

**Petition
TOWN OF LYNNFIELD
ZONING BOARD OF APPEALS**

RECEIVED
AUG 10 2020
PLANNING BOARD OFFICE
LYNNFIELD, MA

Name of Petitioner: **Regina Trust, Joseph J. DiPietro, Regina M. DiPietro, Paul DiPietro and Christopher T. DiPietro, Trustees**

Address: **137 Edgemere Way, Naples, Florida 34105**

Address of property which is the subject of the Petition: **Harvey Park (formerly Assessor's Map 52, Parcel 382) consisting of 2 Harvey Park, Assessor's Map 52, Parcel 351; 4 Harvey Park, Assessor's Map 52, Parcel 384; 8 Harvey Park, Assessor's Map 52, Parcel 385; and 10 Harvey Park, Assessor's Map 52, Parcel 387, Lynnfield, Massachusetts 01940**

1. Indicate and describe relief being sought by this Petition:

 A. Appeal Decision made by * (Bldg. Inspector, Planning Board, etc.) Date:

 XB. Apply for Variances

Variances requested under Section 5.4 as needed, to permit the razing, removal, reconstruction and enlargement of the four existing dwellings located and comprised of a non-conforming single family residence at 2 Harvey Park, a non-conforming two family residence at 4 Harvey Park, a non-conforming two family residence at 8 Harvey Park and a non-conforming single family residence at 10 Harvey Park, all as shown on the plans filed herewith by Griffin Engineering Group, LLC entitled "Regina Trust, Harvey Park, Lynnfield, Mass. (Pages C1, C2, C3 and C4)" dated January 4, 2021.

 XC. Apply for Special Permits

Special Permits under Sections 5.2, 5.3 and 5.5 to allow the razing, removal, reconstruction and enlargement of the four dwellings as described above and in the attached Memorandum.

 D. Other: * (Specify)

2. Specify Zoning By-law Section(s) from which you desire relief: **Variances as needed under Section 5.4 and Special Permits under Sections 5.2, 5.3 and 5.5 for the proposal described above and in the attached Memorandum incorporated herein by reference.**

3. With respect to Land under consideration:

A. Its Area **78,347** square feet of land, street frontage **83.11 (plus 22.3 total 105.41)** feet

B. District Zone (see By-laws) **RA**

C. Deed Recorded: Land Court Book **299A** Certificate **64164**

Premises formerly shown as one lot on Assessor's Map **52**, Parcel **382**. Now shown as **2**

Harvey Park: Map 52, Parcel 351; 4 Harvey Park: Map 52, Parcel 384; 8 Harvey Park: Map 52, Parcel 385; and 10 Harvey Park: Map 52, Parcel 387, but no official subdivision of the land has occurred per Land Court – see attached Land Court Plan 9665B.


4. **Ownership:**

A. Name, Address of Owner(s): **Joseph J. DiPietro, Regina M. DiPietro,
Paul DiPietro and Christopher T. DiPietro
Trustees of the Regina Trust
137 Edgemere Way, Naples, Florida 34105**

B. If applicant is not owner, check the interest in the premises: N/A
Prospective Buyer: *
Lessee: *
Other (explain) *

5. The undersigned petitioner affirms the foregoing statements are true statements of fact:

Regina Trust, Joseph J. DiPietro, et. al. Trustees

Signed by:  January 7, 2021
their Attorney **JOHN H. KIMBALL, JR.**
Street and Number: **618 Main Street** Town: **Lynnfield** State: **MA**
Phone No.: **(781) 334-3200**

Assessor's clerk _____ Date _____

- 6. A check payable to the Town of Lynnfield shall be delivered to the Secretary for the Board of Appeals, Town Hall, Lynnfield, MA 01940, for the proper amount indicated in the fee schedule.
- 7. **The application and fee shall be submitted to the Town Clerk at least four (4) weeks prior to the date of the hearing.**
- 8. Public Hearings are normally scheduled for 1st Tuesday in each month.

Petitioner not to write below:

Petition reviewed by Building Inspector for completeness _____
Received and stamped by Town Clerk _____
Entered with the Board of Appeal _____
Fees actually paid \$ _____
Advertised in _____
Parties of interest mailed notices _____
Hearing date _____

**MEMORANDUM
TO
LYNNFIELD BOARD OF APPEALS**

RE: Request of Zoning Relief – Harvey Park, also known as 2 Harvey Park, 4 Harvey Park, 8 Harvey Park and 10 Harvey Park, Lynnfield, Massachusetts

History:

The Premises subject to the instant Petition are shown on two Land Court Plans - LC Plan 9665A2 and 9665B, copies of which are attached hereto and incorporated herein by reference. The earlier Plan dated February 18, 1924 shows the four existing dwellings on said Plan proving the existence of the same in the early 1900's. The Assessor's Property Description Form states that the four dwellings were constructed around the year 1900. The Plan 9665B shows a taking of a portion of the property for Route 128 on or about 1958 and all four dwellings are once again shown on said Plan. There are no additional Land Court plans on record proving the division of the land shown on the Assessor's Plan has not legally occurred in the Land Court. It is presumed the dwellings were built by the Eagleston family based on available history and the former name of Harvey Park (Eagleston Place). The Eagleston family owned what was then called the Suntaug Inn situated in the approximate location of the Bali Hai restaurant, at a time when Grove Street continued across what later became Route 128 and ran down to Suntaug Lake. It appears the four dwellings were used to house staff who worked at the Inn.

Site Information:

The site contains 78,347 square of land and has 83.11 feet of frontage on the private way now known as Harvey Park. If the frontage along the end of the way is added to the frontage along the side of the way, it provides a total frontage of 105.41 feet. Since the premises are located in the RA Zone, the minimum square footage requirement is 15,000 square feet and the minimum frontage requirement is 110 feet making the lot non-conforming, not only due to the fact that multiple dwellings exist on one lot, but that the lot lacks sufficient frontage in the RA Zone.

On or about March 1, 2006, an Approval Not Required Plan drawn by Hayes Engineering, Inc. was submitted to the Lynnfield Planning Board under the provisions of M.G.L. Ch. 41 Sec. 81L. That Section permits a land owner, owning a lot with more than one structure thereon at the time subdivision control was adopted in the City or Town in which the land lies (1953 in Lynnfield), the right to an Approval Not Required Plan endorsement creating one lot for each such structure on the property. While the Lynnfield Planning Board endorsed the Approval Not Required Plan, said Plan was never finally approved and adopted by the Land Court because of the owner's decision not to complete the plan approval process. Recently the Lynnfield Board of Assessors amended Map 52 to reflect the four lots rather than the single parcel changing it from one Parcel on Map 52 identified as Parcel 382 to four parcels on Map 52 designated Parcel 351, Parcel 384, Parcel 385 and Parcel 387.

It is noted that this Petition treats the property as remaining undivided as that is the legal status of the same in the Land Court.

Proposal:

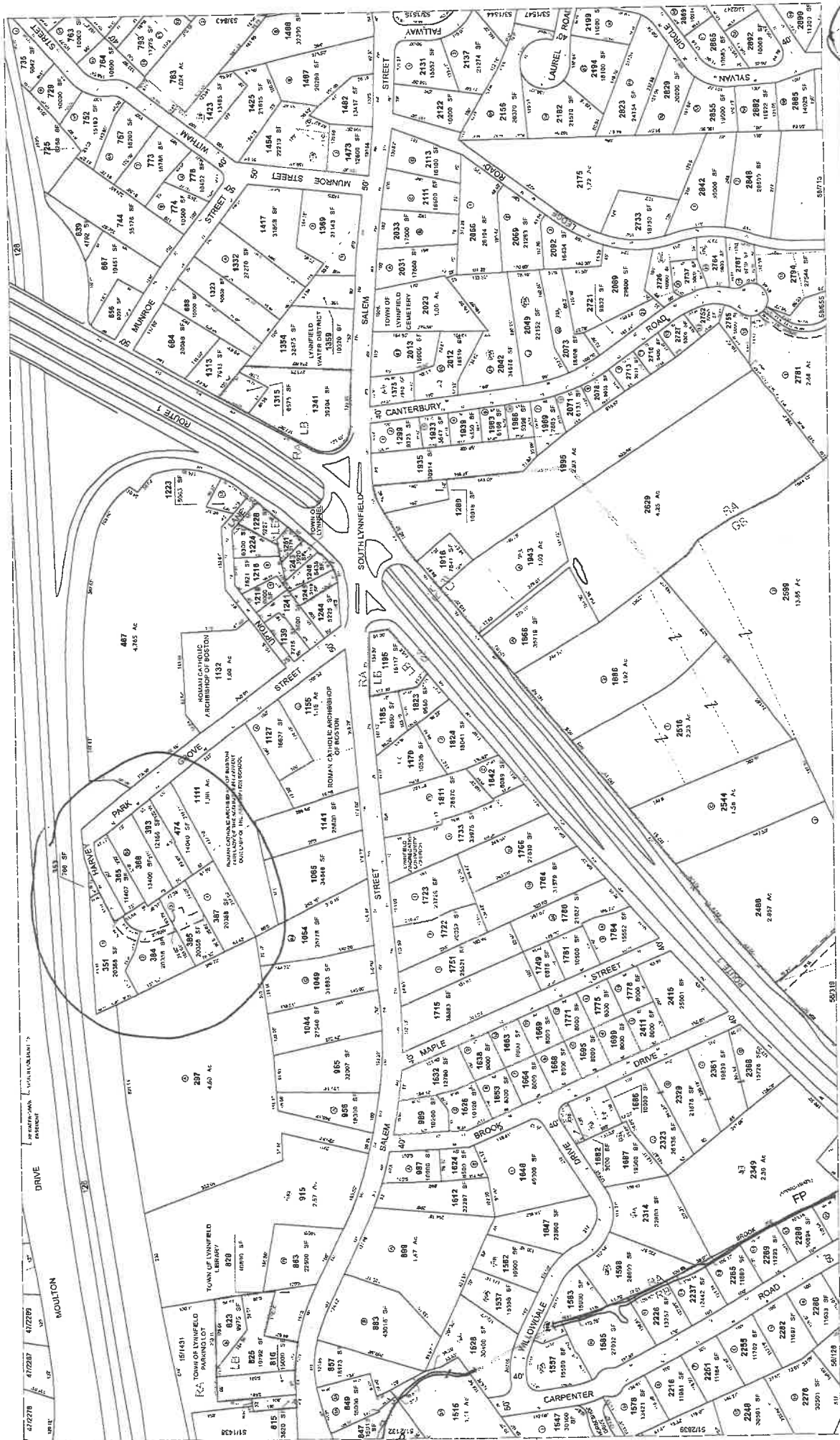
The Petitioner proposes to raze, remove, reconstruct and enlarge all four dwellings. The dwellings at 2 Harvey Park and 10 Harvey Park are to be replaced with new enlarged single family dwellings and the multifamily dwellings at 4 Harvey Park and 8 Harvey Park are to be replaced with new enlarged non-conforming two family dwellings. Copies of the proposed house plans for both the single and two family dwellings are also submitted herewith. The multiple dwellings on one lot issue is intended to be addressed and controlled with the use of a condominium form of ownership.

Zoning Relief:

As the two multifamily dwellings are proposed to be reconstructed on a larger footprint, a Special Permit under Section 5.2.1 "Extension of the Non-Conforming Use of the Property" is required. In addition, because all four dwellings are to be reconstructed and enlarged, Special Permits are required under Section 5.3.1 for each of the same, as well as under Section 5.5. In addition, because the ground flow area is to increase, Variances for each dwelling may be needed under Section 5.4 of the Zoning By-Law. The table on the bottom left of Sheet C2 of the submitted plans indicates the number of bedrooms in both single family dwellings are increasing from three to four. The number of bedrooms in one of the two family dwellings is staying the same 6 bedrooms total, 2 units with three bedrooms each, and the other two family dwelling is decreasing from 8 to 6 bedrooms. Overall that total number of bedrooms proposed at the property remains as existing number 20. All existing dwellings meet the RA Zone height requirement and yard setbacks, as will all proposed dwellings, which will also comply with the maximum 30% lot coverage threshold for both the existing and proposed conditions.

Supplemental Materials and Plans:

Filed with this Petition is a set of plans by Griffin Engineering Group, LLC, Beverly, Massachusetts, entitled "Regina Trust Harvey Park Lynnfield, Mass.", dated January 4, 2021, being: C1 Existing Conditions Plan, C2 Proposed Layout Plan, C3 Proposed Utility Plan and C4 Aerial Plan. Also enclosed are Artform Home Plans for both the single and two family proposed dwellings and the Griffin Engineering Group, LLC Sewage Disposal Feasibility Report dated January 5, 2021.



MAP NO. **52**

INDEX DIAGRAM

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16

PROPERTY MAPS
LYNNFIELD
MASSACHUSETTS

SCALE: 1" = 100'

FEET 0 100 200 300

METERS 0 20 40 60

REVISED TO JANUARY 1, 2020

LEGEND

- 818 TAX MAP BOUNDARIES
- 819 PLANNING BOARD
- 820 ZONING
- 821 2011 OWN OR LIAISON
- 822 2011 OWN OR LIAISON
- 823 2011 OWN OR LIAISON
- 824 2011 OWN OR LIAISON
- 825 2011 OWN OR LIAISON
- 826 2011 OWN OR LIAISON
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- 899 2011 OWN OR LIAISON
- 900 2011 OWN OR LIAISON

REVISED & REPRINTED BY
CAI Technologies
150 STATE STREET, SUITE 200
LYNNFIELD, MA 01902
TEL: 978-226-1111
WWW.CAITECH.COM

THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.
THE HORIZONTAL DATUM IS THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM (MASC).

ORIGINAL MAPS PREPARED BY THE SURVEY CORPORATION, WESTON, VIRGINIA.

TRANSFER CERTIFICATE OF TITLE

Book 299A
Cert. No. 64164
Docu. No. 295287

From TRANSFER Certificate No. 60500 Originally Registered

March 28, 1924 in Registration Book 20 Page 4935

for the Southern Registry District of Essex County.

THIS IS TO CERTIFY that

JOSEPH J. DIPIETRO, REGINA M. DIPIETRO,
OF 137 EDGEMERE WAY SOUTH. NAPLES, FL.

PAUL DIPIETRO
of 8 BISHOPS LANE, LYNNFIELD, MA. 01940

TRUSTEE of the REGINA TRUST, UNDER A DECLARATION OF TRUST, DATED JANUARY 10,
1994, AND FIELD AS DOCUMENT 295286 IN SAID REGISTRY,

ARE the owner(s) in fee simple

of that land situated in LYNNFIELD

in the County of Essex and Commonwealth of Massachusetts, bounded and described as follows:

- SOUTHERLY by the northerly line of Eagleston Place (now known as Harvey Park) eighty three and 11/100 (83.11) feet;
- EASTERLY by the westerly end of said Eagleston Place and by land now or formerly of Alice T. Moriarty eighty five and 26/100 (85.26) feet;
- SOUTHERLY by land now or formerly of Emma A. Bryant sixteen (16) feet;
- EASTERLY by said Bryant land and by lands now or formerly of Herman A. Griffin et al and of Edmond A. Moeglin et al one hundred ninety five and 34/100 (195.34) feet;
- SOUTHERLY two hundred sixteen and 40/100 (216.40) feet, and
- WESTERLY four hundred twenty three and 83/100 (423.83) feet by land now or formerly of Carl L. Hoffman;
- NORTHERLY by Parcel 2-27, as shown on plan hereinafter mentioned, two hundred ninety one and 77/100 (291.77) feet; and
- EASTERLY by land now or formerly of George Williams twenty seven and 12/100 (27.12) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 9665-B, drawn by Massachusetts Department of Public Works; E. J. McCarthy, Chief Engineer, dated December 16, 1958 and May 27, 1960, as modified and approved by the Court, filed in the Land Registration Office, a

copy of a portion of which is filed with Certificate of Title 35999 in said Registry, and the above described land is shown as lot 1, on last mentioned plan.

There is appurtenant to the above described land a right of way over said Eagleston Place to and from Grove Street, in common with others entitled thereto.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

JOSEPH J. DIPIETRO, REGINA M. DIPIETRO, PAUL DIPIETRO, TRUSTEES AS AFORESAID;

to said land is registered under said Chapter, subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, which may be subsisting and subject as aforesaid; and to the memoranda of encumbrances for this certificate.

WITNESS, ROBERT V. CAUCHON, Chief Justice of the Land Court, at Salem, in said County of Essex.

The second day of February in the year nineteen hundred and ninety-four at 1 o'clock and 6 minutes.

Attest, with the Seal of said Court,

John L. O'Brien, Jr., Assistant Recorder

STEVEN K. RIEMER ATTY
390 COMMERCIAL STREET
BOSTON MA 02109-1007

Doc Num	Kind	In Favor Of	Terms	Date Signed	Date Registered	Discharge
295286	DCLN	THE REGINA TRUST	DECLARATION OF TRUST SEE DOC.	01/10/1994 02/02/1994 01:06 PM		
502315	RSGN	PAUL DIPIETRO	RESIGNING AS TRUSTEE SEE DOC	08/19/2009 08/31/2009 11:04 AM		
619044	APPT&C	PAUL DIPIETRO TR	CERTIFICATE OF APPT AND ACCEPTANCE OF TRUSTEE OF THE REGINA TRUST SEE TRUST DOC 295286	11/02/2016 11/25/2020 11:21 AM		
619063	APPT	CHRISTOPHER T DIPIETRO	CERTIFICATE OF APPOINTMENT AND ACCEPTANCE OF TRUSTEE OF THE REGINA TRUST SEE TRUST DOC 295286	11/02/2016 11/25/2020,01:12 PM		

9665 A²

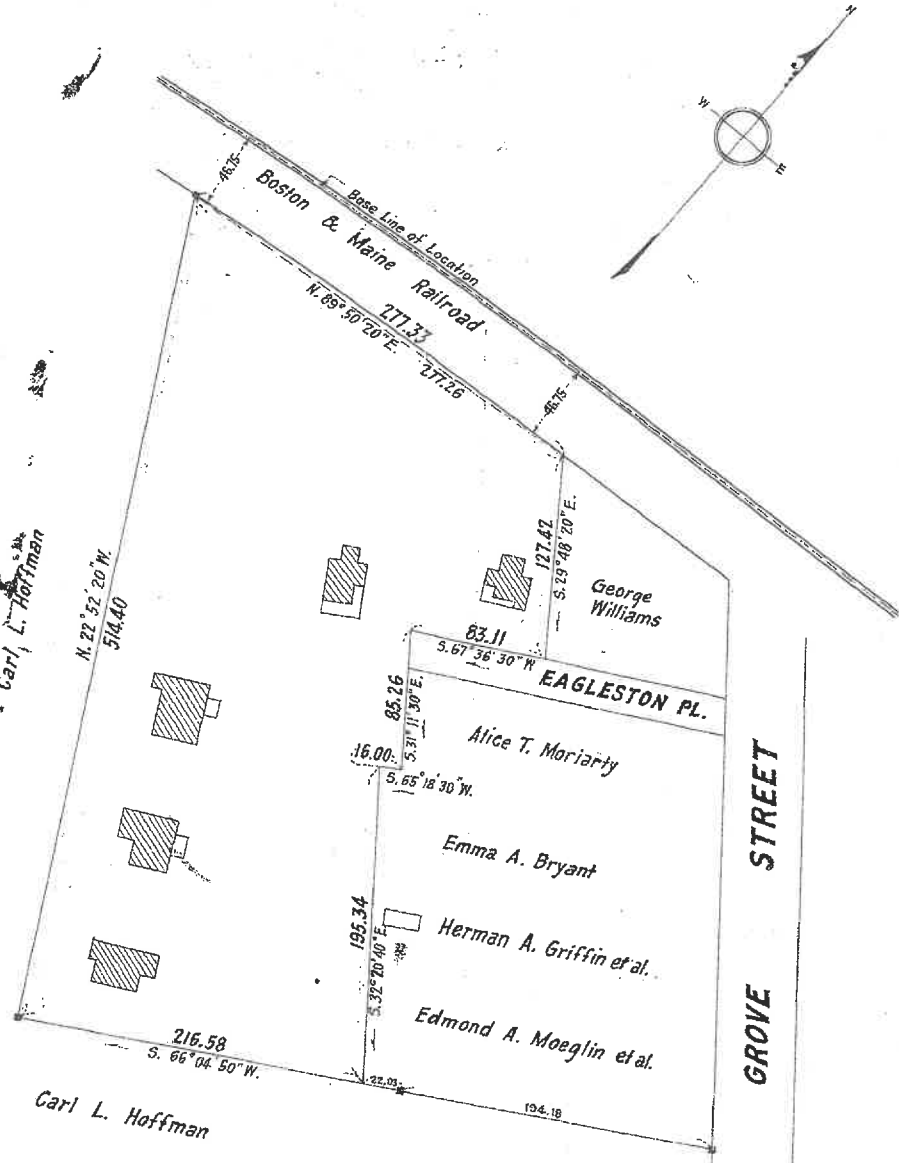
Plan of Land in Lynnfield

Scale 40 feet to an inch

FEB. 18, 1924

Shay & Leary, Civil Engineers

*See
Notes
Over*



Essex South Registry District
Mar. 28, 1924

RECEIVED AND FILED
WITH CERTIFICATE No. 4935

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
FEB. 19, 1924
Scale of this plan 80 feet to an inch
C.B. Humphrey, Engineer for Court ✓

No Certificate of Title
shall be issued relating to land
shown hereon, which is held by the Court,
the same being subject to an order plan
dated ^{Jan. 16, 1958} ~~May 27, 1960~~ filed with Cert. No. 35799
See Cancellation as to Plan Doc. #
(No cancellation as to Plan on file.)

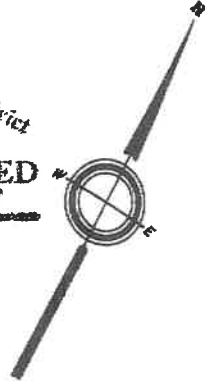
9665B

SUBDIVISION PLAN OF LAND IN LYNNFIELD

Massachusetts Department of Public Works
E. J. McCarthy, Chief Engineer

December 16, 1958
May 27, 1960

Essex South Registry District
February 1, 1966
RECEIVED AND FILED
With Certificate No. 35999

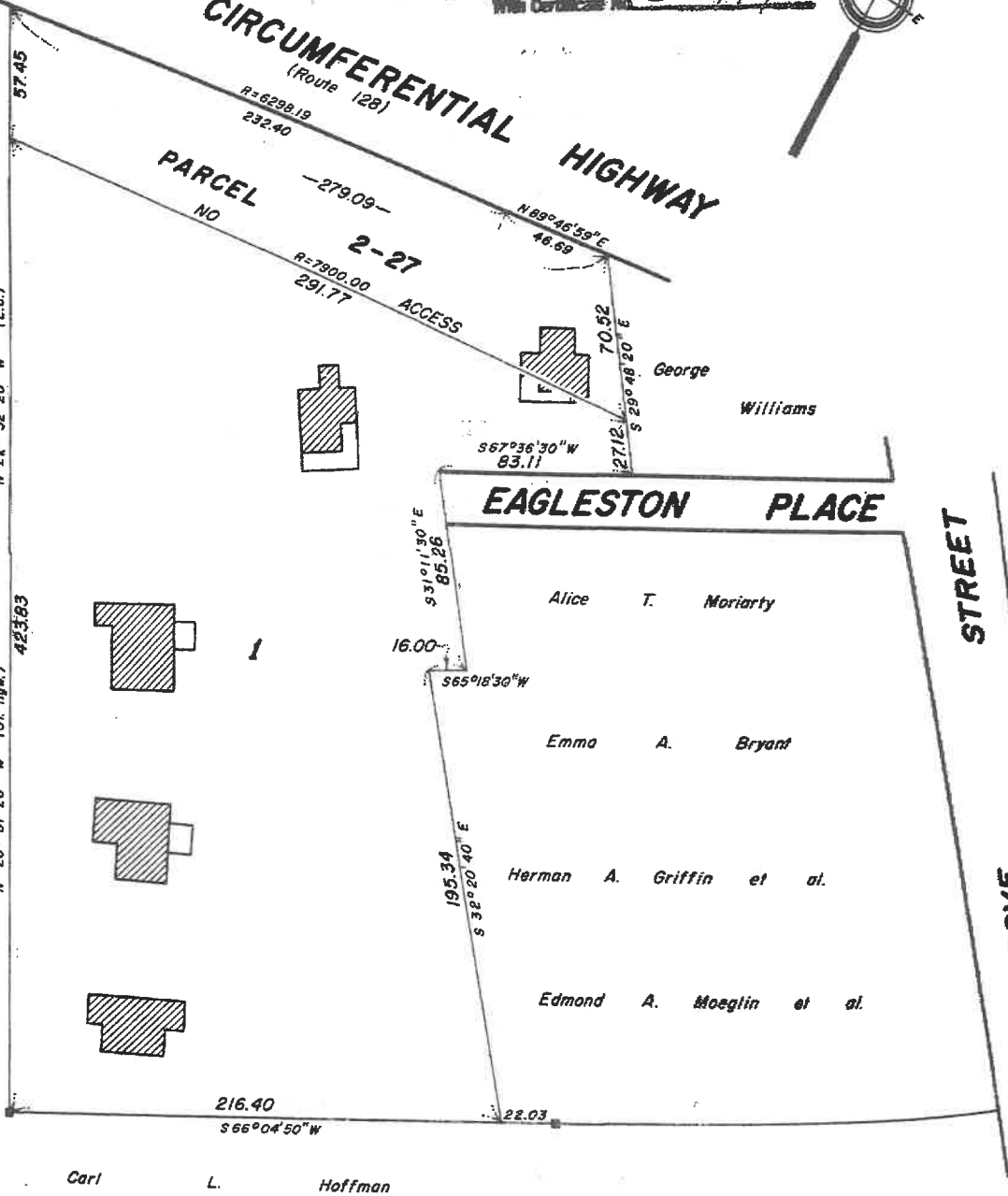


NORTHERN

CIRCUMFERENTIAL HIGHWAY
(Route 128)
R=6298.19
232.40

PARCEL NO. 2-27
R=7800.00
291.77 ACCESS

Hoffman
N 28° 52' 20" W (L.C.)
57.45
L.
42383
Carl
N 28° 51' 28" W (St. Hgw.)
216.40
Carl L. Hoffman



EAGLESTON PLACE

STREET

GROVE

Alice T. Moriarty
Emma A. Bryant
Herman A. Griffin et al.
Edmond A. Moeglin et al.

George Williams

Subdivision of Land
Shown on Plan 9665A2
Filed with Cert. of Title No. 4935
South Registry District of Essex County

Separate certificates of title may be issued for land
shown hereon as PARCEL 2-27 & Lot 1
By the Court.

Copy of part of
filed in
LAND REGISTRATION OFFICE
Taking Fee
and 9665B

JAN 22 1966
Mansfield