

Town of Scituate

OFFICE OF BUILDING COMMISSIONER
ZONING ENFORCEMENT OFFICER

600 Chief Justice Cushing Hwy.
Scituate, Massachusetts 02066
(781) 545-8716



Decision of the Scituate Zoning Board of Appeals on the application of J. Stephen Bjorklund, 861 Main Street, Norwell, MA 02061, for a Special Permit/Finding in accordance with G.L.c. 40A, §§ 6 and 810.1 of the Scituate Zoning Bylaw ("Bylaw") to allow the construction of a single-family home located at 141 Turner Road, Scituate, MA 02066 (Assessor's Map 40, Block 1, Parcel 39).

This application was received, advertised, and the Board held a public hearing on November 16, 2023, and January 18, 2024, with the following members of the Zoning Board of Appeals hearing the application:

George Xixis, Chair
Justin M. Marks
Christopher Carchia

The current lot is vacant and non-conforming as to lot area having 3,428 square feet where the Bylaw requires a minimum of 10,000 square feet, and lot frontage with 37.6 feet where the Bylaw requires a minimum of 100 feet. The lot was previously improved with a single-family home that was damaged during the Blizzard of 1978 and voluntarily torn down in 1980. The lot has been vacant since 1980.

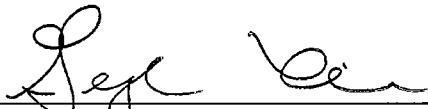
Section 810.1 of the Bylaw provides protection for nonconforming uses or structures existing as of the Bylaw's effective date, "unless or until abandoned or not used for a period of four years or more, except that this time limit may be waived by the Zoning Board of Appeals by means of a special permit and/or finding."

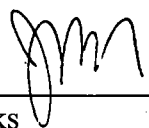
After hearing testimony from the applicant, the Board voted unanimously to deny the requested special permit/finding. In doing so the Board found:


1. The lot has been vacant since 1980, a period of approximately 44 years.
2. The preexisting, nonconforming structure, a single-family home, was demolished and abandoned in 1980.
3. The lot was vacant at the time the Town adopted § 810.1's current text and, as a result, is not eligible for a waiver of the time limitation applicable to an abandoned nonconforming use.

4. Good cause does not exist for the grant of such a waiver if the lot were eligible for receipt of the same.

SCITUATE ZONING BOARD OF APPEALS


George Xixis, Chair


Justin Marks


Christopher Carchia

Filed with the Town Clerk on: 3.25.2024

Appeal of any decision of the Zoning Board of Appeals may be made pursuant to G.L. c. 40A, § 17, and shall be filed within twenty (20) days of the date of the filing of the decision with the Town Clerk.