PLAN BOOK: 31, PAGE: 1435

UTILITIES:

UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED UPON VISIBLE ABOVE GROUND UTILITIES AND RECORD INFORMATION OF BELOW GROUND UTILITIES AND ARE APPROXIMATE ONLY. CONTRACTOR IS RESPONSIBLE FOR TAKING ALL NECESSARY PRECAUTIONS BEFORE BEGINNING ANY EXCAVATION. (DIGSAFE 1-800-322-4844)

SURVEY NOTES:

- ALL MONUMENTS SHOWN HEREON WERE FOUND AND FIELD LOCATED BY CAVANARO CONSULTING, INC. ON DECEMBER 3, 2019.
- NO KNOWN EASEMENTS AFFECT THE SUBJECT PROPERTY.
- SEWER CONNECTION SHOWN HEREON IS APPROXIMATE, TAKEN FROM AVAILABLE RECORD INFORMATION AT THE TOWN OF COHASSET. WATER CONNECTION LOCATION IS NOT KNOWN AT THIS TIME; ADDITIONAL RESEARCH WILL BE REQUIRED.
- REFERENCE COHASSET ZBA DECISION FOR 36 OAK STREET, DATED 4/14/2017 AND FILED IN NORFOLK COUNTY REGISTRY OF DEEDS BOOK 35096, PAGE 301.



ZONING REQUIREMENTS
 RESIDENCE DISTRICT "A"

AREA	18,000 SF
FRONTAGE	50 FEET
LOT WIDTH	100 FEET
LOT COVERAGE	30%
BUILDING COVERAGE	20%*
BUILDING HEIGHT	35 FEET
MINIMUM YARDS:	
FRONT	20 FEET**
SIDE	15 FEET***
REAR	15 FEET***

* THE MAX. BLDG. COVERAGE SHALL NOT EXCEED 25% OF THE ACTUAL LOT AREA OR 1,800 SF, WHICHEVER IS LESS, IN THE EVENT THE SUBJECT LOT IS A LAWFUL, PREEXISTING, NONCONFORMING LOT CONTAINING LESS THAN 18,000 SF.

** AN EXCEPTION FROM SETBACK REQUIREMENTS MAY BE MADE FOR A BUILDING CONSTRUCTED AS NEAR TO THE LINE OF ANY STREET AS THE AVERAGE OF THE SETBACKS OF THE DWELLINGS OR OTHER MAIN BUILDINGS NEAREST THERETO ON EITHER SIDE OF THE BUILDING IN QUESTION, UNLESS SUCH SIDE BUILDING IS MORE THAN 200 FEET FROM THE BUILDING IN QUESTION.

*** PERMITTED ACCESSORY BUILDING MAY BE CONSTRUCTED NO CLOSER THAN 3 FEET TO THE SIDE LINES AND/OR REAR LINES OF ITS LOT IF LESS THAN 15 FEET IN HEIGHT AND 75 FEET IN SETBACK. PORTION OF MAIN BUILDING LESS THAN 15 FEET IN HEIGHT MAY EXTEND NO CLOSER THAN 10 FEET TO THE SIDE LINES OF ITS LOT.

ALL YARD LOCATIONS TO BE CONFIRMED WITH BUILDING INSPECTOR PRIOR TO COMPLETION OF FINAL PERMIT PLANS.



SCALE: 1" = 20'



PLOT PLAN
 35 OAK STREET - COHASSET

PREPARED FOR:
 NIWDA, LLC - ANNMARIE BAKER
 11 STRATFORD TERRACE
 COHASSET, MA 02025

CAVANARO CONSULTING

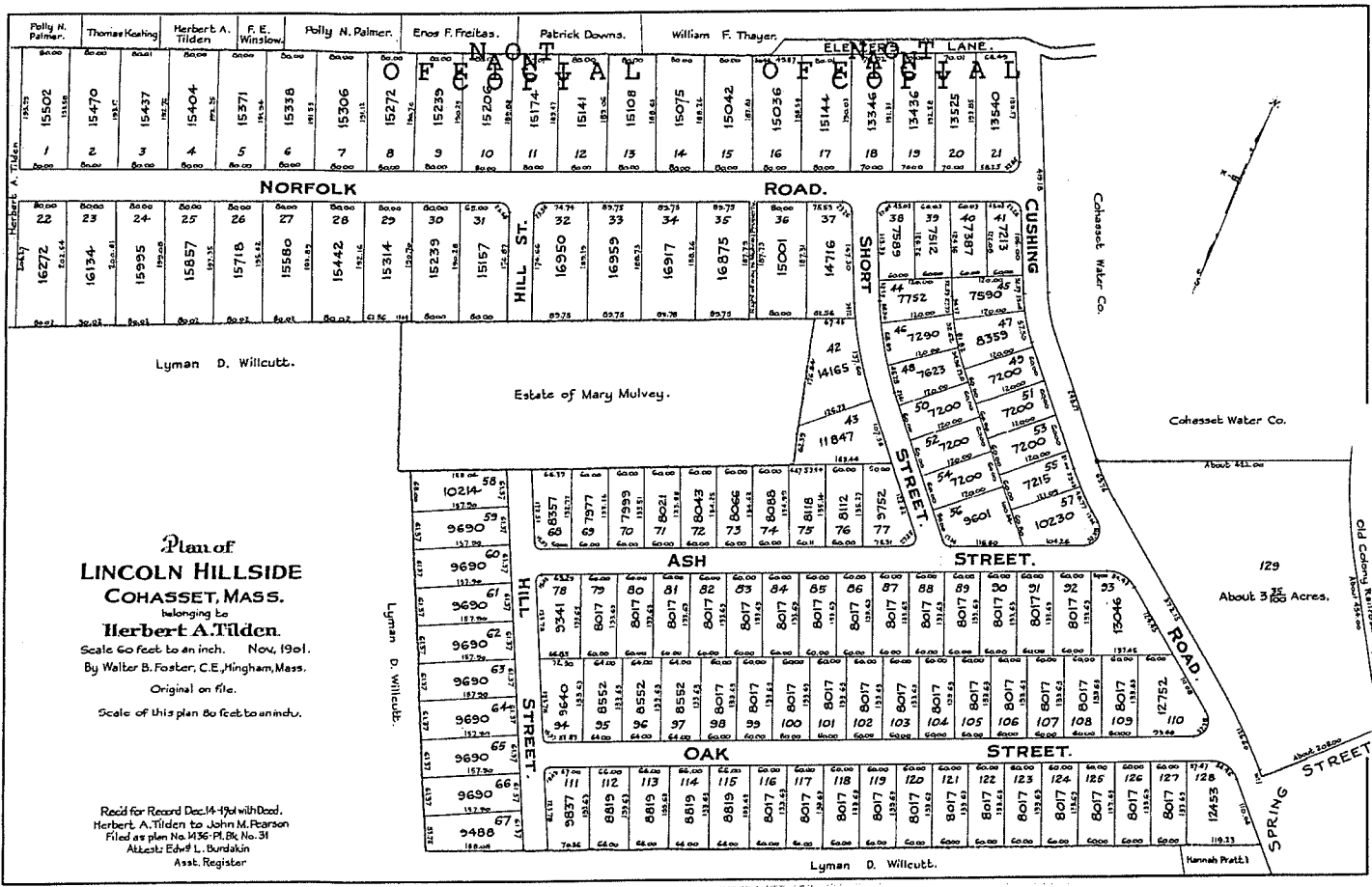
687 MAIN STREET
 P.O. BOX 5175
 NORWELL, MASSACHUSETTS 02061
 PHONE: 781.659.8187
 FAX: 781.659.8186



PL

DRAWING NO.

SCALE : AS SHOWN	DESIGNED BY : -	PROJECT NO. : 19197
DATE : 2/14/2020	DRAWN BY : JLR	FILENAME: 25-PROJECTS\2019\19197\PLDWG.dwg
SURVEY : JLR	CHECKED BY : DB	SHEET NO. 1 OF 1



**Plan of
LINCOLN HILLSIDE
COHASSET, MASS.
belonging to
Herbert A. Tilden.**

Scale 60 feet to an inch. Nov. 1901.
By Walter B. Foster, C.E., Hingham, Mass.
Original on file.
Scale of this plan 80 feet to an inch.

Rec'd for Record Dec. 14-1901 with Deed,
Herbert A. Tilden to John M. Pearson
Filed as plan No. 1436-Pl. Bk. No. 31
Attest: Edw. L. Dundakin
Asst. Register

Lyman D. Willcutt.

NOT RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
OFFICIAL COPY



BN 05096 P9301 #39645
05-09-2017 @ 12:00p

OFFICIAL COPY

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

TOWN OF COHASSET
ZONING BOARD OF APPEALS
Cohasset, MA 02025
(781-383-4105)

COPY OF DECISION GRANTING VARIANCE OR SPECIAL PERMIT (to be recorded by land owner in person at the Norfolk County Registry of Deeds)

James P. Notice is hereby given that a variance or special permit has been granted to & Kristin M. Rosebach of 36 Oak Street

By the Town of Cohasset Board of Appeals affecting the rights of the owner with respect to premises at the record title to which premises stands in the name of James P. & Kristin M. Rosebach address is 36 Oak Street by reason of a deed recorded in the Norfolk County Registry of Deeds in book 33486 at page 316 or registered in the Norfolk Registry of District Land Court. Certificate No. (book page).

All statutory requirements for the issuance of that variance or special permit have been met, and a true copy of the Board's decision is attached.

Copies of the decision of the Board (including all plans referred to therein) have been filed with the Planning Board and are also on file with the papers in Case No. 17.03.09 in the office of the Town Clerk in Cohasset.

Certified this 14th day of April 2017

ZONING BOARD OF APPEALS

Chrissie Dahlstrom

Chrissie Dahlstrom
Assistant Clerk, Zoning Board of Appeals

I hereby certify that twenty (20) or more days have elapsed since the filing of the within decision and no appeal has been filed.

Cohasset May 5 20 17

Beth Anderson Asst.
Town Clerk



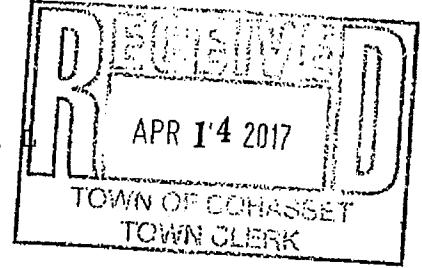
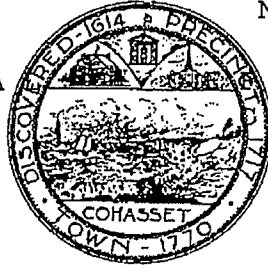
20 at o'clock and minutes M.

Received for record and entered with Norfolk District Registry of Deeds.
Dedham, Massachusetts, Book Page

ATTEST: _____
Registry of Deeds

ZBA/FORM C - Deed Amendment (To be recorded with Registry of Deeds, Dedham, MA, before applying for Building Permit)
Updated - June 2009

NOT AN OFFICIAL COPY NOT AN OFFICIAL COPY



**TOWN OF COHASSET
ZONING BOARD OF APPEALS**

#17-03-09
36 Oak Street, Lot 118
James P. and Kristin M. Rosebach, Applicants

A public hearing was held at 7:30 p.m. in the Cohasset Town Hall on April 4, 2017, pursuant to notices published in the *Cohasset Mariner* on March 17th and March 24, 2017. Sitting as the Zoning Board of Appeals were S. Woodworth Chittick (Chairman), Charles Higginson, Ben Lacy, Matthew Watkins, and David McMorris. The Applicants appeal from a denial of a building permit, pursuant to Massachusetts General Laws, Chapter 40A, Section 8.

The property which is the subject of this petition is located in Residence District A, and its deed is recorded at the Norfolk County Registry of Deeds in Book 33486 on page 131. A description of the property may also be found on Assessors' map #38 as plot 131. The application was accompanied by a copy of a Plan recorded at Book 31, Page 1436 at the Norfolk County Registry of Deeds (the 1901 Record Plan, and a copy of a letter from the Building Inspector dated February 13, 2017, denying a Building Permit pending a determination by the Zoning Board of Appeals as to whether the lot in question qualifies as a legal lot under the Single Lot Exemption provisions of our Bylaw, Section 8.3.2.

Documents Submitted

In addition to the Application and Plan listed above, the applicant also submitted a letter dated April 5, 2016, addressed to Robert Egan, Building Inspector, and attaching the 1901 Record Plan, a deed of Lots 117 and 118 dated January 2, 1935, a deed of Lots 117 and 118 dated November 14, 1983, a deed of Lots 117 and 118 dated September 16, 2015 (the current deed), an Order of Taking of a portion of Oak Street, and an Oak Street Taking Plan dated July 17, 1998, and a Plot Plan dated February 25, 2016. Mr. DeLisi also provided the Board with a copy of a Land Court case, Backus v. Sevrens.

April 4, 2017 Hearing

The property owners were represented by attorney Jeffrey A. DeLisi. Mr. DeLisi explained that the lot in question is shown as Lot 118 on each of the plans submitted at the hearing. The applicants James and Kristin Rosebach own Lots 117 and 118, adjoining lots in common ownership. The Rosebach's home is sited on Lot 117, and they seek a Declaration that Lot 118 qualifies as a buildable lot pursuant to our Single Lot Exemption set forth in Section 8.3.2.

Section 8.3.2 grants "grandfathering" status to lots legally laid out and recorded prior to the date of zoning regulations, if those regulations would otherwise render the lot undersized and unbuildable. Section 8.3.2(c) provides such status if the lot "was, on said effective date, held in ownership separate from that of adjoining land, or if held in ownership the same as that of adjoining land, had an area of not less than: a. 9000 square feet in R-A district..."

Lot 118, like at least 38 other lots on Oak and Ash Streets, has 8017 square feet. Each of these lots, if separately owned, is a legally buildable lot under Section 8.3.2, and most are developed. However, because lot 118 is less than 9000 square feet, and is held in common ownership with the adjoining lot, it does not appear to enjoy the single lot exemption under Section 8.3.2.

However, Mr. DeLisi argues that until November 10, 1998, Oak Street was a private way. Massachusetts' Derelict Fee Statute provides that the owner of a lot abutting a private way has ownership along his lot lines to the center line of the private way. This statute effectively adds 1200 square feet to Lot 118, bringing the total to 9217 square feet. Because this lot has adjoined the private way since at least 1901, and is shown on the 1901 record plan, this additional square footage brings this lot within the grandfathering protections of 8.3.2(c).

If the history of this lot ended at this point, our task would be simple, as the bylaw grants a 9000+ square foot lot buildable status. But, as Mr. DeLisi points out, the history did not end there.

On November 10, 1998, the Town of Cohasset took Oak Street to establish a public way. The taking clearly states that 1200 square feet of Lot 118 is being taken from its then owners without compensation. Lot 118 is then left with 8017 square feet, and does not fit within the strictures of 8.3.2(c).

Neighbor Mary Brennock of 35 Oak Street and her daughter Katherine Taft addressed the Board. Some concern was expressed regarding the density of the neighborhood, and about advice they had received regarding their own property.

The issues before the Board are:

- whether the lot was a preexisting non-conforming lot containing 9217 square feet and therefore buildable under Section 8.3.2(c) prior to the taking in November 1998
- whether the lot contained 8017 square feet, and was therefore unbuildable under Section 8.7.2(c)

home-grown knowledge of the Town's intentions in applying its bylaws. The Board, taking all the available evidence into consideration, finds that the Town did not intend to revoke the grandfathered status of Lot 118 as a result of the taking, and reaches a conclusion that the lot retains its grandfathered status under our Single Lot Exemption consistently with the intent of our bylaw.

O F F I C I A L O F F I C I A L
C O P Y C O P Y

Decision

Board members S. Woodworth Chittick (Chairman), Charles Higginson, and David McMorris voted unanimously as follows:

Lot 118 qualifies under the Single Lot Exemption provision of Section 8.3.2 of the Cohasset Zoning Bylaw, and a Building Permit may be issued for that lot, otherwise subject to all applicable provisions of the bylaw. The Applicants' appeal of the Building Inspector's denial of February 13, 2017 is upheld.

Appeals, if any, shall be made pursuant to Section 17 of Chapter 40A of the General Laws, as inserted by Chapter 808 of the Acts of 1975, and shall be filed within twenty days after the date of filing of the decision in the office of the Town Clerk.

Copies of this decision have been filed with the Town Clerk and the Planning Board.

4/14/2017
April 14, 2017

Chrissie Dahlstrom
Chrissie Dahlstrom, Assistant Clerk
Zoning Board of Appeals

A TRUE COPY, ATTEST:

Carol L. St. Pierre
TOWN CLERK

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

Bk 35541 Pg 30 #101164
10-24-2017 @ 11:41a

CERTIFY N O T
A N
WILLIAM P. O'DONNELL, REGISTER
C O P Y

N O T
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O F F I C I A L
C O P Y

CONFIRMATORY DEED

MARY M. BRENNOCK as Trustee of 35 OAK STREET REALTY TRUST under Declaration of Trust dated January 17, 2001, recorded with Norfolk County Registry of Deeds in Book 14702, Page 71, of 35 Oak Street, Cohasset, Massachusetts

for consideration of One (\$1.00) Dollar, paid

grant to CATHERINE N. TAFT, individually
of 353 West Washington Street, Hanson, MA 02341

with Quitclaim Covenants

Two parcels of land, with the buildings thereon, situated in Cohasset, Norfolk County, Massachusetts, being bounded and described as follows:

1. Being lot numbered 99 on a Plan of Lincoln Hillside, Cohasset, Mass. 1901, W.B. Foster, C.E. recorded with Norfolk Deeds Book 31, Plan 1436, bounded southeasterly by Oak Street sixty (60) feet; southwesterly by lot numbered 98 on said plan, one hundred thirty three and 63/100 (133.63) feet; northwesterly by lots numbered 83 and 84 on said plan, sixty (60) feet and northeasterly by lot numbered 100 on said plan, one hundred thirty three and 63/100 (133.63) feet. Containing 8017 square feet more or less.
2. Being lot numbered 100 on a "Plan of Lincoln Hillside, Cohasset 1901, Walter B. Foster, C.E." recorded with Norfolk Deeds, Plan Book 31, Plan 1436, bounded and described as follows: Southeasterly by Oak Street sixty (60) feet; southwesterly by lot numbered 99 on said plan, one hundred and thirty three and 63/100 (133.63) feet; northwesterly by lots numbered 84 and 85 on said plan, sixty (60) feet; northeasterly by lot numbered 101, on said plan, one hundred and thirty three and 63/100 (133.63) feet. Containing eight thousand and seventeen (8017) square feet of land, more or less.

This deed is to confirm and correct the deeds to the grantee herein dated December 12, 2003, recorded in Norfolk Registry of Deeds Book 21131, Page 370 and dated June 21, 2010, recorded in Norfolk Registry of Deeds Book 27758, Page 515 wherein the grantor trust was incorrectly identified

PROPERTY ADDRESS: 35 Oak Street, Cohasset MA

Said premises are conveyed subject to and together with the benefit of easements, reservations and restrictions of record insofar as the same are now in force and applicable, including the reservations contained in deeds recorded in Book 14702, Page 75 and Book 15289, Page 515.

C O P Y

For grantor's title see deeds recorded in Norfolk Registry of Deeds Book 14702, Page 75 and Book 15289, Page 515.

Executed as a sealed instrument this 20th day of October, 2017

Mary M. Brennock
Mary M. Brennock, Trustee of
35 Oak Street Realty Trust

COMMONWEALTH OF MASSACHUSETTS

County of Norfolk

On this 20th day of October, 2017, before me, the undersigned notary public, personally appeared Mary M. Brennock, Trustee as aforesaid, proven to me through satisfactory evidence of identification, which was MADL, to be the person whose name is signed on the preceding or attached documents, and acknowledged to me that she signed it voluntarily for its stated purpose.

Catherine A. Duggan
Notary Public
Commission expires:



CATHERINE A. DUGGAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires December 7, 2023