

JAN 30 2014

LUNENBURG TOWN
CLERK OFFICE



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS

January 30, 2014

Certificate of Granting of a Special Permit

A Special Permit was granted to Jill Normandin & David Hemstreet, 12 Estabrook Park Road, Westminster, MA 01473 under the Lunenburg Protective Zoning By-Law Sections 7.2.1.2. The petitioners were seeking a Special Permit to raze an existing dwelling and to construct a new home to be located on the same footprint. The subject property is located at **36 Kimball Street, Lunenburg, MA 01462, and owned by Jill Normandin & David Hemstreet, 12 Estabrook Park Road, Westminster, MA 01473**

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, Sections 7.2.1.2.

Board Members present: Donald F. Bowen, Chairman (present but not voting), James Besarkarski, Alfred Gravelle, Paul Doherty, David Blatt and Sheila Lumi.

A Special Permit has been issued to Jill Normandin & David Hemstreet, 12 Estabrook Park Road, Westminster, MA 01473 affecting the rights of the owner with respect to land and buildings at **36 Kimball Street, Lunenburg, MA 01462** Book 8023, Page 307 and dated October 23, 2013 as described in plans submitted with the petition. Assessors Map 82, Lots 402 and 404.

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.

JAN 30 2014

LUNENBURG TOWN
CLERK OFFICE**DISCUSSION**

Lisa Normandin read the petition into the public record and a memo submitted by the Lunenburg Board of Health agent, James Garreff. The petitioner Jill Normandin indicated that she and Mr. Hemstreet recently purchased the property and started to repair and update it. However the structure had significant water damage and was left open to the elements for nine years. The structure had been repeatedly vandalized and the copper was stripped out of the dwelling. The petitioners decided that rather than salvage the existing home they spoke with the Building Official, Michael Sauvageau and discussed removing the dwelling and replacing it with a new cape style home on the existing footprint. Mr. Sauvageau indicated that by replacing the dwelling they would be required to seek approval from the Zoning Board of Appeals. The applicants plan to square off the existing footprint and are currently replacing the septic system. The winter weather has prevented the completion of the septic system. The proposal is outlined on septic plan #L-10641 prepared by David E. Ross Associates of Ayer, MA which is on file with the ZBA. The Board of Health memo indicated that if the proposed home remains a two bedroom as is the current dwelling, they have no issues with the proposal.

Steven Albert, 5 Pond Street, Lunenburg abuts the property. Mr. Albert had concerns that he would lose his view of the lake if new home was built. He indicated that he has lived on the corner of Pond Street and Hollis Rod for thirty-seven years and was a caretaker for the elderly couple that resided there.

Ms. Normandin pointed out that the new dwelling is a one and one half story dwelling and would not be any higher than the dwelling that exists now; she further noted that in the Hollis Road area the homes are quite a bit larger than the proposed cape.

Alfred Gravelle and James Besarkarski were comfortable with the site plan that was submitted and requested that when the dwelling was complete that it would be conditioned that an "As Built" plan be required to insure that it was built in accordance with the submitted building and site plans. The petitioners already have the approval from both the Conservation Commission and the Board of Health with regard to the upgrade. The home will be served by municipal water.

MOTION

After due deliberation Alfred Gravelle made a motion to grant the Special Permit to allow the razing of the existing dwelling and the construction of a new home in accordance with the plans submitted and subsequently on file with the Zoning Board of Appeals in accordance with By-law Section 7.2.1.2., with the condition that an "As Built" plan be submitted to the building department upon completion. The motion was based on the finding that it would not be more substantially detrimental to the neighborhood as outlined below. James Besarkarski 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.

JAN 30 2014

LUNENBURG TOWN
CLERK OFFICE

The Special Authorization is granted with the contingency that Jill Normandin and David Hemstreet 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.

VOTE

James Besarkarski voted in favor of granting the Special Permit.

Alfred Gravelle voted in favor of granting the Special Permit.

Paul Doherty voted in favor of granting the Special Permit.

David Blatt voted in favor of granting the Special Permit.

Sheila Lumi 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

1/30/2014

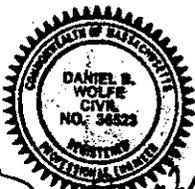
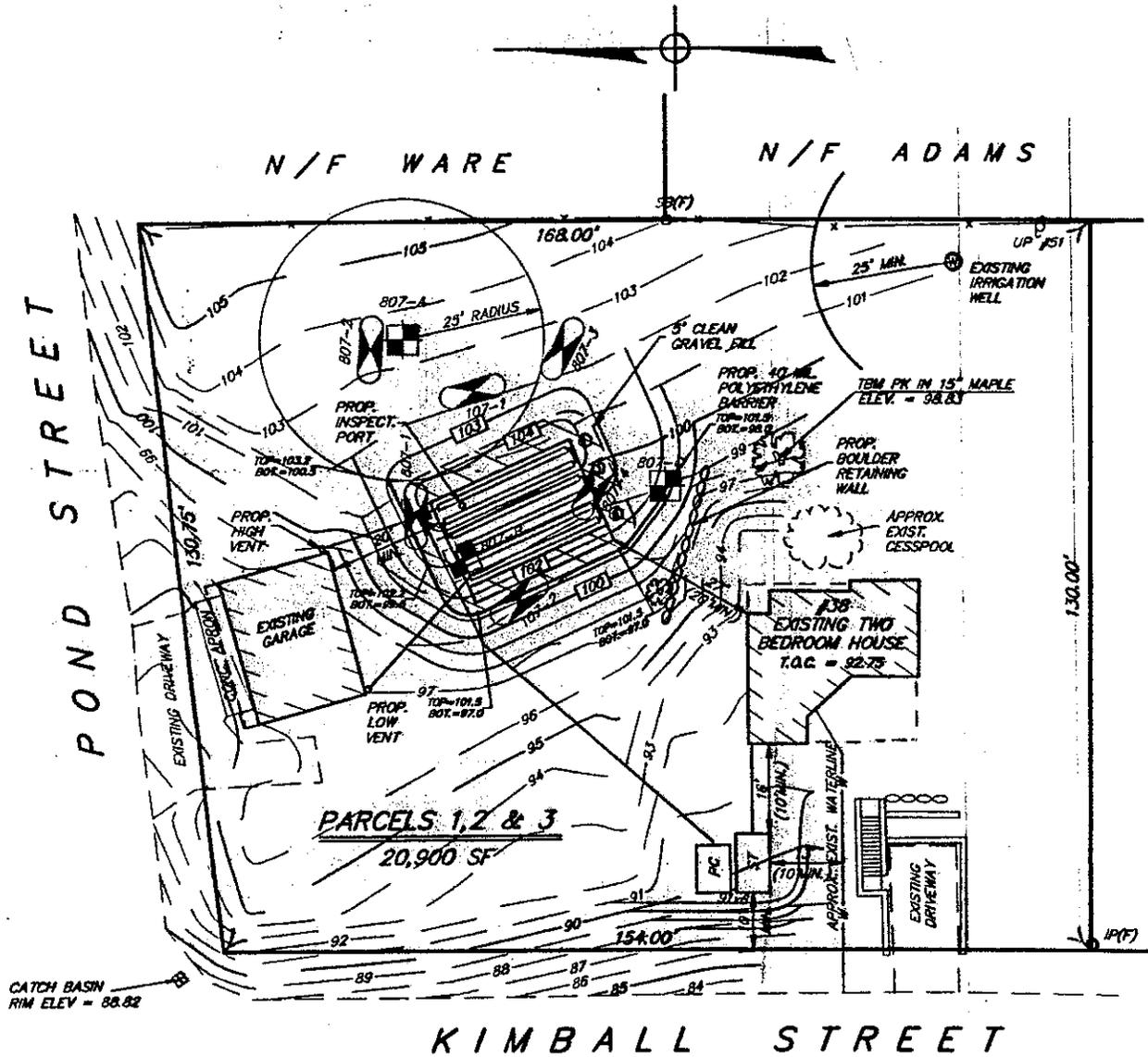
Date

Lunenburg Zoning Board of Appeals
Special Permit Granting Authority

36-38 HOUSE SITE

JAN 30 2014

LUNENBURG TOWN
CLERK OFFICE



Daniel E. Wolfe
10-29-07

REVISIONS

FOR: LOT PARCELS 1, 2 & 3 STREET 38 KIMBALL STREET
 ASSESSOR'S MAP 82 PARCEL 402 & 404
 TOWN: LUNENBURG, MASSACHUSETTS
 DESIGNED FOR

WILLIAM HALKIADAKIS

SCALE: 1" = 20' OCTOBER, 2007

DAVID E. ROSS ASSOCIATES, INC.

CIVIL ENGINEERS, LAND SURVEYORS, ENVIRONMENTAL CONSULTANTS

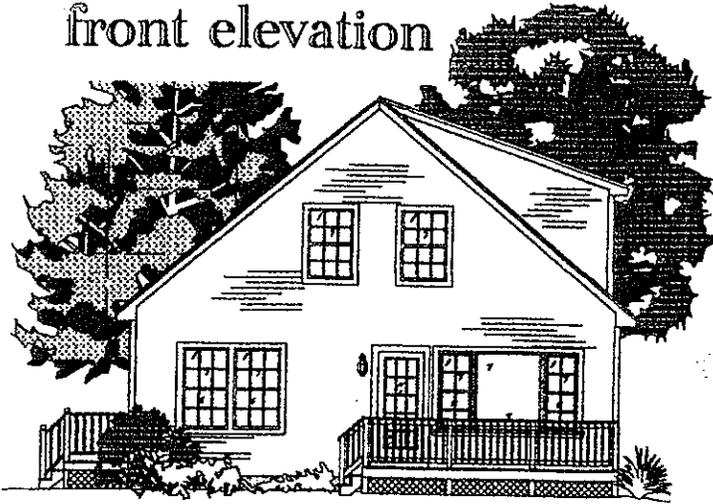
111 FITCHBURG ROAD - P.O. BOX 368, AYER, MASS., 01432-0368
 978-772-6232 • 368-1065 • 448-3916 • FAX 978-772-6258

JOB NO. 23847 SHEET 1 OF 1 PLAN NO. L-10641

JAN 30 2014

LUNENBURG TOWN
CLERK OFFICE

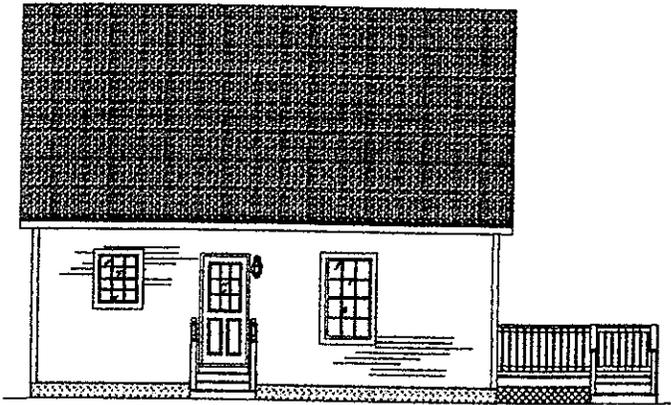
front elevation



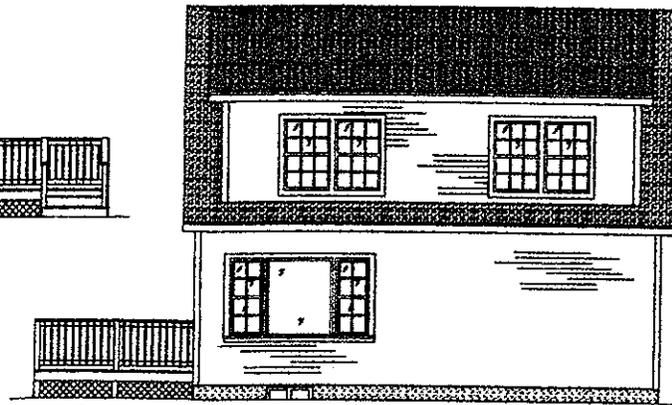
rear elevation



left elevation



right elevation



BEYOND BASICS

NOTE: Measurements are to be verified
by contractor on site prior to construction

beyond basics
312 Durrage St.
Lunenburg, MA
978-382-4331

remodeling plans

Scale: 1/4" = 10"
Date: 10/25/13
By: Alan J. Maki

Jill Normandin
38-38 Kimball St.
Lunenburg, MA

plan # 102513
page 1 of 3