

Town of Scituate

ZONING BOARD OF APPEALS

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FILED 7/11/2011

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



Decision of the Scituate Zoning Board of Appeals on the request of Diamond Development Realty Trust of Duxbury, Massachusetts 02331 (hereinafter referred to as the "Applicant") for a determination that the finding under MGL 40A § 6 and a special permit to allow the reconstruction of the pre-existing nonconforming single family dwelling known as and numbered 102 Scituate Avenue, Scituate Massachusetts which was filed with the Town Clerk on October 19, 2009 and a copy of said finding and special permit, with the Town Clerk's certification of no appeal dated July 11, 2011 and recorded with the Plymouth County Registry of Deeds on July 12, 2011 in Book 40112 Page 114 and the Flood Plain & Watershed Protection District Special Permit granted by the Scituate Planning Board which was filed with the Town Clerk on November 16, 2009, and a copy of said Planning Board Special Permit with the Town Clerk's certification on no appeal dated July 11, 2011 and recorded with the Plymouth County Registry of Deeds in Book 40112 Page 109 are, pursuant to Section 173 of Chapter 240 of the acts of 2010, the Permit Extension Act, both valid permits and in full force and effect.

The request was received and discussed at a public hearing duly held on August 18, 2011 with the following members of the Zoning Board of Appeals hearing the request:

Peter Morin, Chairman
Sara J. Trezise
John Hallin

This Board has previously determined that a finding by the Board under MGL c. 40A § 6 and special permits granted by the Board that were valid between August 15, 2008 and August 15, 2010 are extended by virtue of Section 173 of Chapter 240 of the acts of 2010, the Permit Extension Act, and that no specific request to or determination by this Board are required to so extend said findings or special permits.

The Board of Appeals, by virtue of the revised Zoning Bylaws of the Town of Scituate, approved by the 2010 annual Town Meeting, is now the granting authority for Flood Plain & Watershed Protection District Special Permits.

The Flood Plain Special Permit referred to above is also likewise extended by virtue of the Permit Extension Act. Said decision, however, contained a condition (Condition 7) that stated the granted special permit "shall be void if it is not recorded at the Registry of Deeds within 60 days of the date of the filing with the Scituate Town Clerk. The Applicant shall provide proof of this recording to the Planning Board."

The question before the Board is whether this interim time frame of recording within 60 days contained in said special permit is likewise extended for two years by the Permit Extension Act.

The Board therefore determines that interim time frames, specifically Condition 7 of the Flood Plain Special permit referred to above are likewise extended for two years by virtue of the Permit Extension Act. Said special permit is not void so long as said special permit is recorded with the Registry of Deeds within two years and 60 days of the date of the filing with the Scituate Town Clerk. The Flood Plain & Watershed Protection District Special Permit, filed with the Town on November 16, 2009 was recorded within said time frame on July 12, 2011.

For the foregoing reasons, the Board unanimously voted as follows:

1. The Section 6 Finding and Special Permit granted by the Board of Appeals and filed with the Town Clerk on October 19, 2009 is extended by the Permit Extension Act to October 19, 2013; and
2. That time frame to record the Flood Plain & Watershed Protection District Special Permit was extended by the Permit Extension Act to January 16, 2012 and said permit was validly recorded on July 12, 2011; and
3. The Flood Plain & Watershed Protection District Special Permit filed with the Town Clerk on November 16, 2009 is extended by the Permit Extension Act to November 16, 2013.

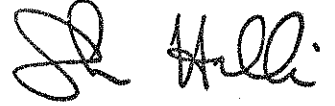
ZONING BOARD OF APPEALS



Peter Morin, Chairman



Sara J. Trezise



John Hallin

Filed with the Town Clerk on: August 23, 2011.

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.