



Decision of the Scituate Zoning Board of Appeals ("the Board") on the application of the Roman Catholic Archdiocese of Boston c/o St. Mary of the Nativity Parish ("the Applicant") for a Finding under Massachusetts General Law (MGL) Chapter 40A Section 6 that the land uses at St. Mary of the Nativity Parish Cemetery, Meetinghouse Lane and Stockbridge Road (hereinafter referred to as "subject property") are pre-existing non-conforming and that the proposed expansion of cemetery use is permissible in that the proposed expansion will not be substantially more detrimental to the neighborhood than the pre-existing non-conformities.

The application was received, advertised and a public hearing was duly held on April 17, 2008 with the following members of the Board hearing the application:

Albert G. Bangert, Chairman
Brian B. Sullivan
Sara J. Trezise

Francis L. Colpoys, Jr., Esq., of 1020 Plain Street, Suite 250, Marshfield, Massachusetts and John C. Chessia, P.E., of P.O. Box 724, Norwell, Massachusetts, represented the Applicant at the hearing.

At the time of the application, title to the subject property was in the name of the Roman Catholic Archdiocese of Boston and is shown on the Town of Scituate Assessor's Plan, Map 55, Block 3, Parcel 15. The subject property is located in the A-2 Residential District. The subject property consists of approximately 4.92 acres of land. It is utilized exclusively as a cemetery for burial of human remains. In addition to the developed graves on a portion of the property, there is a small storage shed and a dumpster. There are no permanent structures on the subject property.

The Board made the determination that the uses of the subject property were in existence prior to the establishment of the restrictions on uses in the A-2 District (SZB Section 420) and therefore, enjoys pre-existing, non-conforming status and the protections afforded by MGL 40A Section 6. The Board further determined that the proposed expansion of the cemetery use as shown on the plan by Chessia Consulting Services, LLC dated March 20, 2008, is permissible based on the Board's finding that the proposed expansion will not be substantially more detrimental to the neighborhood than the pre-existing non-conformities.

THEREFORE, the Board unanimously voted to GRANT the Applicant a Finding under MGL Chapter 40A Section 6 that the proposal to expand the cemetery located at Meetinghouse Lane and Stockbridge Road, Scituate, Massachusetts is not substantially more detrimental or injurious to persons, property or improvements in the vicinity. Accordingly, the Board determines that the Applicant may expand said cemetery provided that it is constructed as proposed at the hearing.

ZONING BOARD OF APPEALS



Albert G. Bangert, Chairman



Brian B. Sullivan



Sara J. Trezise

Filed with the Town Clerk on: June 18, 2008

This Finding 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.