

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 Appeal of Dennis Leary of 4 Lighthouse Road, Scituate of a finding and decision of Mr. Neil Duggan, the Zoning Enforcement Officer dated June 22, 2009 and filed with the Town Clerk on that date. Mr. Duggan made his finding in response to a request for enforcement from Maureen Hurley, Esquire, attorney for Dennis Leary dated June 15, 2009

The appeal was timely received, advertised, and a public meeting was duly held on September 17, 2009 with the following members of the Zoning Board of Appeals hearing the application:

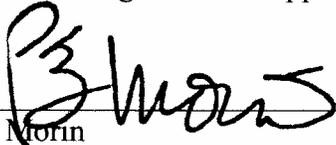
Mr. Peter Morin
Mr. Brian Sullivan
Ms. Sara Trezise

The property that is the subject of this hearing is located at 6 Lighthouse Road. The appellant is the owner of the residence abutting the subject property. At the hearing, evidence was presented to the Board by Attorney Hurley, on behalf of the Appellant, and by Mr. and Mrs. Daniel Hannigan, owners of the subject property.

Based upon all of the written submissions and the oral testimony of those at the hearing, the Board finds that there were insufficient bases presented by the Appellant to support his claim that the building inspector's denial of Appellants' request for enforcement was erroneous. Specifically (but not exclusively), the Board finds that the language of Section 620.4(C) referring to "required yard" does not refer to the yard or setback required by the dimensional provision of the zoning bylaw, but rather to that setback required by the zoning relief granted to the applicant on April 24, 2007.

We therefore DENY the Appeal from the decision of the Zoning Enforcement Officer.

Scituate Zoning Board of Appeals


Peter Morin


Brian Sullivan

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SCITUATE, MASS.

Page Two/6 Lighthouse Road

A handwritten signature in black ink, appearing to read "Sara Trezise", written over a horizontal line.

Sara Trezise

Filed with the Town Clerk on October 1, 2009.

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.