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THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS

May 7, 2014

Certificate of Granting of a Special Permit

A Special Permit was granted to Jon P. Cleveland, 30 Mountain Avenue, Fitchburg, MA 01420 under the Lunenburg Protective Zoning By-Law Sections 7.2.1.2. The petitioner was seeking a Special Permit to raze an existing dwelling and a "Finding" that the proposed single family home would not be substantially more detrimental to the neighborhood. The subject property is located at 396 Hollis Road, Lunenburg, MA 01462 and contains .42 acres.

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 7.2.1.2.

Board Members present: Donald F. Bowen, Chairman, Raymond Beal, Alfred Gravelle, Hans Wentrup, David Blatt and (present but not voting), James Besarkarski,

A Special Permit has been issued to Jon P. Cleveland, 30 Mountain Avenue, Fitchburg, MA 01420 affecting the rights of the owner with respect to land and buildings at **396 Hollis Road, Lunenburg, MA 01462** Book 2067, Page 2 and dated April 29, 1991 as described in plans submitted with the petition. Assessors Map 93, Lots 23.

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.

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Donald Bowen, Chairman opened the meeting and introduced the Board. Lisa Normandin read the petition into the public record and a memo submitted by the Lunenburg Board of Health agent James Garreffi stating the he had reviewed the septic plans and has no site issues.

Gary Shepherd of David E. Ross Associates was representing the petitioner Mr. Jon Cleveland. Mr. Shepherd explained that the petitioner was seeking a Special Permit to voluntarily demolish a preexisting non-conforming structure without it constituting abandonment, and a finding that the proposed reconstructed home will not be substantially more detrimental to the neighborhood than the existing structure. He explained that according the submitted plan L-121982Z, the proposed house is being pushed back further than the current house and that all offsets are increasing therefore lessening the nonconformities. He explained that the existing structure was built in 1948 and is in poor condition and the new dwelling will be structurally sound, energy efficient and have a slightly larger footprint. Mr. Shepherd felt that the new attractive and modest home would be an improvement and will fit well in the neighborhood.

Patricia Chansky, 386 Hollis Road, Lunenburg, an abutter to the property was concerned about the proposed size of the new home and questioned the timeline with regard to the demolition. She indicated that there are currently water problems in the neighborhood and was concerned about the larger size of the new home and number of bedrooms. She does not want environmental problems brought on by a demolition. She alleges that the current house is an eyesore and the neighborhood is currently very congested.

Mr. Shepherd indicated that the submitted house plan was a generic plan and assured Ms. Chansky that the septic system is designed only for a three bedroom home however the proposal is for a 1652 square foot home which is an increase of forty-nine percent. The labeled rooms on the plan indicate more than a three bedroom and the engineer pointed out that one room may be used as an office or media room, however, the applicant is seeking only permission for a three bedroom home. Mr. Shepherd added the Building Official and the Board of Health Agent, James Garreffi will insure that the home and septic system are built according to all codes and requirements. Mr. Bowen said that there would be no ambiguity with regard to the number of bedrooms and they are under the guidance of both the building department and the Board of Health.

Christine Smith of 400 Hollis Road is an immediate abutter to the property and had questions with regard to the privacy bushes located on the current lot line between the homes. Jon Cleveland said that the bushes will remain and is also willing to put up a privacy fence if she desired. Mr. Cleveland also said the reason he is building this style of home is that it will be raised to offset the water problems in the area, he also assured Ms. Chansky that he does not need more that a three bedroom house. She remarked that the submitted plan showed an in-ground pool but Mr. Shepherd indicated that it is merely proposed at this point. In addition the engineer stated that two of the out buildings will be completely removed and the cabana//screen house building will be moved away from the existing location and away from the lot line.

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Alfred Gravelle asked Mr. Shepherd to explain the septic system layout plan. Mr. Shepherd indicated that the current system is in failure but a new Presby system will be installed and it is considered a new technology. Mr. Shepherd said that the SDS plan is currently before the Board of Health and should get acted on at their next meeting.

Donald Bowen pointed out to the Board that the new home will certainly be more conforming and Ray Beal made an observation that the proposed new home is a great improvement and all of the setback requirements are met and in accordance with the current zoning by-laws.

Raymond Beal agreed with Donald Bowen and indicated that he made a site visit and found that while the parcel is small in size it is a great improvement in a number of ways, including the setback being greater than what exists. Mr. Beal was satisfied that all local Boards and departments will oversee the project and is comfortable with the request.

MOTION

After due deliberation David Blatt made a motion to grant the Special Permit to voluntary demolish the existing non-conforming structure without it constituting abandonment and a finding that the proposed new three bedroom home will not be substantially more detrimental to the neighborhood than the existing structure. Alfred Gravelle seconded the motion.

FINDINGS

In granting the Special Permit the Board of Appeals specifically found:

- a. The specific site is an appropriate location for such building or alteration.
- b. The proposed building or alteration is compatible with the existing neighborhood with regard to size, location and architecture.
- c. The granting of the special permit will not adversely affect the neighborhood.
- d. The granting of the special permit will not unreasonably diminish the available light, air, sunlight and other amenities: and there will be no nuisance or serious hazard to vehicles or pedestrians as outlined in Sections 7.2.1.2.

The Special Authorization is granted with the contingency that Jon P. Cleveland 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 Dimensional Variation with the above members present and voting as follows with respect to the issuance of the Special Permit.

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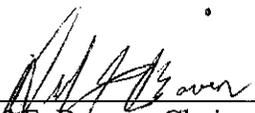
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VOTE

Donald Bowen voted in favor of granting the Special Permit.
Alfred Gravelle voted in favor of granting the Special Permit.
Raymond Beal voted in favor of granting the Special Permit.
Hans Wentrup voted in favor of granting the Special Permit.
David Blatt voted in favor of granting the Special Permit.

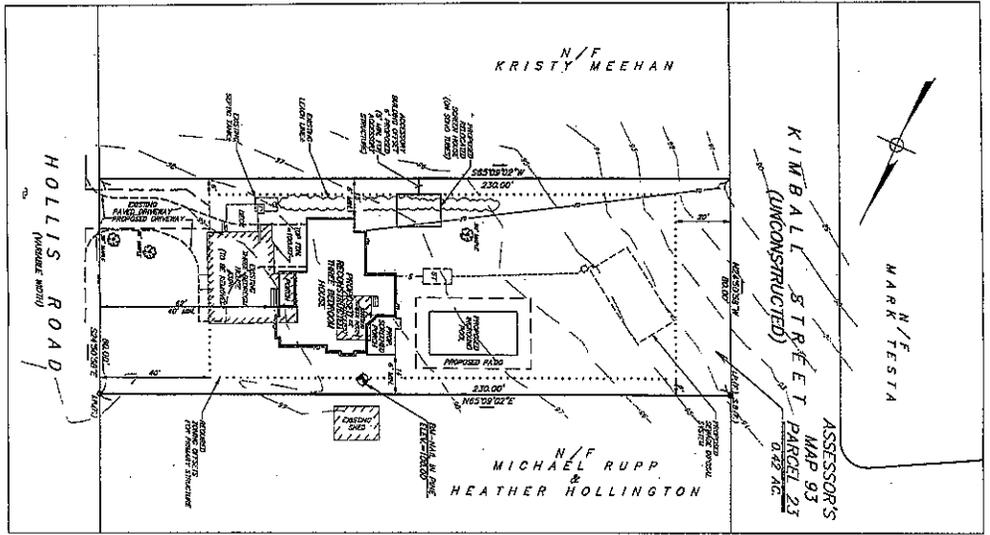
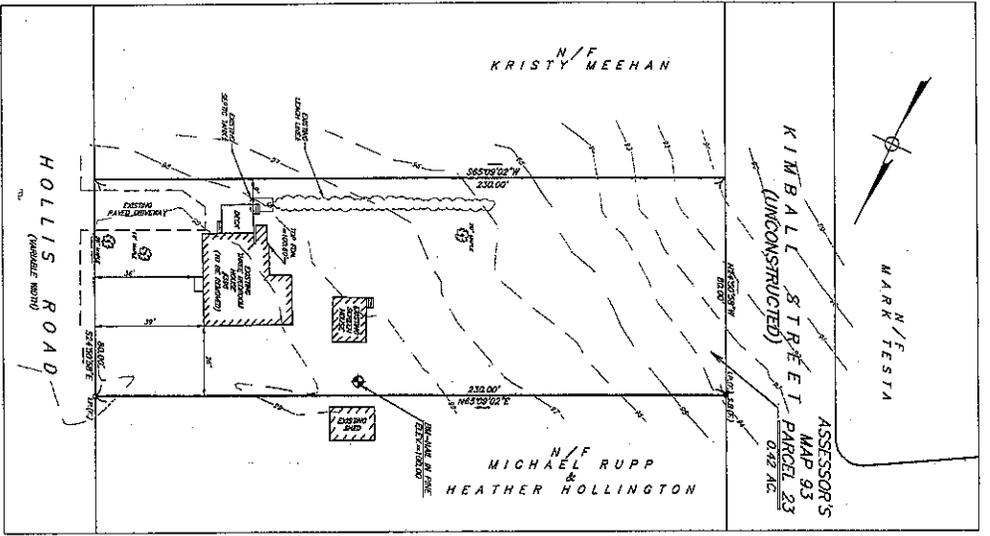
In making this determination, the Board specifically found that the granting of this Special Permit for Dimensional Variation would not contravene the purpose of the Protective Bylaws or the provisions of Chapter 40A of the Massachusetts General Laws.

Voted and executed,



Donald F. Bowen, Chairman 5/7/2014
Date

Lunenburg Zoning Board of Appeals
Special Permit Granting Authority



EXISTING CONDITIONS

PROPOSED

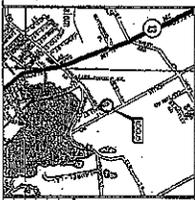


LUNENBURG LAND-STRUCTURE RELATIONSHIPS

LAND USE	MINIMUM SETBACK	MINIMUM SIDE SETBACK	MINIMUM FRONT SETBACK
ONE- AND TWO-FAMILY RESIDENCES	5'	5'	5'
THREE- AND FOUR-FAMILY RESIDENCES	5'	5'	5'
COMMERCIAL	10'	10'	10'
INDUSTRIAL	15'	15'	15'

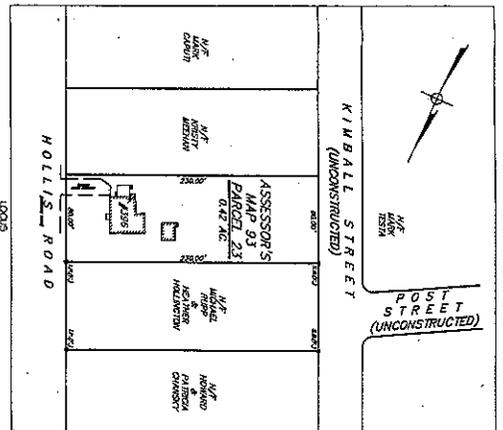
MINIMUM SETBACKS TO BE MAINTAINED UNLESS OTHERWISE SPECIFIED IN THE ZONING ORDINANCES. ALL SETBACKS TO BE MAINTAINED UNLESS OTHERWISE SPECIFIED IN THE ZONING ORDINANCES.

WETLAND PROTECTION ACT (SWP) 300
 THIS PLAN IS A PRELIMINARY DESIGN. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS IDENTIFIED WETLANDS. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS IDENTIFIED WETLANDS. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS IDENTIFIED WETLANDS.



DAVID E. ROSS ASSOCIATES, INC.
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 JOB NO. 29191 SHEET 1 OF 1 PLAN NO. L-12192-Z

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