

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
(781) 545-8716



Decision of the Scituate Zoning Board of Appeals on the request of Elaine A. Riddle to extend for a second time the Special Permit granted by this Board and filed with the Town Clerk on September 12, 2005 for her property located at 15 Torrey's Lane. The Special Permit so granted allowed the erection of a single family dwelling on a lot which has a width of less than one hundred feet at any point between the frontage street or way and the nearest part of the dwelling erected or to be erected on said lot, but which has a width of at least fifty feet at every point between the frontage street or way and the nearest part of the dwelling to be erected on said lot under Section 610.2(B) and 1020.2(B) of the Scituate Bylaws. A copy of the decision, with the Town Clerk's certification of no appeal was recorded with the Plymouth County Registry of Deeds on October 4, 2005 in Book 31465 Page 1. The Board extended the Special permit to July 19, 2009 which decision with the Town Clerk's certification of no appeal was recorded with the Plymouth County Registry of Deeds in Book 35108 Page 112.

The request by received by the Board and discussed at the Board's scheduled public hearing on June 18, 2009 with the following members of the Zoning Board of Appeals hearing the request:

Sara J. Trezise, Acting Chairperson
John Hallin
Edward C. Tibbetts

Attorney Michael C. Hayes represented Elaine A. Riddle before the Board and explained to the Board that despite the approval of the Special Permit in 2005 and the extension granted in 2007, Ms. Riddle had yet to construct the single family dwelling upon the premises, which is described as Lot 2 in the original decision. The family health issues which were the basis of the request to extend the Special Permit in 2007 unfortunately remain and Ms. Riddle will be unable to construct her home in Scituate and must reluctantly sell the property.

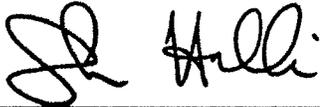
The Board discussed that while the state zoning enabling statute limits the extension of variance to a six-month extension, the Board has more discretion in Special Permit extension requests. Chapter 40A Section 9 states that a special permit shall lapse in two years if substantial use thereof has not commenced, except for good cause. The Board finds that good cause for an extension has been shown.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicant's request and hereby extends the Special Permit for two years until July 18, 2011.

ZONING BOARD OF APPEALS



Sara J. Trezise, Acting, Chairperson



John Hallin



Edward C. Tibbetts

Filed with the Town Clerk on: July 14, 2009.

This Special Permit/Finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County 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 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.