



Decision of the Scituate Zoning Board of Appeals on the request of Peter L. Hanlon and Shirley A. Hanlon of 5 Parker Avenue, Scituate, Massachusetts 02066 to extend the finding under MGL 40A § 6 and the Special Permit granted by this Board allowing an addition to the rear of their dwelling, which addition will connect to their existing garage located at 5 Parker Avenue, Scituate, Massachusetts. The finding and Special Permit so granted was filed with the Town Clerk on April 1, 2008, and a copy of same with the Town Clerk's certification of no appeal was recorded with the Plymouth County Registry of Deeds in Book 35881 Page 338.

The application was received by the Board and discussed at the Board's scheduled public hearing on February 18, 2010 with the following members of the Zoning Board of Appeals hearing the application:

Peter Morin, Chairman
Sara J. Trezise
John Hallin

Attorney Michael C. Hayes represented Peter L. Hanlon and Shirley A. Hanlon before the Board and explained that despite the project's approval, the Hanlons had yet to secure financing for the work. It remains their intent and desire to do the proposed work and retire and live in their renovated home.

The Board discussed that while the state zoning enabling statute limits the extension of a 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, especially in the current economic climate, that good cause for an extension has been shown.


No one in attendance at the Public Hearing spoke in opposition to the extension.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicants' request and hereby extends the finding and Special permit for two years until March 28, 2012.


Peter Morin, Chairman

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Second Page/5 Parker Avenue



John Harlin



Sara J. Trezise

Filed with the Town Clerk on: March 1, 2010.

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 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.