



MEETING NOTICE
TOWN OF LYNNFIELD

Town Clerk Date Stamp

Board/Committee Name: BOARD OF APPEALS

Day/Date: Tuesday, October 2, 2018

Time of Meeting: 7:30 PM

Location: TOWN HALL- H. JOSEPH MANEY HEARING ROOM
55 SUMMER STREET, LYNNFIELD, MA

AGENDA

CONTINUING JURISDICTION/
ADMINISTRATIVE MATTERS

Case 17-23 (original hearing date 12/5/17) to request a modification of the original permit

CASE #18-14 Mary Bliss, Andrew Gallucci, Willis O'Brien and John Sievers, 165 Lowell Street, Lynnfield 01940

To appeal a Decision made by the Building Inspector in the form of a letter addressed to Mary Bliss, Andrew Gallucci, Willis O'Brien and John Sievers dated 5/17/2018 and mailed 5/21/2018. Said Decision was in response to three written Zoning complaints supported by documentation filed by the Petitioners with the Building Inspector on or about 5/5/2018.

Said complaints alleged that Boston Clearwater Company, LLC, the owner of the premises at 165 Lowell Street, and third parties are violating the Lynnfield Zoning Bylaws, and requested enforcement by the Building Inspector, which request was denied. The specific complaints were as follows: (1) Boston Clear Water Company, LLC is unlawfully practicing a commercial use in a residential district (Single Residence C district) at 165 Lowell Street, Lynnfield, MA 01940, as there is insufficient evidence to establish that a lawful preexisting non-conforming commercial use ever existed on said property. (2) To the extent that commercial activity was ever lawfully permitted at 165 Lowell Street, Lynnfield, MA, as a lawful preexisting non-conforming use prior to the adoption of Zoning in Lynnfield, said use was unlawfully extended without relief from the Lynnfield Zoning Board and therefore is not protected from zoning enforcement as a lawful preexisting non-conforming use.

(3) To the extent that commercial activity was ever lawfully permitted at 165 Lowell Street, Lynnfield, MA, as a lawful preexisting non-conforming use prior to the adoption of Zoning In

Lynnfield, all of said uses have since been abandoned for a a period of two (2) years, and therefore the use is no longer lawful and is not protected from zoning enforcement as a lawful preexisting non-conforming use, nor can the use of the property revert to commercial. The requested relief is as follows: A. Order Boston Clear Water Company, LLC to immediately and forever cease and desist from all commercial use and related activity at 165 Lowell Street, Lynnfield, MA. B. Order Boston Clear to remove all tangible commercial items and vehicles of every kind from 165 Lowell Street, Lynnfield, MA. C. Order the immediate demolition and removal of all commercial structures and debris at 165 Lowell Street, Lynnfield, MA. D. Provide any further relief and issue any and all other orders and remedies the Board may deem appropriate and necessary to forever stop, enjoin, and remedy all of Boston Clear’s ongoing Zoning violations occurring at 165 Lowell Street, Lynnfield, MA.

The specific Zoning Bylaws Section which relief is desired is as follows: MGL. c. 40A Sections 7,8,14,15, Lynnfield Zoning Bylaws Section 1.0, 1.1,1.2,1.3,1.4,1.4.1,3.0,3.1.1, Appendix A Table of Use Regulations, 3.1.2,3.1.3,3.1.4,3.2,3.2.1,3.2.2,3.3,5.0,5.1,5.2,5.2.1,5.3.1,5.6,5.8,9.3,9.3.2,10.0,10.2,10.2.1,10.2.2,10.2.3,10.2.4,10.2.5, and 10.3.2

CONTINUED FROM THE 9-11-18 HEARING

CASE #18-20 Norman Winsor and Erin Conway Winsor, 74 Crescent Avenue, Lynnfield, MA 01940 To apply for a Special Permit/Finding under Section 9.2 and Section 5 (formerly Section 11.4) for a modification of a prior Special Permit/Finding granted by the Board of Appeals on August 3, 2017. Petitioners were granted a Special Permit/Findings, pursuant to a Lynnfield Board of Appeals decision dated and filed with the Lynnfield Town Clerk on August 3, 2017, under Sections 9.2 and 11.4 of the Lynnfield Zoning Bylaw in affect at that time, allowing for the razing and removal of the existing non-conforming lot at 74 Crescent Avenue, which dwelling was located in the 50 foot Wetlands Buffer Zone, and the construction of a new non-conforming dwelling on said lot, which also lies within the 50 foot Wetlands Buffer Zone (herein “Original Special Permit/Findings”), a copy of which is attached hereto. The Petitioners are requesting a New Special Permit/Findings and /or a modification of the Original Special Permit/Findings allowing the new non-conforming dwelling as constructed and as shown on a plan entitled “Lynnfield, Massachusetts As Built Plan prepared for Norman and Erin Winsor 74 Crescent Avenue Parcel ID 0035 0000 1753” prepared by Reid Land Surveyors, Lynn, Ma and dated August 14, 2018. Petitioners in submitting this application specifically reserve the right to claim that the requested relief is not required and the submittal of this application shall in no way be deemed a waiver of any rights to make said claim.

CONTINUED FROM THE 9-11-18 HEARING

MINUTES FOR REVIEW

No advertisement for continued cases