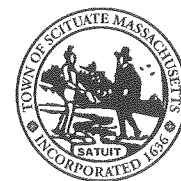


Town of Scituate

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 application of Theresa Nielsen of 106 Stockbridge Rd., Scituate, MA 02066 (hereinafter the "Applicant") through her representative, Attorney Frank Middleton, Jr. 80 Washington St., Suite C-20, Norwell, MA 02061 (hereinafter the "Applicant's Representative"). The Applicant asserted the use of the property occupied by Go Green Landscape Supply, Inc., (hereinafter "Go Green") at 161 Driftway, Scituate was impermissible under Scituate Zoning By-Laws. The Applicant sought zoning enforcement by the Zoning Enforcement Officer requesting that he issue a cease and desist order for the "unpermitted use of the property" by Go Green. ZEO Robert Vogel denied the request. The Applicant appealed the denial of her request for enforcement.

The appeal was received, advertised, and a public hearing was duly held on December 21, 2017 with the following members of the Zoning Board of Appeals hearing the appeal:

Sara Trezise, Acting Chair
Edward Tibbets
Anthony Bucherre

The property which is the subject of the enforcement request is located at 161 Driftway. The Applicant, Theresa Nielsen lives at 106 Stockbridge Road. The properties do not abut each other and in fact are a minimum of one to one and a half miles apart from each other.

In April of 2009 the Town of Scituate entered into a long-term lease with Go Green for the operation of a commercial yard waste processing facility and related activities which is available to town residents, free of charge.

Theresa Nielsen and her son operate a similar composting business at 106 Stockbridge Road. The owner of Go Green, Timothy Lopes, was once involved in the Nielsen operation. However, the business relationship between the parties suffered a breakdown and the parties thereafter became competitors. The Applicant and Mr. Lopes have been involved in multiple incidents which have involved and have been documented by the Scituate Police, copies of which were submitted to the file and are a part of the record.

After hearing, the Board determined that Theresa Nielsen did not have standing to bring the request for enforcement. Nielsen is not an abutter to the Go Green operation. Neither she nor her representative were able to articulate that she had shown any infringement of her legal rights. She failed to demonstrate any plausible claim of a violation of a private right, a private property interest or a private legal interest or injury. Upon motion which was allowed unanimously, the Board voted that the Applicant lacked standing.

Furthermore, upon consideration of the merits of the claim, the Board was in full support of the Zoning Enforcement Officer, whose position was articulated in his correspondence of October 25, 2017 to the Applicant's representative in response to the request for enforcement.

Because the Board has found, first that the Applicant is not a "person aggrieved" by the Building Commissioner's refusal to issue a stop work order and second, that the use of the property is not "unpermitted", the Board herein unanimously denied the Applicant's appeal and voted to support the Zoning Enforcement officers' denial of the request for enforcement.

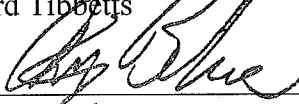
SCITUATE ZONING BOARD OF APPEALS



Sara Trezise



Edward Tibbetts



Anthony Bucherre

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TOWN OF SCITUATE
TOWN CLERK

Filed with the Town Clerk and the Planning Board on: February 20, 2018

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.