

Petition
TOWN OF LYNNFIELD
ZONING BOARD OF APPEALS

Name of Petitioner Lynnfield Center Water District

Address 83 Phillips Road, Lynnfield, MA 01940

Address of Property which is the subject of the
Petition 10 Glen Drive Lynnfield MA 01940

1. Indicate and describe relief being sought by this petition:
(check appropriate box)

- | | | Date |
|-------------------------------------|--|-------|
| <input type="checkbox"/> | A. Appeal Decision made by _____
Bldg. Inspector, Planning Board, etc. | _____ |
| <input type="checkbox"/> | B. Apply for a Variance
_____ | |
| <input checked="" type="checkbox"/> | C. Apply for a Special Permit
Development of greater than 2,500sf impervious area within the Groundwater Protection District (see below) 9.3.8.2
_____ | |
| <input checked="" type="checkbox"/> | D. Other (specify)
_____ | |

Site Plan Review for expansion of existing water treatment facility including the addition of greater than 600 sf impervious area (10.6.1) accessed from the end of Glen Drive and including impervious surface greater than 2,500 sf within the groundwater protection district.

Addition of a 5,720 sf filter building adjacent to the existing 990 sf pump station. Addition of two earthen settling lagoons, one earthen infiltration lagoon, exterior emergency generator and electrical equipment mounted on concrete slabs, and a 400 sf radon treatment structure and enclosure. Pavement will be expanded to provide access to the filter building and will include parking for two vehicles in addition to maneuvering space for vehicle access to the filter building totaling 6,880 sf. The expansion will include three infiltration basins to accept flow from the additional pavement and building surfaces and a septic area for sanitary waste from the new filter building. Total land disturbance = 85,750 sf (1.97 AC)

An existing fire hydrant will be relocated to accommodate the access to the new building. The existing fence will be removed, and a new chain link fence will be provided enclosing the expanded treatment facility and the lagoons.

The closest point of land disturbance to adjacent property to the west (Zoned RD) is 130 ft. The proposed building is 200 ft from the property line. The property is surrounded on three additional sides by land zoned M and owned by the Lynnfield Center Water District (owner of this parcel).

The project area is not located within the 100 year floodplain as shown on map 25009C0391F. The area of disturbance is outside the 100 ft wetland buffer.

2. Specify Zoning Bylaw Sections(s) from which you desire relief:

Relief cannot be granted at this hearing for any condition or bylaw not stated above

3. With respect to Land under consideration:

A. Its Area **1,306,687sf** _____ square feet, street frontage **0 (access through parcel 2866, same owner)** _____ feet

B. District Zone (see Bylaws) **Municipal/Groundwater Protection** _____

C. Deed Record: Registry of Deeds _____ **The Town of Lynnfield Assessors database indicates the record owner of Parcel ID 0012-0000-0197 as LCWD**

Book _____ Page _____ (see tax bill)

Or Land Court _____,

Book _____ Certificate _____

Map **12** _____ Parcel **197** _____

4. Ownership

D. Name, Address of Owner(s)

Lynnfield Center Water District, 83 Phillips Road, Lynnfield, MA 01940

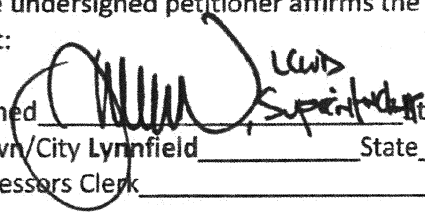
E. If applicant is not owner, check the interest in the premises, and attach evidence of such interest.

Prospective Buyer: N/A

Lessee: _____

Other (explain) _____

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

Signed  Street and Number 83 Phillips Road
Town/City Lynnfield State MA Phone No. (781) 334-3901
Assessors Clerk _____ Date _____

5. A check payable to the Town of Lynnfield shall be delivered to the Board of Appeals, Town Hall, Lynnfield, MA 01940 for the proper amount indicated in the above fee schedule.

6. The Application and fee shall be submitted to the Town Clerk at least four (4) weeks prior to date of the hearing.

8 Public Hearings are normally scheduled for the 1st Tuesday of 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 _____

THE ZONING BOARD OF APPEALS TIMELINE
(PLEASE READ CAREFULLY)

- Hearings are the first Tuesday of every month. The Petition should be filed at least 4 weeks prior to the date of the meeting.
- Petition is submitted to the Building Inspector for an initial review for completeness.
 - ◻ Petition is filed with the Town Clerk and processed for the next hearing, with appropriate fee.
 - ◻
- Petition is then formally submitted to the Zoning Board of Appeals.
- Petition is given to the following boards for their review by the ZBA Secretary: Planning Board, Conservation Commission, Board of Health, Water Department, Fire Department, and DPW depending on the nature of the petition.
- Petitioners should check with the **Planning Board and Conservation Commission prior to the Zoning Board of Appeals hearing** to determine whether a petition must separately come before those other boards.
- The petitions must be advertised for **at least 2** weeks prior to the hearing (done by ZBA Secretary)
- Notices are sent out by the ZBA Secretary to abutters of the Petitioners.
- At the hearing, a decision will be made or it will be continued.
- If a favorable decision is made, a written decision will be signed by the Chair or designee. Counsel may be invited to submit draft opinion, but only to assist the board in rendering decision.
- The final decision is then filed with the Town Clerk and time stamped
- There is a **20-day appeal period** which starts the day the decision is filed with the Town Clerk and time stamped. Notices are sent out to abutters by the Zoning Board of Appeals Secretary to notify them that the decision has been filed and that they have 20 days to appeal that decision.
- After the 20 days has passed and no appeal has been filed, the Petitioner can pick up a copy of the Decision from the Town Clerk. The Petitioner must take the decision to the Registry of Deeds in Salem, Mass. to be recorded. The recording along with a copy of the Decision must be attached to the Building Application in order to obtain the Building Permit.

**TOWN OF LYNNFIELD
RULES OF THE ZONING BOARD OF APPEALS**

1. The Board of Appeals operates under the authority of the Zoning Bylaws of the Town of Lynnfield, Section 8(d), and Chapter 40A of the General Laws of the Commonwealth of Massachusetts. It also has jurisdiction in the area of Building Bylaws and Planning Bylaws.

2. Public Hearings are regularly scheduled for the first Tuesday of each month in the Town Hall, or at such other times as may be dictated by significant public interest.

3. Forms for petitioning for a hearing are available in the Town Hall with the Building Inspector and such other locations as he may designate. The forms are self-explanatory and must be filled out completely.

4. Any appeal must be made within thirty (30) days from the date of refusal by the cognizant administrative officer.

5. The department refusing the permit shall specify the reasons therefor and the particular Bylaw or ordinance involved.

6. Petitions [applications] shall be submitted as follows.

a. If an appeal from **ADMINISTRATIVE DECISION** or a direct application for **VARIANCE** or **SPECIAL PERMIT** (Paragraph IA, IB, or ID of the petition) sixteen (16) copies of the application shall be submitted to the Town Clerk at least four (4) weeks prior to the date of the hearing. (See Rule 2 above).

b. If an application for a Special Permit, sixteen (16) copies said application shall include a site plan which shows all existing and proposed features, including as a minimum those prescribed under **Section 10.6.2** of the Lynnfield Zoning Bylaws, as amended from time to time and additional stipulations as provided under Board of Appeals Rule 13, a. through j. inclusive.

Upon receipt of an application accompanied by sixteen (16) copies of the site plans the Board of Appeal shall, within 5 working days, transmit one copy to the Planning Board, Board of Health, Conservation Commission, Department of Public Works, the Building Inspector, and the Water District in which the site is located for their written recommendations in accordance with the provisions of M.G.L. Chapter 40A, Section 11.

c. If an application for a **NON-CONFORMING BUILDING TO BE STRUCTURALLY ALTERED OR ENLARGED** under **Section 5.3** of the Lynnfield Zoning Bylaws, said application shall include a **CERTIFIED PLOT PLAN** prepared by a Professional Engineer or Land Surveyor which shows all existing and proposed features including as a minimum all existing and proposed buildings, structures, ways, driveway openings, driveways and their dimensions and the approximate location and type of sanitary system, set back, side line, and rear yard depth distances from all present proposed buildings or other features, and identify any land thereon which lies within the Groundwater Protection District and Flood Plain District. The scale of said Certified Plot Plan shall be no smaller than 1-inch equals 40 feet.

d. If an application for an **EXTENSION OR CHANGE IN NON-CONFORMING USE** under **Section 5.2** of the Lynnfield Zoning Bylaws, said application shall include a **SITE PLAN** which shows all existing and proposed features including as a minimum all existing and proposed buildings, structures, ways, driveway openings, driveways and their dimensions and the location and type of sanitary system, set back, side line, and rear yard depth distances from all present proposed buildings or other features, and identify any land thereon which lies within the Groundwater Protection District and Flood Plain District. In all cases involving extension of change in non-conforming use, the additional stipulations as provided in Board of Appeals Rule 13, a. through j. inclusive, shall apply.

e. The Board of Appeals shall have the right to impose conditions, safeguards, and limitations on time or use when granting the permit. The Board of Appeals shall have the power to modify or amend its approval of the said Certified Plot Plan or Site Plan on application of the person owning or leasing the premises, or upon its own motion in the event of changes in physical conditions sufficient to justify such action within the intent of **Section 10.6** of the Lynnfield Zoning Bylaw.

f. Upon receipt of sixteen (16) copies of said application accompanied by sixteen (16) copies of the said Certified Plot Plan or Site Plan (as the case may be), the Board of Appeals shall within 5 working days, transmit one copy of the application, site plan and other material submitted, to the Planning Board, Board of Health, Conservation Commission, Department of Public Works, the Building Inspector, and the Water District in which the site is located, and the Fire Department as necessary for their written recommendations in accordance with M.G.L. Chapter 40A, Section 11.

7. In all cases (Rule 6 above) a check in the proper amount payable to the Town of Lynnfield shall be delivered to the Secretary of the Board of Appeals.

8. In case of an appeal involving a building permit, no petition shall include more than one permit. A separate petition shall be made for each refusal. A fee shall apply to each request for action before the Board. The requirements of this section may be waived by the Board.

9. The Board of Appeals will publish a notice of the hearing in the local press and will send notices to the petitioner and to those owners of surrounding property (via a certified abutters list from the Assessor's Office) that are deemed to be affected thereby. The Planning Board, the Building Inspector and any other administrative department whose decision is being appealed will also be notified. Between the date of first publication of the hearing and the date of the hearing there shall be an interval of at least fourteen (14) and not more than thirty-one (31) days. The publication shall contain the following in bold face type: (a) the name of the petitioner, (b) the location of the area or premises which are the subject of the petition, and (c) the date and place of the public hearing.

10. If the Petitioner provides additional records at the ZBA Hearing, the Board shall retain any record or plot which has been introduced into evidence, for reference in the consideration of the case. Such record or plan upon request can be copied and returned to the owner at the time the decision is published.

11. The decision of the Board shall be made within [75 days variance] [90 days special permit] from the date of filing with the Board. The Board shall cause to be made a detailed record of its proceedings,

showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and setting forth clearly the reasons for its decision, and its other official actions, copies of which shall be immediately filed in the office of the Town Clerk and shall be a public record, and notice of decisions shall be mailed, forthwith to parties in interest as designated in Rule 9, to the Planning Board, and to every person present at the hearing who requests that notice be sent to him and states the address to which such notice is to be sent.

12. A limited or conditional zoning variance or special permit shall not take effect until the appellant or petitioner has recorded the decision with the Essex South Registry of Deeds a notice certified by the Chairman or Clerk of the Board of Appeals, containing the name and address of the land owner, identifying the land affected, and stating that a limited or conditional variance or special permit has been granted which is set forth in the decision of the Board on file with the office of the Town Clerk.

13. The following additional stipulations shall apply in all cases (except Rule 6 c. above) involving Special Permit Site Plan Approval by the Board of Appeals:

a. The site plan shall be submitted in accordance with the procedures set forth in **Section 10.6.2** of the Zoning Bylaw and Board of Appeals Rule 6 b. and 6 d. above.

b. The plan shall delineate all features required by **10.6.2** of the Zoning Bylaw.

c. The plan shall be drawn by a registered professional engineer and be based on applicable deed or plans recorded in the Essex South Registry of Deeds. Any inconsistency or ambiguity in the deeds or plans shall be referred for ruling to the Town Counsel or to counsel designated and retained by the Board of Appeals at the expense of the petitioner.

d. The scale of a plan of an overall tract may be no smaller than 1-inch equals 40 feet. If such a plan is used, it shall be accompanied by a plan or plans no smaller than 1-inch equals 20 feet depicting each structure and its surroundings with the detail prescribed in Rule 13 (b) above. The floor area of each floor of each structure shall be calculated.

e. Site Plans shall be accompanied by a written report of a registered professional engineer certifying the adequacy of provisions for the disposal of sewage, surface water, and any other waste incident to the proposed use. This report shall be based on test borings, percolation tests or other substantial findings and be subject to review and acceptance by the Board.

f. If the plan is submitted in multiple sheets, each sheet shall be identified to show its relation to the whole, e.g., "sheet 2 of 4" etc.

g. Each sheet of the plan shall bear a legend stating its purport, the names of the owner and petitioner, the name of the engineer who made the plan with his registration number, its scale and legend for approval signatures by 3 members of the Board of Appeals.

h. Sixteen (16) copies of the site plan shall be delivered to the Board of Appeals on the date the application is submitted.

i. A formal application for hearing will be submitted in conformance with Rule 1 through 7 above.

j. For purposes of compliance with Section 18, Chapter 40A of the General Laws of the Commonwealth and with Rule 11 above, neither the application for hearing nor the plan will be considered filed with the Board of Appeals until receipt of the report of the Planning Board or until said Planning Board has allowed thirty-five (35) days to elapse without submission of a report, from the date of submission to the Planning Board, whichever is earlier.

14. Application Review Fees (Variance, Special Permit, Comprehensive Permit)

a. When reviewing an application/petition for a Variance, Special Permit, or Comprehensive Permit, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The board may require the applicant to pay a "**peer review fee**" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application/petition. The review fee which may be incurred is separate from, and does not diminish, the Petitioner's obligation to pay the appropriate filing fee.


b. In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations.

c. Funds received by the Board pursuant to this section shall be deposited with the Town of Lynnfield Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant/petitioner. Failure of an applicant/petitioner to pay a review fee shall be grounds for denial of the application/petition.

d. Peer Review fees may only be spent for services rendered in connection with the specific project from which they are collected. Accrued interest (if any) may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest (if applicable) attributable to a specific project, shall be returned to the applicant/petitioner or the applicant's/petitioner's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's/petitioner's successor in interest shall provide the Board with documentation establishing such succession in interest.

e. Any applicant/petitioner may take an administrative appeal within fourteen (14) days from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.



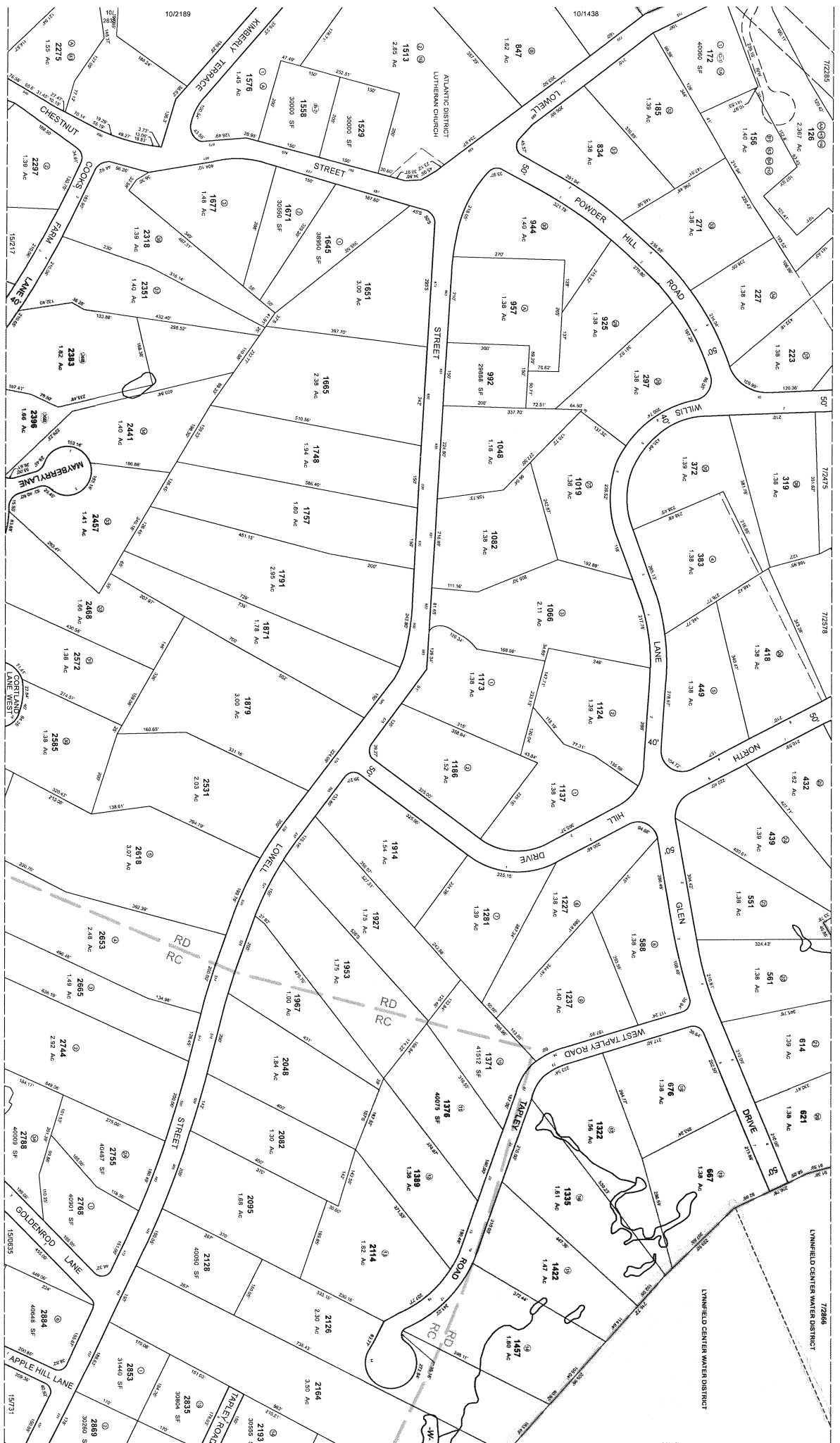


 ZONING DISTRICT
 MAP OF THE
 TOWN OF
LYNNFIELD
 MASSACHUSETTS
 DECEMBER 1983

Prepared For The
LYNNFIELD PLANNING BOARD
 MASSACHUSETTS

SCALE: 1" = 1/4 MILE
 0 1/4 1/2 3/4 1 MILE
 0 1/4 1/2 3/4 1 KILOMETER

CONSULTING ENGINEERS & ARCHITECTS
 PROFESSIONAL CONSULTANTS
 100 STATE STREET
 LYNNFIELD, MASSACHUSETTS 01902



THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.

THE INFORMATION ON THIS MASSACHUSETTS STATE PLANE COORDINATE SYSTEM AND ITS ORIGINAL MAPS PREPARED BY THE STATE CORPORATION, BOSTON, VIRGINIA.

APPROVED & REPRINTED BY

CAL Technologies

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 Lynnfield, MA 01902
 (978) 235-1000

818

STREET OR COUNTY LINE

WATER

PROPERTY PARCEL LINE

RIGHT OF WAY

COMMON OVERLAP

WATER

PROPERTY PARCEL LINE

RIGHT OF WAY

COMMON OVERLAP

SCALE: 1" = 100'

FEET 0 10 20 30 40 50 60 70 80 90 100

METERS 0 10 20 30 40 50 60 70 80 90 100

REVISED TO: JANUARY 1, 2020

PROPERTY MAPS

LYNNFIELD

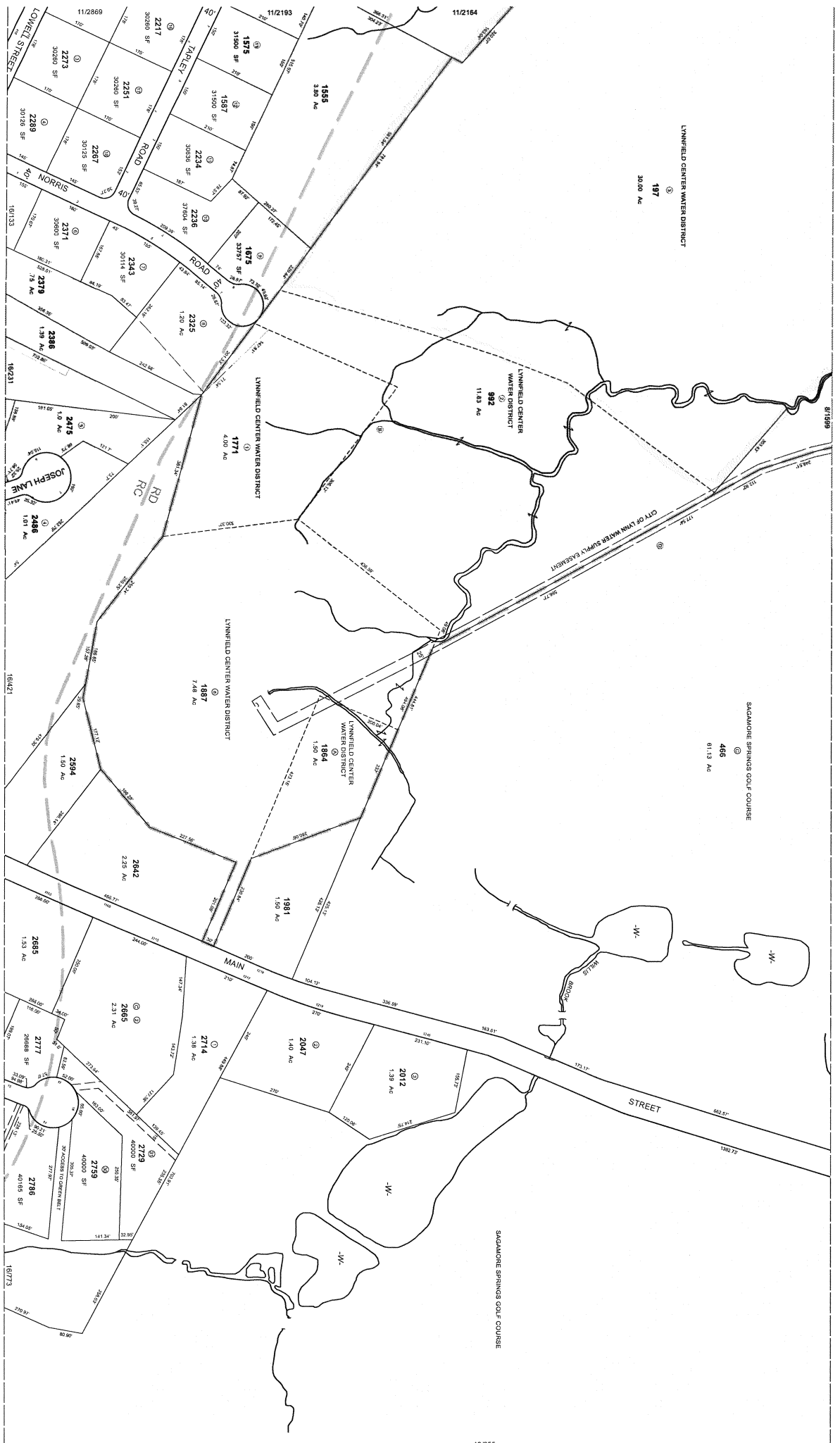
MASSACHUSETTS

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THE HORIZONTAL DATUM IS THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM AND IS ORIGINAL MAPS PREPARED BY THE SURVEY CORPORATION, RESTON, VIRGINIA.

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3-D MAP NUMBER: 818
 STATE OF MASSACHUSETTS
 COUNTY OF LYNN
 TOWN OF LYNNFIELD
 MAP NUMBER: 12
 REVISION TO: JANUARY 1, 2020

LEGEND

MAINTENANCE LINE
 WATER
 PROPERTY BOUNDARY LINE
 RIGHT OF WAY ADVANCE
 COMMON OWNERSHIP

SCALE: 1" = 100'

FEET: 0 50 100 150 200 250 300
 METERS: 0 50 100 150 200 250 300

PROPERTY MAPS
LYNNFIELD
 MASSACHUSETTS

INDEX DIAGRAM

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