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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 Nathan, David & Sandra DiPerri, 115 Fairview Road, Lunenburg, MA 01462 under the Lunenburg Protective Zoning By-Law Section 5.2.5.1.b)1. The petitioners were seeking a Special Permit for dimensional variation of 1.46 feet for an existing accessory structure (barn) in order to create a new building lot known as Lot 1-B, Fairview Road. The subject property is located at 115 Fairview Road, Lunenburg, MA 01462, and owned by David & Sandra DiPerri, 115 Fairview Road, 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 5.2.5.1.b)1.

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

A Special Permit has been issued to Nathan, David & Sandra DiPerri, 115 Fairview Road, Lunenburg, MA 01462 affecting the rights of the owner with respect to land and buildings at **115 Fairview Road, Lunenburg, MA 01462** Book 2764, Page 137 and dated October 4, 1995 as described in plans submitted with the petition. Assessors Map 80, Lot 20.

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 opened the meeting, introduced the Board and Lisa Normandin read the petition into the public record.

The petitioner Nathan DiPerri told the Board that his looking for approval to create a building lot from a portion of land owned by his parents. An existing barn located on 115 Fairview Road owned by his parents is too close to the proposed lot line for the new parcel known as Lot 1-B, Fairview Road. The barn is in violation of the minimum five foot side setback (provided 3.54') therefore a dimension variation is required. Nathan recently moved back to the area and wants to build a home on the land that has been in his family since 1923, and that his children would be the sixth generation to grow up on this property. Mr. DiPerri said that the proposed driveway behind the barn will have minimal impact on the abutters and his parents would be the only immediate abutters affected. Mr. DiPerri felt that his plans were thorough and complete and wants to move forward with the project without having to remove the existing barn.

Hans Wentrup indicated that he had visited the site and felt that the 1.46 feet is insignificant based on the submitted layout and what Mr. DiPerri is trying to achieve. Raymond Beal felt the same as Mr. Wentrup and Alfred Gravelle added that he found no detriment to the proposal nor did he feel it necessary to remove the barn.

**MOTION**

After due deliberation Hans Wentrup made a motion to grant the Special Permit for dimensional variation of 1.46 feet for the barn location based on the finding that it would not be substantially more detrimental to the neighborhood. Raymond Beal seconded the motion.

**FINDINGS**

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

- a. The proposed building or alteration is compatible with the existing neighborhood with regard to size, location and architecture.
- b. The granting of the special permit will not adversely affect the neighborhood.
- c. 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 Nathan, David & Sandra DiPerri 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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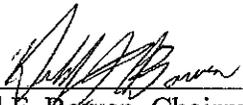
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**VOTE**

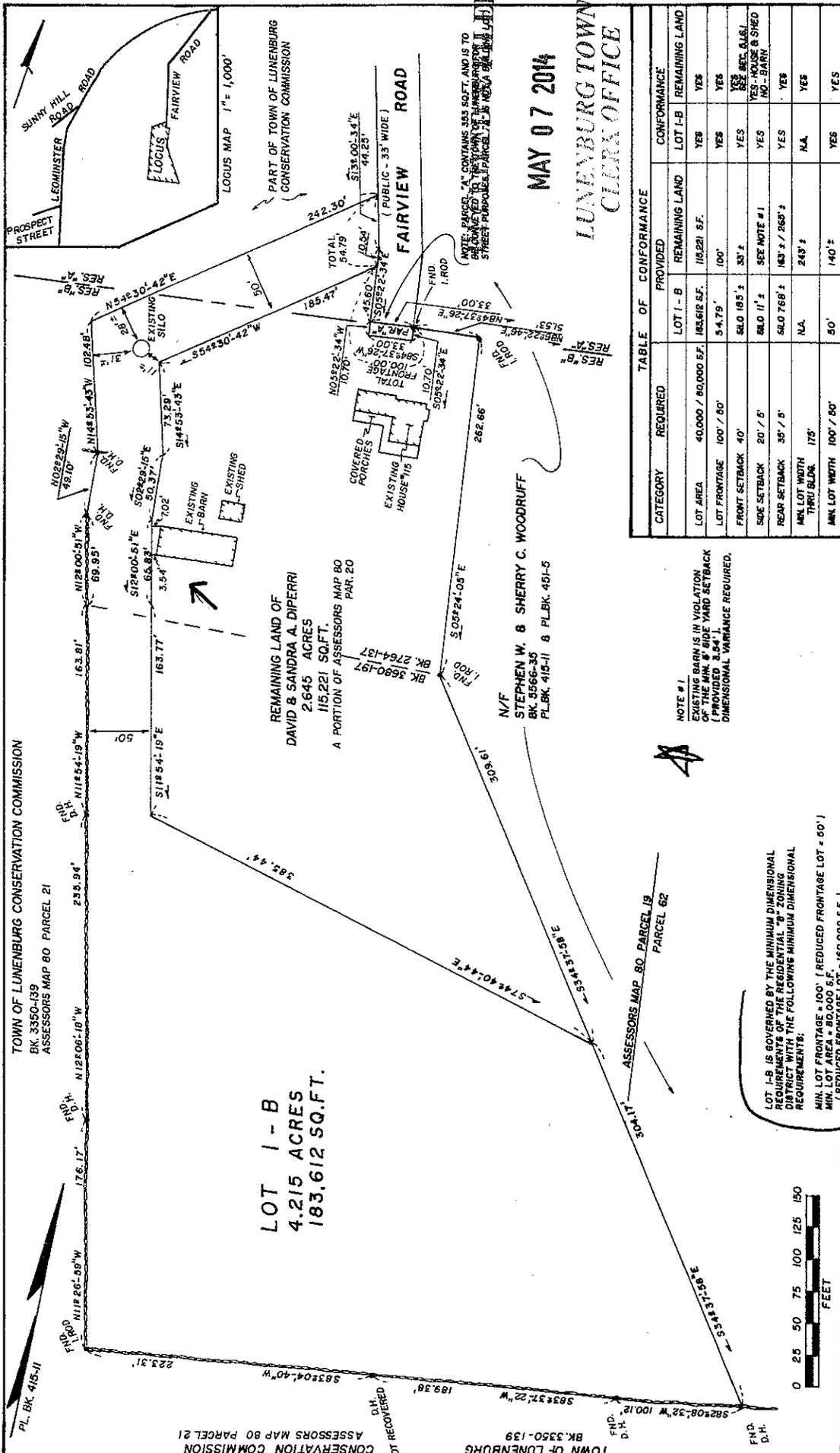
Donald Bowen voted in favor of granting the Special Permit for dimensional variation.  
Alfred Gravelle voted in favor of granting the Special Permit for dimensional variation.  
Raymond Beal voted in favor of granting the Special Permit for dimensional variation.  
David Blatt voted in favor of granting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

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



**LOT 1 - B**  
**4.215 ACRES**  
**183,612 SQ.FT.**

REMAINING LAND OF  
**DAVID & SANDRA A. DIPERRI**  
 2.645 ACRES  
 115,221 SQ.FT.  
 A PORTION OF ASSESSORS MAP 80  
 PAR. 20  
 BK. 3680-197

N/F  
**STEPHEN W. & SHERRY C. WOODRUFF**  
 BK. 3566-35  
 PLBK. 415-11 & PLBK. 451-5

**MAY 07 2014**  
**LUNENBURG TOWN**  
**CLERK'S OFFICE**

CATEGORY	TABLE OF CONFORMANCE		CONFORMANCE
	REQUIRED	PROVIDED	
LOT AREA	40,000 / 80,000 S.F.	108,221 S.F.	YES
LOT FRONTAGE	100' / 80'	54.79'	YES
FRONT SETBACK	40'	35' ±	YES
SIDE SETBACK	20' / 5'	SEE NOTE #1	YES
REAR SETBACK	35' / 5'	183 ± / 265' ±	YES
MIN. LOT WIDTH THRU BLDG.	175'	N.A.	N.A.
MIN. LOT WIDTH	100' / 80'	50'	YES

FOR REGISTRY USE	
APPROVAL UNDER SUBDIVISION CONTROL LAW	NOT REQUIRED. C. 41. S. 81-P
DATE:	

NOTE #1  
 EXISTING BARN IS IN VIOLATION  
 OF THE MIN. 5' SIDE YARD SETBACK  
 (PROVIDED 3.54').  
 DIMENSIONAL VARIANCE REQUIRED.

LOT 1-B IS GOVERNED BY THE MINIMUM DIMENSIONAL  
 REQUIREMENTS OF THE RESIDENTIAL "B" ZONING  
 REQUIREMENTS:  
 MIN. LOT FRONTAGE = 100' (REDUCED FRONTAGE LOT = 60')  
 MIN. LOT AREA = 80,000 S.F.  
 MIN. SETBACKS: FRONT = 40', SIDE = 25', REAR = 30'  
 (FOR THE BARN, MIN. SETBACK SHALL BE 100' FROM STREET LINE)  
 MIN. LOT WIDTH THRU BUILDING = 175'

LOT 1-B DEED REFERENCE:  
 DAVID & SANDRA A. DIPERRI  
 BK. 2764-137  
 BK. 3680-197 (A PORTION OF)  
 PLBK. 415-11  
 LOT 1-B ASSESSORS REFERENCE:  
 MAP 80 PARCEL 20 (A PORTION OF)  
 ZONING CLASSIFICATION:  
 RESIDENCE "A" & "B" AS SHOWN



I CERTIFY THAT THIS PLAN  
 CONFORMS WITH THE RULES  
 AND REGULATIONS OF THE  
 REGISTERS OF DEEDS.  
 DATE: MARCH 23, 2014  
 REGISTRATION NO. 29866

LAND IN  
**LUNENBURG, MA**  
 SURVEYED FOR  
**DAVID & SANDRA A. DIPERRI**

DATE	SCALE	DISK NO.	PLAN NO.
MAR. 2014	1" = 50'	59-7	7006

JAMES E. GAFFNEY CO.  
 PROFESSIONAL LAND SURVEYOR  
 55 ST. JEAN AVENUE LECHESTER, MA 01453  
 978 - 634 - 3443