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THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS

June 12, 2014

Special Permit for Dimensional Variation

A Special Permit for Dimensional Variation was granted to Jeanine M. Therrien, 43 The Clearing, Lunenburg, MA 01462, under the Lunenburg Protective Zoning By-Law Section 8.3.2.1.b)4. The petitioner was seeking a Special Permit for Dimensional Variation for the purpose of constructing a two car detached garage 20x24. The subject property is located at **43 The Clearing, Lunenburg, MA 01462.**

The Board of Appeals of the Town of Lunenburg hereby certifies that a Special Permit for Dimensional Variation has been granted pursuant to the Protective Zoning By-Law of the Town of Lunenburg, Section 8.3.2.1.b)4.

Board Members present: Donald F. Bowen, Chairman, James Besarkarski, Alfred Gravelle, David Blatt and Paul Doherty.

Special Permit for Dimensional Variation has been issued to 43 The Clearing, Lunenburg, MA 01462, affecting the rights of the owner with respect to land and buildings at **43 The Clearing, Lunenburg, MA 01462**, Book 7212, Page 279 and dated July 16, 2010 as described in plans submitted with the petition. Assessors Map 113, Lot 43.

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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Lisa Normandin read the petition into the record and a favorable letter from an immediate abutter, Paul Concemi of 44 Florence Street. Michael Cooper was speaking on behalf of the petitioner Jeanine Therrien who was also in attendance. He explained that since the petition was filed there was a change in the size of the garage and the placement of the building. A new site plan was submitted to the Board along with a new rendering of the proposed garage. The applicant is seeking relief to build a 20x24 detached garage to the east side of the property which requires a special permit for dimensional variation from the rear and side setback. The intent is to create a garage to house the car and create storage for the residents. James Besarkarski asked if the existing shed on the property would remain, Michael Cooper replied that it would be removed if the petition was granted. Alfred Gravelle asked why the garage site plan had changed. Mr. Cooper said that the plan changed due to the fact that they wanted to maintain a larger space in the yard between the existing home and proposed garage. Paul Doherty noticed on this visit to the property that there were a lot of trees on the east side boundary and asked what the plans were for them. Mr. Cooper responded that he would prefer to keep the trees to provide a boundary and canopy for the yard. The Board agreed that it was a reasonable request and the Chair called for a motion for further discussion.

MOTION

After due deliberation James Besarkarski made a motion to grant the Special Permit for Dimensional Variation for the purpose of constructing a two car detached garage 20x24 in accordance with the plans submitted and subsequently on file with the Zoning Board of Appeals. The motion was based on the finding that it would not be more substantially detrimental to the neighborhood and specifically Section 8.3.2.1.b)4. as outlined below. Alfred Gravelle seconded the motion.

FINDINGS

In granting a Special Permit for Dimensional Variation 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 for dimensional variation will not adversely affect the neighborhood.
- d. The granting of the special permit for dimensional variation 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 Section 8.3.2.1.

The Special Authorization is granted with the contingency that Jeanine M. Therrien 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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VOTE

Donald Bowen voted in favor of granting the Special Permit Dimensional Variation.
Alfred Gravelle voted in favor of granting the Special Permit Dimensional Variation.
James Besarkarski voted in favor of granting the Special Permit Dimensional Variation.
Paul Doherty voted in favor of granting the Special Permit Dimensional Variation.
David Blatt voted in favor of granting the Special Permit Dimensional Variation.

In making this determination, the Board specifically found that the granting of this Special Permit and 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,

 6/12/2014

Donald F. Bowen, Chairman Date

Lunenburg Zoning Board of Appeals
Special Permit Granting Authority

JAMES E. GAFFNEY CO.

Registered Professional Land Surveyor

55 ST. JEAN AVE. LEOMINSTER, MA 01453

TEL. 978-534-3443 FAX 978-537-9477

BY: _____

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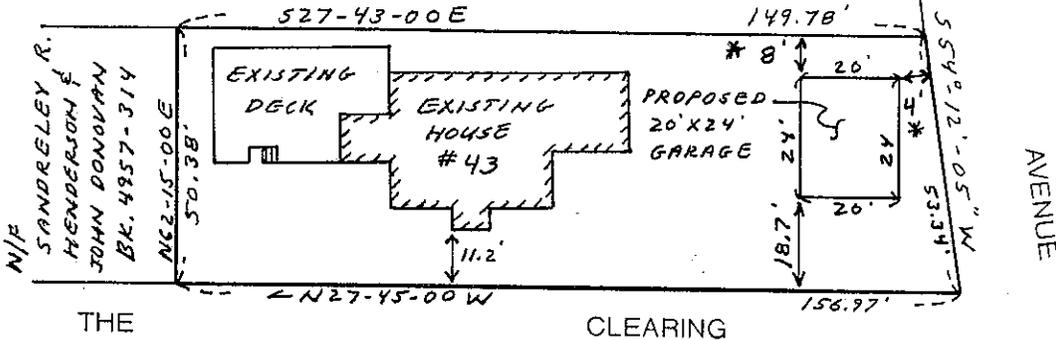
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N/F PAUL T. CONCERNI, JR
BK. 7204-352

N/F MICHAEL P. &
EMILY D. YOUNG
BK. 6477-150



Notes:

Zoning Classification: Residence "A"

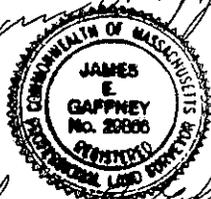
Building Setbacks:

proposed front yard = 18.7' proposed front yard setback is in conformance with Sec. 5.2.2.1 "Exception for Existing Alignment"

* proposed side yard = 4.0' variance required for side setback (min. 6') - see "Yard & Spacing Exceptions" Sec 5.2.7.1

* proposed rear yard = 8.0' variance required for rear setback (min. 20')

James E. Gaffney P.L.S.
6/4/14
James E. Gaffney P.L.S.
5/13/14



Deed Reference:

Jeanine M. Therrien
Bk. 7212 Pg. 279

REVISION: JUNE 4, 2014

Assessors Reference: Map 113 Par. 43

" BOARD OF APPEALS PLAN "

I certify that the existing structures and proposed addition are not located within a Federal Flood Hazard Area per F.I.R.M. Community #250315, Panel #0004B, Dated June 15, 1982.

MAY 13, 2014
Date *James E. Gaffney P.L.S.*
Surveyor # 29866

This plan is for Board of Appeals purposes only and is not to be used for the establishment of property lines, erection of fences and landscaping etc., or for planning or construction of structures other than the proposed garage shown hereon.

LAND IN LUNENBURG, MA
PREPARED FOR JEANINE M. THERRIEN
DATE: <i>MAY 13, 2014</i> SCALE: 1" = 30' DEED REF.: BK. 7212-279 PLAN NO.: 7015