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ZONING BOARD OF APPEALS MINUTES

August 24, 2011

The Lunenburg Zoning Board of Appeals held a public hearing on Wednesday, August 24, 2011 at 7:00 PM. The hearing was held at the Lunenburg Town Hall, 2nd Floor Conference Room, 17 Main Street, Lunenburg, MA.

The petitioner Christopher J. Iosua, 12 Town Street, Lunenburg, MA 01462 was filing as a person aggrieved by the decision of the Building Official. The applicant was seeking approval to construct an accessory housing unit on an existing two-family home. The property is located at 12 Town Street, Lunenburg, MA 01462.

Board Members present: Donald F. Bowen, Chairman, Raymond Beal, Alfred Gravelle, Sheila Lumi, and Paul Doherty. Present and not voting: James Besarkarski.

Others Present:

Christopher Iosua, property owner.

7:05 PM The public hearing was opened and Chairman Donald Bowen introduced the Board members and explained the hearing procedure to the audience.

DISCUSSION

Lisa Normandin read the petition into the record. There was no public discussion. Donald Bowen reviewed the zoning by-law with respect to accessory housing. The by-law defines accessory housing for a single family home but not a duplex. Mr. Bowen indicated that he contacted town counsel and counsel reviewed the data and supported the fact that an accessory unit can be added to a duplex. Raymond Beal reviewed the petition, he felt that the filing was deficient in that it had no recorded plan of land, a building permit application was not attached and the plans did not include metes and bounds. He felt that while it was a large parcel of land that was high and dry it lacked exact dimensions and septic plans in the submission.

Donald Bowen indicated that there was specific criteria for an accessory housing unit, one of the items indicates that the new duplex unit attached to the accessory unit needs to be owner occupied. In addition the accessory unit as submitted does not meet the minimum requirement of twelve hundred square feet. Alfred Gravelle agreed with the comments of the Board however, he felt the only question in front of the Board was the matter of a person aggrieved by the Building Inspectors failure to issue a building permit for an accessory housing unit on a duplex. Mr. Iosua indicated that the accessory unit was not being used at this time and a new septic system is currently being installed at the property that would support three units.

James Besarkarski agreed that the paperwork filed by the petitioner was deficient and did not include the well or septic locations.

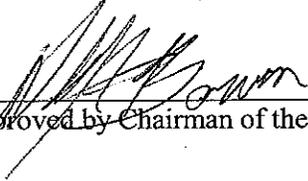
Alfred Gravelle reiterated the fact that the issue regarding the building plans and locations of well and septic are all things that are reviewed at the time of the building permit process. The only matter before the Board was the issue of an accessory unit on an existing duplex. The Board agreed with Mr. Gravelles' assessment and discussed it at length.

MOTION

After due deliberation Paul Doherty made a motion and specifically found that an accessory unit can be attached to a duplex. Sheila Lumi seconded the motion.

Hearing Adjourned at 8:20 P.M.

Minutes submitted by Lisa A. Normandin, Board Secretary

 9/14/2011
Approved by Chairman of the Board

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