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THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS

April 5, 2018

Special Permit for Dimensional Variation

A Special Permit for Dimensional Variation was granted to Jacob R.J. & Catherine A. Proctor, 1431A Massachusetts Avenue, Lunenburg, MA 01462, under the Code of Lunenburg § Section 250-5.2E (1) [b]. The petitioners were seeking a Special Permit for Dimensional Variation to allow for the construction of two decks to be added to the existing home and didn't meet the rear yard spacing requirement. The subject property is located at **173 Hemlock Drive, 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 Code of Lunenburg § Section 250-5.2E (1) [b].

Board Members present: Alfred Gravelle, Chairman, James Besarkarski, Hans Wentrup, David Blatt and Robert Cadle. Paul Doherty present but not voting.

Special Permit for Dimensional Variation has been issued to Jacob R.J. & Catherine A. Proctor, 1431A Massachusetts Avenue, Lunenburg, MA 01462, affecting the rights of the owner with respect to land and buildings 173 Hemlock Drive, Lunenburg, MA 01462, Book 8962, Page 187 and dated November 17, 2017 as described in plans submitted with the petition. Assessors Map 41, parcel 10.

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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Chairman Gravelle opened the public hearing and explained the procedure to the audience. Lisa Normandin, Board secretary read the petition and submitted correspondence into the public record.

Petitioner Jacob Proctor said that he and his wife both grew up in Lunenburg and recently purchased the lake property on Hemlock Drive. He explained that he wanted to build two decks on the lake side of the property. Due to the steep contour of the land and the proximity to the lake there is no usable flat land that currently exists in the property. His intention is to cantilever the decks so that no digging will be needed and no harm will come to the lake. He explained that it would not be harmful to the habitat and felt it was the most eco-friendly way to approach the project. Mr. Proctor explained that the setback to the rear property line would be about eight feet.

David Blatt asked Mr. Proctor if he had building plans that were engineered. Mr. Proctor said that he has submitted the engineered plans to the building department. He plans to level out the floors and install beams; LVL's and 2x4's and pour a footing to support the beam and to shore up all of the areas impacted. Mr. Proctor indicated that he currently has a building permit to demo the interior of the home and plans to restructure the areas where the decks will be placed. Mr. Proctor said that this property is going to be his "forever home" and plans to make it safe and for his family.

Paul Doherty informed Mr. Proctor that no roofing can be attached to the decks in the future and if granted must be constructed as proposed and in accordance with the engineered plans. Mr. Proctor said that he was amenable to that.

Hans Wentrup asked if the construction would encroach on any other setbacks to property lines. Alfred Gravelle explained that he visited the property and was familiar with the home; he said that no other setbacks would be affected. Mr. Gravelle also added that the dwelling needed some TLC and that the application and request before the Board made sense.

Matthew Proctor, 1431 Massachusetts Avenue (father of the petitioner) explained that he met with the structural engineer and that the plans were available for the Board to review. Paul Doherty requested that the engineered plans be included in the decision if granted.

Hans Wentrup and Chairman Gravelle agreed that the addition would be compatible to homes in the area the location is consistent with the neighborhood. The Board members agreed that the granting of a special permit would not adversely affect the neighborhood.

MOTION

After due deliberation James Besarkarski made a motion to grant the Special Permit for Dimensional Variation as requested in accordance with the plans submitted and subsequently on file with the Zoning Board of Appeals and with the condition that the engineer plans remain with the file. The motion was based on the finding that it would not derogate from the intent of the by-law or be more substantially detrimental to the neighborhood. David Blatt seconded the motion.

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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 Jacob R.J. & Catherine A. Proctor 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.

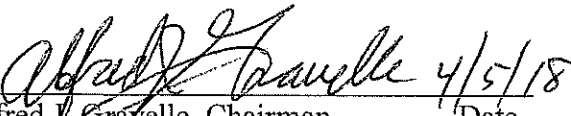
After closing the discussion, the Board acting in its capacity as the Special Permit Granting Authority, granted the Special Permit Dimensional Variation with the above members present and voting as follows with respect to the issuance of the Special Permit.

VOTE

Alfred Gravelle voted in favor of granting the Special Permit Dimensional Variation.
James Besarkarski voted in favor of granting the Special Permit Dimensional Variation.
Robert Cadle voted in favor of granting the Special Permit Dimensional Variation.
Hans Wentrup 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,


Alfred J. Gravelle, Chairman Date 4/5/18

Lunenburg Zoning Board of Appeals
Special Permit Granting Authority