

NOV 22 2016

LUNENBURG TOWN
CLERK OFFICE



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS

November 22, 2016

Certificate of Granting of Special Permit for Dimensional Variation

A Special Permit for Dimensional Variation was granted to Adam & Julie Ann Goodwin, 172 Leominster Road, Lunenburg, MA 01462, under the Lunenburg Protective Zoning By-Law Section 7.4.2. and 7.2.1.2. The petitioners were seeking a Special Permit for the purpose of demolishing an existing residential dwelling and constructing a new home at **172 Leominster Road, Lunenburg, MA 01462**. This structure is located on a nonconforming size lot of 36,815 square feet.

The Board of Appeals of the Town of Lunenburg hereby certifies that a Special Permit has been granted pursuant to the Protective Zoning By-Law of the Town of Lunenburg, Section 7.4.1. and 8.3.2.1.

Board Members present: Raymond Beal, Chairman, Alfred Gravelle, James Besarkarski, Paul Doherty and Sheila Lumi. Hans Wentrup and David Blatt were present but not voting.

Special Permit issued to Adam & Julie Ann Goodwin, 172 Leominster Road, Lunenburg, MA 01462, affecting the rights of the owner with respect to land and buildings **172 Leominster Road, Lunenburg, MA 01462**, Book 8596, Page 151, and dated July 6, 2016 as described in plans submitted with the petition. Assessors Map 80, Lot 53.

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; Lisa Normandin Board Secretary read the application into the public record. A memo received from the Board of Health Agent James Garreffi indicated that the new home must be connected to municipal sewer and water and the old septic system must be discontinued by a licensed installer.

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An email forwarded from Matthew Marro, Conservation Administrator indicated that this property may qualify as a local wetland and if confirmed the applicant will need to file for an Order of Conditions with the Conservation Commission. Mr. Beal felt that the Section cited in the application was incorrect and referring to the by-law and felt that 7.4.1 and 8.3.2.1 was more appropriate. A special permit for dimensional variation is required due to the lot size and Mr. Beal outlined the criteria that needed to be met to do so. Mr. Beal also advised the applicant that they would also be required to go to the Planning Board for approval on the plan as they are also proposing an accessory (in-law) unit in the new dwelling.

Mr. Goodwin explained that their desire was to construct a new home and garage and remove the existing dwelling. While they have made improvements over the years to the home he felt it was not economical to continue. Because of the fact they have young children and pets they wish to remain in the existing house to minimize the disruption of moving more than once and demolish the home when the new home is complete. He also said that the plan was to connect the new dwelling to municipal sewer and water. Alfred Gravelle asked what the current condition of the home was. Mr. Goodwin explained that the home is in fair/poor shape, the roof leaks and the insulation is substandard. The home has only one small bath and he explained that they have basically outgrown it; however they love the area and the property and wish to remain there for a long time. Paul Doherty conducted a site visit and agreed with that assessment.

Cindy Brewer an immediate abutter at 170 Leominster Road indicated that she has shared a driveway with the Goodwin's for twenty five years and are great neighbors; she said that it is a well-developed plan and that the Goodwin's have been planning this for a long time. Ms. Bremer is in favor of the new dwelling and removal of the former home and hoped that the Board would see their way in granting their request.

MOTION

After due deliberation James Besarkarski made a motion to grant the Special Permit as requested in accordance with the plans submitted and subsequently on file with the Zoning Board of Appeals, based on the finding that it would not be more detrimental to the neighborhood with the below condition. Sheila Lumi seconded the motion.

CONDITIONS

1. Demolition of existing dwelling must be executed upon issuance of the Certificate of Occupancy on the new home.

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, if an open use.
- 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.

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The Special Authorization is granted with the contingency that Adam & Julie Ann Goodwin comply with all licenses, regulations, statues and ordinances of any and all applicable state, local and federal board or agencies with jurisdiction over the premises.

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.

VOTE

Raymond Beal 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.

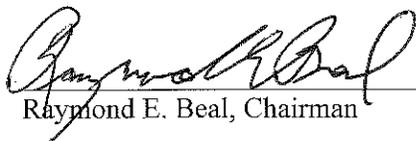
Alfred Gravelle voted in favor of granting the Special Permit.

James Besarkarski 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

Lunenburg Zoning Board of Appeals
Special Permit Granting Authority



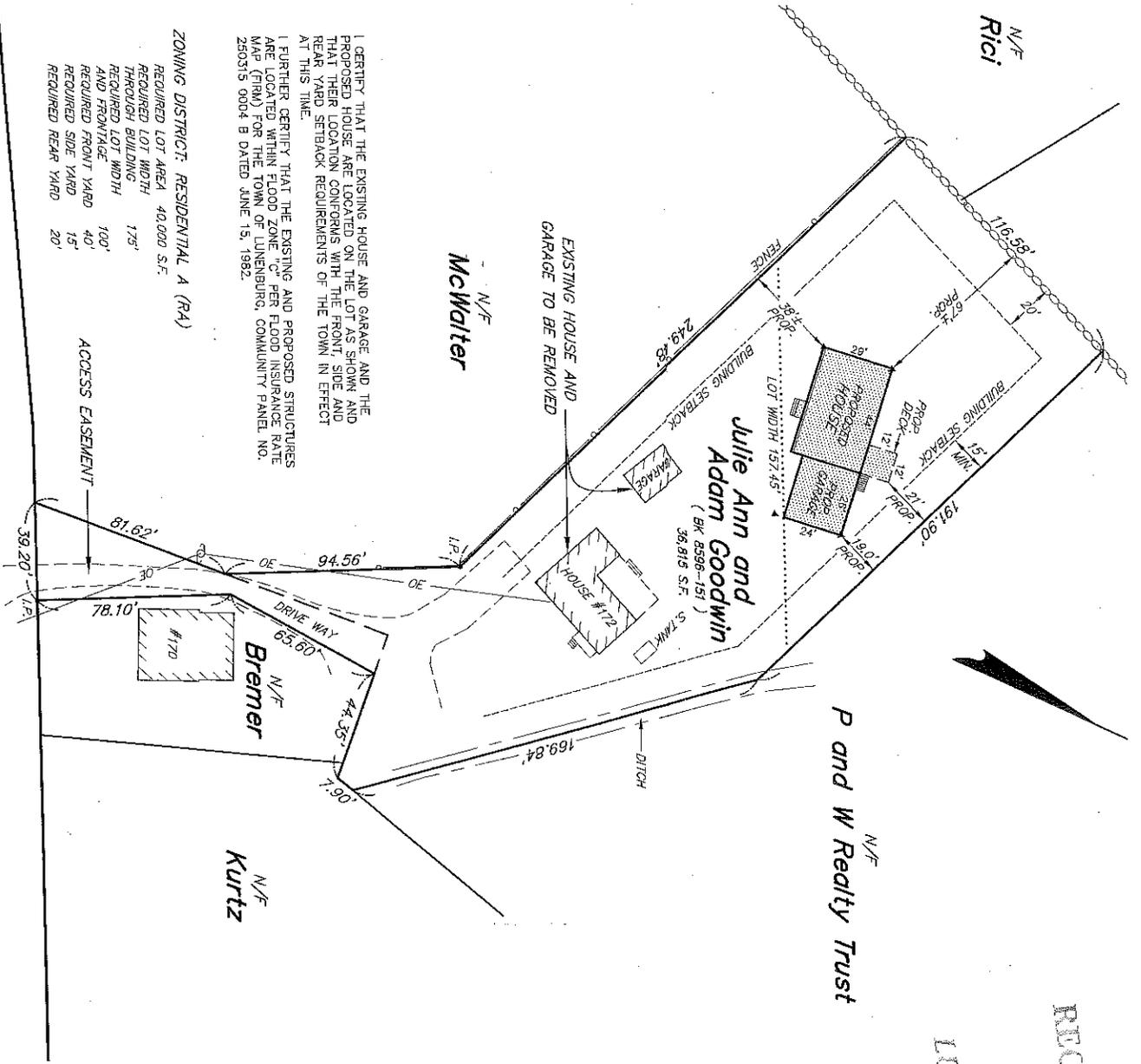
Raymond E. Beal, Chairman

Date

RECEIVED & FILED

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I CERTIFY THAT THE EXISTING HOUSE AND GARAGE AND THE PROPOSED HOUSE ARE LOCATED ON THE LOT AS SHOWN AND THAT THEIR LOCATION CONFORMS WITH THE FRONT, SIDE AND REAR YARD SETBACK REQUIREMENTS OF THE TOWN IN EFFECT AT THIS TIME.

I FURTHER CERTIFY THAT THE EXISTING AND PROPOSED STRUCTURES ARE LOCATED WITHIN FLOOD ZONE "C" PER FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF LUNENBURG, COMMUNITY PANEL NO. 250315 0004 B DATED JUNE 15, 1982.

ZONING DISTRICT: RESIDENTIAL A (RA)

- REQUIRED LOT AREA 40,000 S.F.
- REQUIRED LOT WIDTH THROUGH BUILDING 175'
- REQUIRED LOT WIDTH AND FRONTAGE 100'
- REQUIRED FRONT YARD 40'
- REQUIRED SIDE YARD 15'
- REQUIRED REAR YARD 20'

ACCESS EASEMENT

Leominster

Road

REFERENCES: JOB NO. 31593, NB 773-57

PLAN NO. S-14434