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THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF LUNENBURG  
ZONING BOARD OF APPEALS

September 26, 2016

**Certificate of Granting a Special Permit for Dimensional Variation**

Special Permit for dimensional variation was granted to John Rabbitt, 314 Townsend Harbor Road, Lunenburg, MA affecting the rights of the owner with respect to land and buildings located at **314 Townsend Harbor Road, Lunenburg, MA 01462** under the Lunenburg Protective By-Law Sections 4.2.1.1.b) and 8.3.2.1. Recorded in Worcester Northern District Registry of Deeds, Book 6024, Page 316 and dated February 16, 2006 as described in plans submitted with the petition. Assessors Map 43-17

The petitioner was seeking a Special Permit for dimensional variation to create an accessory apartment within the existing footprint of the dwelling on a nonconforming size lot of 25,602 square feet; the by-law requires 40,000 square feet. The subject property is located at 314 Townsend Harbor Road, Lunenburg, MA.

The Board of Appeals of the Town of Lunenburg hereby certifies that a Special Permit for dimensional variation has been granted pursuant to Protective By-Law of the Town of Lunenburg.

Board Members present: Raymond Beal, Chairman, Alfred Gravelle, James Besarkarski, Paul Doherty and Sheila Lumi.

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said decision, and all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering.

**DISCUSSION**

Chairman Beal opened the public hearing and explained the meeting procedure to the audience. Lisa Normandin, Board Secretary read the application into the public record. A memo was read into the record from the Lunenburg Conservation Commission Agent Matthew Marro, he indicated that the Commission had no issues with the accessory unit as there is no expansion of the current footprint and that the property is not located within a wetland resource area.

A memo was also submitted from James Garreffo with the Nashoba Associated Board of Health stating that the "The current SDS is designed to handle the creation of an accessory apartment in the basement with the addition of a two compartment septic tank or two tanks in a series.

Mr. Rabbitt approached the Board and explained the need for the accessory unit to accommodate his mother who is a senior citizen. He indicated that when the home was originally constructed the basement level unit was built with a fully finished bath, laundry area and wide doors to accommodate wheel chairs and walkers. The basement was stubbed for water, power and radiant floor heating. He added that the septic system was designed and built to accommodate a five bedroom home and this unit will not exceed the required capacity. The home was constructed in this way to provide the basement apartment for the current owners as they became senior citizens.

Raymond Beal reviewed the sections of the by-law referenced in the application with the Board and indicated that all of the criteria had been met and there were no outstanding issues.

#### **MOTION**

After due deliberation Alfred Gravelle made a motion to grant the Special Permit for dimensional variation for the lot size as per the submitted plans based finding that the accessory apartment will not be substantially more detrimental to the neighborhood. James Besarkarski seconded the motion.

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said decision, and all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

#### **FINDINGS**

In granting a Special Permit, the Board of Appeals found that the proposed use:

- a. Will not be injurious or dangerous to the public health, or unduly hazardous because of traffic congestion, danger of fire or explosion, or other reasons.
- b. Will not have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood.
- c. Will be operated with reasonable regard for order and sightliness.
- d. Will not produce noise, vibration, smoke, dust, odor, heat or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent property.

The Special Permit is subject to a periodic review by the permit granting authority (Zoning Board) or the Enforcement Officer, to insure compliance with the enumerated conditions. Non-compliance to these conditions may result in revocation of this permit.

After closing the discussion, the Board acting in its capacity as the Special Permit Granting Authority, granted the Special Permit with the above members present and voting as follows with respect to the issuance of the Special Permit dimensional variation.

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**VOTE**

Raymond Beal voted in favor of granting the Special Permit.  
Alfred Gravelle voted in favor of granting the Special Permit.  
James Besarkarski voted in favor of granting the Special Permit  
Sheila Lumi voted in favor of granting the Special Permit.  
Paul Doherty voted in favor of granting the Special Permit.

In making this determination, the Board specifically found that the granting of this Special Permit would not contravene the purpose of the Protective Bylaws or the provisions of Chapter 40A of the Massachusetts General Laws.

Voted and executed,

Raymond E. Beal, Chairman  
Lunenburg Zoning Board of Appeals  
Special Permit Granting Authority

 9/26/16  
Raymond Beal, Chairman                      Date

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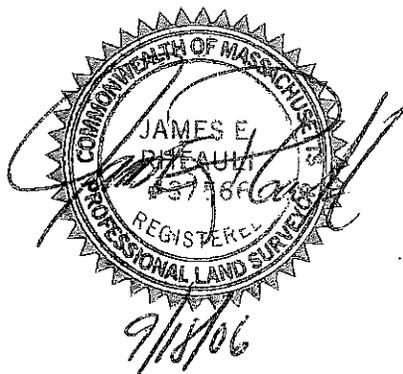
APPROXIMATE

Townsend Harbor Road

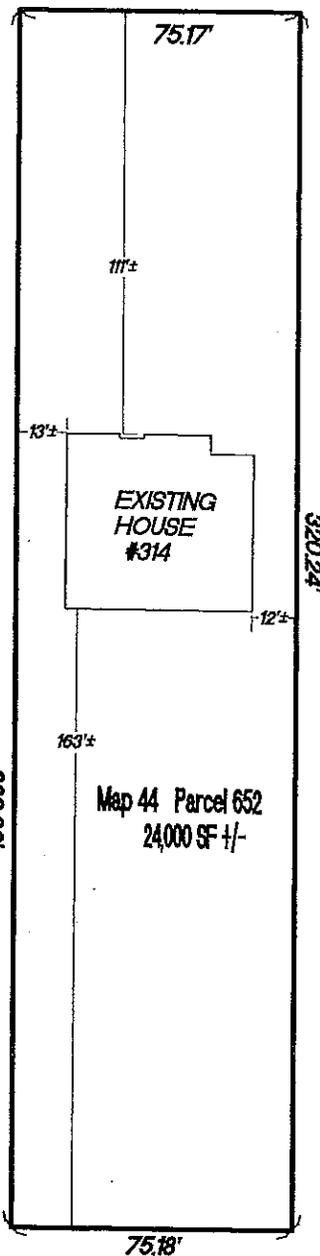
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SEP 20 2006  
By \_\_\_\_\_



IF STAMP IS NOT RED PLAN IS NOT VALID



NOTES:

1. THE SUBJECT PREMISES ARE GRAPHICALLY SITUATED IN THE R-A ZONING DISTRICT, WITH THE FOLLOWING MINIMUM DIMENSIONAL REQUIREMENTS:

MINIMUM LOT FRONTAGE:	100 FEET
MINIMUM LOT AREA:	40,000 S.F.
MINIMUM FRONT SETBACK:	40 FEET
MINIMUM SIDE SETBACK:	15 FEET
MINIMUM REAR SETBACK:	20 FEET
MINIMUM LOT WIDTH:	175 FEET THROUGH BUILDING (●)

2. THE SUBJECT PREMISES ARE NOT GRAPHICALLY SITUATED IN THE 100-YEAR FLOOD HAZARD ZONE, PER FLOOD INSURANCE RATE MAP 250315 0003 B DATED JUNE 15, 1982

3. DEED REFERENCE: JOHN T. RABBITT  
BOOK: 5605, PAGE: 26

4. DOES NOT MEET CURRENT ZONING REQUIREMENTS, SEE ZBA DECISION DATED 1-10-06.

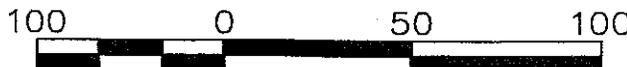
**BUILDING LOCATION PLAN**

IN LUNENBURG, MASS.

PREPARED FOR

**DAN PIERCE**

SEPTEMBER 18, 2006



WHITMAN & BINGHAM ASSOCIATES, LLC  
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS  
510 MECHANIC STREET - LEOMINSTER, MASSACHUSETTS 01453  
20 PEARSON BOULEVARD - GARDNER, MASSACHUSETTS 01440