

FEB 25 2015

LUNENBURG TOWN
CLERK OFFICE



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS

February 11, 2015

Special Permit for Dimensional Variation

A Special Permit for Dimensional Variation was granted to Theresa C. Mahoney, 30 Laurel Lane, Lunenburg, MA 01462, under the Lunenburg Protective Zoning By-Law Section 8.3.2.1.b)4., 5.1.2.1 and 5.1.5.1. The petitioner was seeking a Special Permit for Dimensional Variation for the purpose of reconfiguring land area. The subject property is located at **30 & 32 Laurel Lane, 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, MA.

Board Members present: Donald F. Bowen, Chairman, Raymond Beal, James Besarkarski, Alfred Gravelle and David Blatt, Associate member Paul Doherty was present but not voting.

Special Permit for Dimensional Variation has been issued to Theresa C. Mahoney, 30 Laurel Lane, Lunenburg, MA 01462, affecting the rights of the owner with respect to land and buildings at **30 & 32 Laurel Lane, Lunenburg, MA 01462**, Book 3224, Page 275 and dated August 3, 1998 as described in plans submitted with the petition. Assessors Map 99, Lot 41, 42 & 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.

FEB 25 2015

LUNENBURG TOWN
CLERK OFFICE**DISCUSSION**

Lisa Normandin read the petition into the record and a memo from the Board of Health Agent, James Garreffi.

Attorney Thomas J. Mullaney, 54 Main Street, Leominster, MA was representing Mrs. Mahoney at the hearing. Attorney Mullaney referred to the plan prepared by James E. Gaffney Co., of Leominster, MA dated June 2014, Plan # 6979. He explained to the Board that Theresa Mahoney is the Trustee/owner of a parcel of land on Laurel Lane which contains two single family homes. Each of the homes was constructed prior to the adoption of the Massachusetts Zoning Act by the Town of Lunenburg. The Town Assessors presently show the property as two separate lots, each containing one of the homes but the property is not actually divided as shown in the Assessor's records. In addition, the Mahoney property abuts an undersized lot, with that small lot having a right of way for access across the Mahoney property. The smaller parcel is owned by Steven Mastrangelo, nephew of the petitioner. Mr. Mastrangelo has agreed that he would grant a part of his land to his aunt and a letter was submitted to the Board. Fred Mastrangelo aka Fred Angel is the brother of Theresa Mastrangelo, he is in full support of the petition and submitted a letter that indicated that he has no objections to the proposal and endorses the land swap between 30 and 34 Laurel Lane. The proposal is to take a portion of the unbuildable lot be added to the Mahoney land and that the Mahoney land then be divided into two separate lots, each containing one of the dwelling houses. The addition of part of her nephew's land will allow each of the proposed separate house lots to be closer in compliance with zoning requirements. Attorney Mullaney felt that the application for dimensional relief would be the best vehicle for Mrs. Mahoney to demonstrate that each house lot is legal and valid, and the plan would be recorded after approval would provide evidence of the fact to anyone searching the title records at the Registry of Deeds. The petitioner was aware that if the Special Permit for dimensional variation were granted the plan must be submitted to the Planning Board for approval as well.

James Gaffney, Land Surveyor, 55 St. Jean Avenue, Leominster, MA indicated that he prepared the plan for Mrs. Mahoney. He stated that each home is currently served by Town water and sewer. He said that the reason that the parcels were divided as shown was that the utilities which currently serve each house would be on their own parcels. The utilities include water, sewer overhead telephone, and electric and cable TV wires. According to Mr. Gaffney the easements will be written into the deeds.

MOTION

After due deliberation David Blatt made a motion to grant the Special Permit for Dimensional Variation to separate the parcels 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.

A Special permit is hereby granted pursuant to Section 8.3.2.1. (b) 4 of the Protective Bylaw of the Town of Lunenburg as follows:

FEB 25 2015

LUNENBURG TOWN
CLERK OFFICE

1. All references herein to the "Plan" shall mean that plan entitled "Land in Lunenburg, MA Surveyed for Mahoney Family Trust" dated June 9, 2014, prepared by James E. Gaffney Co., Professional Land Surveyor, and numbered as Plan No 6979.
2. Proposed Parcel "A", as shown on the Plan, containing 13,655 square feet, more or less, is to be combined with Proposed Lot 2, containing 16,775 square feet, to create a single house lot.
3. Proposed Lot 1, containing 15,356 square feet, as shown on the Plan, shall be a separate, single house lot.
4. His Special Permit shall be deemed to allow dimensional variance on Proposed Lot 1 and Proposed Lot 2 from the requirements of the Lunenburg Protective Bylaw, such variances being as noted on the Plan.
5. The Board finds that this Special Permit will not create undesirable conditions caused by overshadowing or loss of privacy, and that access to utilities and public services will be adequate, as the uses on the proposed lots will be a continuation of past and present uses.
6. The Board finds that this Special Permit may be granted without substantial detriment to the public good without nullifying or substantially derogating from the intent and purpose of the Protective Bylaw.

FINDINGS

In granting a Special Permit for Dimensional Variation the Board of Appeals specifically found:

- a. The specific site is an appropriate for the specific relief granted.
- b. The proposed lots as approved, and the existing dwellings thereon, are 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,
- e. There will be no nuisance or serious hazard to vehicles or pedestrians.

The Special Authorization is granted with the contingency that Theresa C. Mahoney 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.

RECEIVED & FILED

FEB 25 2015

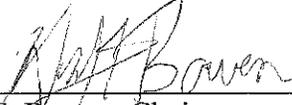
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CLERK OFFICE

VOTE

Donald Bowen voted in favor of granting the Special Permit Dimensional Variation.
Raymond Beal 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.
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,

 2/25/2015

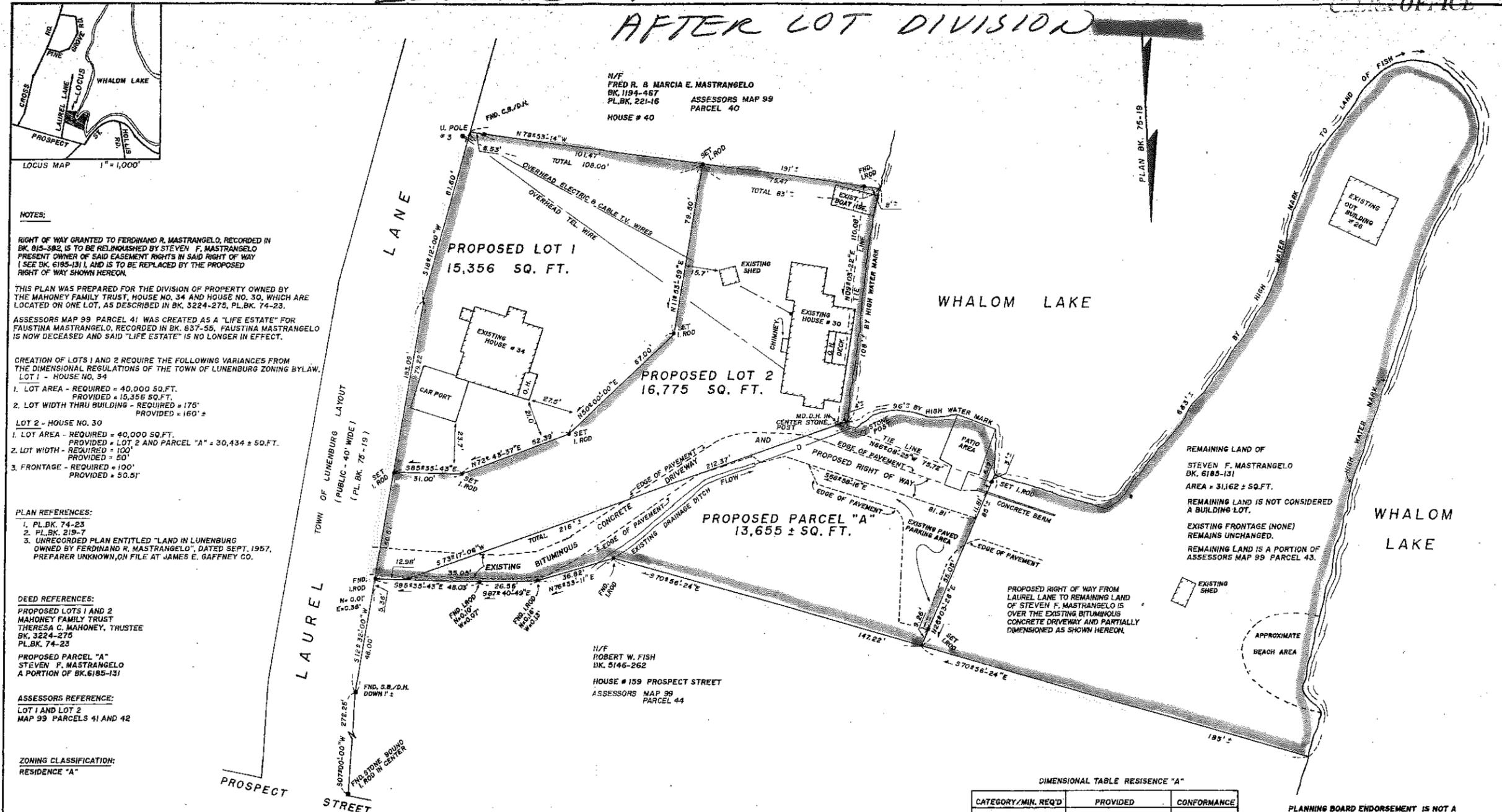
Donald F. Bowen, Chairman /Date

Lunenburg Zoning Board of Appeals
Special Permit Granting Authority

JUN 25 2015

LUNENBURG TO
CLERK'S OFFICE

LEGEND: PRIOR TO LOT DIVISION AFTER LOT DIVISION



NOTES:

RIGHT OF WAY GRANTED TO FERDINAND R. MASTRANGELO, RECORDED IN BK. 815-382, IS TO BE RELINQUISHED BY STEVEN F. MASTRANGELO, PRESENT OWNER OF SAID EASEMENT RIGHTS IN SAID RIGHT OF WAY (SEE BK. 6185-131), AND IS TO BE REPLACED BY THE PROPOSED RIGHT OF WAY SHOWN HEREON.

THIS PLAN WAS PREPARED FOR THE DIVISION OF PROPERTY OWNED BY THE MAHONEY FAMILY TRUST, HOUSE NO. 34 AND HOUSE NO. 30, WHICH ARE LOCATED ON ONE LOT, AS DESCRIBED IN BK. 3224-275, PL. BK. 74-23.

ASSESSORS MAP 99 PARCEL 41 WAS CREATED AS A "LIFE ESTATE" FOR FAUSTINA MASTRANGELO, RECORDED IN BK. 837-55, FAUSTINA MASTRANGELO IS NOW DECEASED AND SAID "LIFE ESTATE" IS NO LONGER IN EFFECT.

CREATION OF LOTS 1 AND 2 REQUIRE THE FOLLOWING VARIANCES FROM THE DIMENSIONAL REGULATIONS OF THE TOWN OF LUNENBURG ZONING BYLAW, LOT 1 - HOUSE NO. 34

- 1. LOT AREA - REQUIRED = 40,000 SQ.FT. PROVIDED = 15,356 SQ.FT.
- 2. LOT WIDTH THRU BUILDING - REQUIRED = 175' PROVIDED = 160'±

LOT 2 - HOUSE NO. 30

- 1. LOT AREA - REQUIRED = 40,000 SQ.FT. PROVIDED = 16,775 SQ.FT.
- 2. LOT WIDTH - REQUIRED = 100' PROVIDED = 50'
- 3. FRONTAGE - REQUIRED = 100' PROVIDED = 50.51'

PLAN REFERENCES:

- 1. PL. BK. 74-23
- 2. PL. BK. 219-7
- 3. UNRECORDED PLAN ENTITLED "LAND IN LUNENBURG OWNED BY FERDINAND R. MASTRANGELO", DATED SEPT. 1957, PREPARER UNKNOWN, ON FILE AT JAMES E. GAFFNEY CO.

DEED REFERENCES:

PROPOSED LOTS 1 AND 2 MAHONEY FAMILY TRUST
THERESA C. MAHONEY, TRUSTEE
BK. 3224-275
PL. BK. 74-23

PROPOSED PARCEL "A"
STEVEN F. MASTRANGELO
A PORTION OF BK. 6185-131

ASSESSORS REFERENCE:

LOT 1 AND LOT 2
MAP 99 PARCELS 41 AND 42

ZONING CLASSIFICATION:

RESIDENCE "A"

LAND IN
LUNENBURG, MA
SURVEYED FOR
MAHONEY FAMILY TRUST

DATE	SCALE	N.B.	PLAN NO.
JUNE, 2014	1" = 20'	99-2	6979

JAMES E. GAFFNEY CO.
PROFESSIONAL LAND SURVEYOR
55 ST. JEAN AVENUE LEOMINSTER, MA 01453
978-534-3443

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.



DATE: JUNE 7, 2015
REGISTRATION NO. 29866



PROPOSED PARCEL "A" IS NOT A BUILDING LOT.
PROPOSED PARCEL "A" IS TO BE CONVEYED TO AND ANNEXED WITH ADJOINING PROPOSED LOT 2 TO FORM ONE UNDIVIDED LOT CONTAINING 30,430 ± SQ.FT.

DIMENSIONAL TABLE RESIDENCE "A"

CATEGORY/MIN. REQ'D	PROVIDED		CONFORMANCE	
	LOT 1	LOT 2 & PAR. "A"	LOT 1	LOT 2 & PAR. "A"
LOT AREA = 40,000 SF.	15,356 SF.	30,430 ± SF.	NO	NO
LOT FRONTAGE = 100'	160.52'	50.51'	YES	NO
FRONT SETBACK = 40'	6'	180'±	OK	YES
SIDE SETBACK = 15'	21' & 77'	38'± / 94'±	YES	YES
REAR SETBACK = 20'	27'±	6'	YES	OK
MIN. LOT WIDTH THRU BUILDING = 175'	160'±	194'±	NO	YES
MIN. LOT WIDTH = 100'	160'±	50'	YES	NO

PLANNING BOARD ENDORSEMENT IS NOT A DETERMINATION OF COMPLIANCE WITH ZONING REGULATIONS.

LUNENBURG PLANNING BOARD

APPROVAL UNDER SUBDIVISION CONTROL LAW

NOT REQUIRED. C. 41 S. 81-P

DATE: _____

NOT ENDORSED BY P.B.