

Town of Amherst
Zoning Board of Appeals
SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit to renew ZBA FY2010-00003 for the creation of a buildable lot as a flag lot, under Section 6.3 and 10.33 of the Zoning Bylaw, 269 Leverett Road (Map 3A, Parcel 100, R-O Zoning District), subject to the following conditions:

1. This permit shall expire within two years from the date of filing if no substantial construction has occurred.
2. The driveway for the flag lot (Lot #8 on the site plans) shall be designed and maintained as approved by the Board at a public meeting on November 20, 2003.
3. Any dwelling that will be constructed shall be limited to a single family house.
4. Prior to the issuance of a building permit or site work, the location of the house and any outbuildings shall be shown on a site plan, in accordance with the requirements listed in the Zoning Board of Appeals Rules and Regulations, and be submitted for review and approval by the Board at a public meeting.
 - a. In advance of the meeting, the owner shall be responsible for providing notification to abutters in accordance with Town procedures for notice under Chapter 40A, Section 11. This requires the owner to obtain a Certified List of Abutters and provide a minimum of two-week public notice.
5. All exterior lighting shall be downcast.

Mark Parent (JP)
Mark Parent, Chair
Amherst Zoning Board of Appeals

10/15/15
DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant/Owner: Paul R. Higgins, PO Box 4438, Middletown RI 02842-0438

Date application filed with the Town Clerk: August 10, 2015

Nature of request: For a Special Permit to renew and extend ZBA FY2010-00003 for the creation of a buildable lot as a flag lot, under Section 6.3 and 10.33 of the Zoning Bylaw

Address: 269 Leverett Road (Map 3A, Parcel 100, R-O Zoning District)

Legal notice: Published on August 26, 2015 and September 2, 2015 in the Daily Hampshire Gazette and sent to abutters on August 26, 2015

Board members: Mark Parent, Tom Ehrgood, ~~Keith Langsdale~~
YURI FREIMAN

Submissions:

- Cover letter from Alan Seewald, dated August 4, 2015
- The ANR flag lot plan by Harold Eaton Associates, Inc., dated February 20, 2003
- Town GIS aerial photograph
- ZBA FY2010-00003, with approved plans
- ZBA FY2007-00037
- Email from John Bryan, 273 Leverett Road, dated September 9, 2015

Public Hearing: September 10, 2015

The property owner, Paul Higgins, was accompanied by his attorney, Alan Seewald.

Mr. Seewald described the request as follows:

- The proposal is to renew the existing Special Permit for a flag lot.
- No aspect of the layout of the parcel or dwelling have changed since the original approval in 2007, which was renewed in 2010.
- The Permit Extension Act extended the 2010 permit for four years from its normal two year expiration.
- The Zoning Bylaw for flag lots has not changed and the parcel conforms to all of the requirements under Section 6.3 of the Zoning Bylaw.
- The applicant finds all the conditions of the previous permit acceptable, including the limited use as a single family dwelling and that prior to construction a house site plan be submitted.
- The abutters request for them to be noticed for any future public meeting was acceptable.
- No aspect of the septic design or location have changed from the initial set of plans.

The Board found the renewal and plans submitted were acceptable and that a condition would be added requiring the owner to obtain a Certified List of Abutters and notice abutters prior to any public meeting for the citing of a house on the lot.

Specific Findings:

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.398- *The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan.* The proposal to renew the existing Special Permit for a flag lot promotes the most appropriate use of this parcel and allows the owner to maintain a buildable lot where no aspect of the project, parcel or surroundings have changed.

Zoning Board Decision

Mr. Ehrgood MOVED to approve the application with conditions. Mr. Langsdale SECONDED the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2016-00002, to renew ZBA FY2010-00003 for the creation of a buildable lot as a flag lot, under Section 6.3 and 10.33 of the Zoning Bylaw, at 269 Leverett Road (Map 3A, Parcel 100, R-O Zoning District), subject to conditions.

<u>Mark Parent</u> MARK PARENT. (30)	<u>Tom Ehrgood</u> KEITH LANGSDALE Tom EHRGOOD	<u>Yuri Friman</u> YURI FRIMAN
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FILED THIS 15th day of October, 2015 at 12:22 pm
 in the office of the Amherst Town Clerk Sandra J. Burger
 TWENTY-DAY APPEAL period expires, November 4, 2015.
 NOTICE OF DECISION mailed this 16th day of October, 2015
 to the attached list of addresses by Jeffrey C. Bagg, for the Board.
 CERTIFICATE OF NO APPEAL issued this _____ day of _____, 2015.
 NOTICE OF PERMIT or Variance filed this _____ day of _____, 2015,
 in the Hampshire County Registry of Deeds.

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Paul R. Higgins

For a Special Permit to renew and extend ZBA FY2010-00003 for the creation of a buildable lot as a flag lot, under Section 6.3 and 10.33 of the Zoning Bylaw

On the premises of 269 Leverett Road

At or on Map 3A, Parcel 100, R-O Zoning District

NOTICE of hearing as follows mailed (date) August 26, 2015

to attached list of addresses and published in the Daily Hampshire Gazette
dated August 26, 2015 & September 2, 2015

Hearing date and place September 10, 2015 (Town Hall)

LEGAL NOTICE

The Amherst Zoning Board of Appeals will meet on Thursday, September 10, 2015, at 6:30 PM in the Town Room, Town Hall, to conduct the following business:

PUBLIC HEARING:
ZBA FY2016-00001 – Co-Ed Realty, LLC - For a Special Permit to re-issue and/or renew ZBA FY2009-00004 for the use of as a non-owner occupied duplex, with modifications to conditions, and to modify conditions of ZBA FY2014-00027, under Section 3.3211 and 10.33 of the Zoning Bylaw, at 382 North Pleasant Street (Map 11C-118, R-G Zoning District)
ZBA FY2016-00004 – Paul R. Higgins – For a Special Permit to renew and extend ZBA FY2010-00003 for the creation of a buildable lot as a flag lot, under Section 6.3 and 10.33 of the Zoning Bylaw, at 269 Leverett Road (Map 3A, Parcel 100, R-O Zoning District)

MARK PARENT, CHAIR
AMHERST ZONING
BOARD OF APPEALS
August 26, September 2
3338057

SITTING BOARD and VOTE TAKEN:

To grant a Special Permit, ZBA FY2016-00002, to renew ZBA FY2010-00003 for the creation of a buildable lot as a flag lot, under Section 6.3 and 10.33 of the Zoning Bylaw, subject to conditions

Mark Parent – Yes

Tom Ehrgood
~~Keith Langsdale~~ – Yes

Yuri Friman – Yes

DECISION: APPROVED with conditions

COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town

NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted

To Paul Higgins

Address PO Box 577

City or Town East Sandwich, Rhode Island, 02537

Identify Land Affected: 269 Leverett Road
(Map 3A, Parcel 100, R-O Zoning District)

By the **Town of Amherst Zoning Board of Appeals** affecting the rights of the owner with respect to the use of the premises on

269 Leverett Road Amherst
Street City or Town

The record of title standing in the name of
Paul R. Higgins

Name of Owner

Whose address is PO Box 577 East Sandwich RI 02537
Street City or Town State Zip Code

By a deed duly recorded in the
Hampshire County Registry of Deeds: Book 9029 Page 350
or

Hampshire Registry District of the Land Court, Certificate No. _____,
Book _____, Page _____

The decision of said Board is on file, with the papers, in ZBA FY2016-00004
In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

Mark Parent Chairman
(Board of Appeals) 
Tom Elmgood Clerk
(Board of Appeals)

_____ at _____ o'clock and _____ minutes _____ m.
Received and entered with the Register of Deeds in the County of Hampshire
Book _____ Page _____

ATTEST _____
Register of Deeds
Notice to be recorded by Land Owner

Town of Amherst Abutter List

<u>Parcel ID</u>	<u>Parcel Address</u>	<u>Owner1</u>	<u>Owner2</u>	<u>Address</u>	<u>City/Zip</u>
3A-3	LEVERETT RD	GUSTIN, MARSHALL S & ELIZABETH L		76 WINTHROP ST	MEDWAY, MA 02053
3A-9	LEVERETT RD	POCOMO ROAD NOMINEE TRUST	C/O TOZLOSKI, BARRE TRUSTEE	312 LEVERETT RD	AMHERST, MA 01002
3A-10	LEVERETT RD	POCOMO ROAD NOMINEE TRUST	C/O TOZLOSKI, BARRE TRUSTEE	312 LEVERETT RD	AMHERST, MA 01002
3A-11	LEVERETT RD	POCOMO ROAD NOMINEE TRUST	C/O TOZLOSKI, BARRE TRUSTEE	312 LEVERETT RD	AMHERST, MA 01002
3A-6	LEVERETT RD	POCOMO ROAD NOMINEE TRUST	C/O TOZLOSKI, BARRE TRUSTEE	312 LEVERETT RD	AMHERST, MA 01002
3A-7	LEVERETT RD	POCOMO ROAD NOMINEE TRUST	C/O TOZLOSKI, BARRE TRUSTEE	312 LEVERETT RD	AMHERST, MA 01002
3A-8	LEVERETT RD	POCOMO ROAD NOMINEE TRUST	C/O TOZLOSKI, BARRE TRUSTEE	312 LEVERETT RD	AMHERST, MA 01002
3C-13	LEVERETT RD	W D COWLS INC		134 MONTAGUE RD, P.O. BOX 9877	NORTH AMHERST, MA 01059-9877
3A-4	207 LEVERETT RD	FERRY, EDWARD M & ELIZABETH K		207 LEVERETT RD	AMHERST, MA 01002
3A-50	269 LEVERETT RD	POCOMO ROAD NOMINEE TRUST	C/O TOZLOSKI, BARRE TRUSTEE	312 LEVERETT RD	AMHERST, MA 01002
3A-2	261 LEVERETT RD	MCCANDLESS, BRUCE & HANLEY, SUSAN		261 LEVERETT RD	Amherst, MA 01002
3A-101	266 LEVERETT RD	HOCHMAN, JERE I & JOSETTE M		142 EAST MIDDLE PATENT RD	BEDFORD, NY 10506
3A-100	269 LEVERETT RD	HIGGINS, PAUL R		P.O. BOX 577	EAST SANDWICH, RI 02537
3A-99	273 LEVERETT RD	BRYAN, JOHN G TRUSTEE		273 LEVERETT RD	Amherst, MA 01002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/Zip</i>
3A-98	275 LEVERETT RD	NORDTVEIT, BJORN HARALD		275 LEVERETT RD	Amherst, MA 01002
3A-97	281 LEVERETT RD	MCGABE, MICHELE		281 LEVERETT RD	AMHERST, MA 01002
3A-85	294 LEVERETT RD	OLIVER, STEPHEN P TRUSTEE	C/O DAINTREE ADVISORS LLC	P O BOX 52570	BOSTON, MA 02205
3A-86	304 LEVERETT RD	OLIVER, STEPHEN P TRUSTEE	C/O DAINTREE ADVISORS LLC	P O BOX 52570	BOSTON, MA 02205
3A-96	305 LEVERETT RD	FULLER, MARK A & TANYA D		305 LEVERETT RD	AMHERST, MA 01002