

RECEIVED

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Petition  
TOWN OF LYNNFIELD  
ZONING BOARD OF APPEALS

Name of Petitioner Michael C. Halpern, Pamela A. Halpern & Joseph S. Halpern, Trustees of The 3 Perkins Lane Nominee Trust

Address 3 Perkins Lane, Lynnfield, MA 01940

Address of Property which is the subject of the Petition 3 Perkins Lane

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

- A. Appeal Decision made by \_\_\_\_\_ Date \_\_\_\_\_  
Bldg. Inspector, Planning Board, etc.
- B. Apply for a Variance  
\_\_\_\_\_
- C. Apply for a Special Permit  
To create an accessory apartment within a single family dwelling
- D. Other (specify)  
\_\_\_\_\_  
\_\_\_\_\_

2. Specify Zoning Bylaw Sections(s) from which you desire relief:  
8.3 Accessory Apartments in Residence District  
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 26,723 square feet, street frontage 149 feet
- B. District Zone (see Bylaws) Single Residence C
- C. Deed Record: Registry of Deeds Essex  
Book 34397 Page 134 (see tax bill)  
Or Land Court \_\_\_\_\_  
Book \_\_\_\_\_ Certificate \_\_\_\_\_  
Map 18 Parcel 2895

4. Ownership

A. Name, Address of Owner(s)

Michael C. Halpern, Pamela A. Halpern & Joseph S. Halpern, Trustees  
of The 3 Perkins Lane Nominee Trust

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

Prospective Buyer: \_\_\_\_\_

Lessee: \_\_\_\_\_

Other (explain) \_\_\_\_\_

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

Signed Michael C. Halpern Street and Number 3 Perkins Lane  
Town/City Lynnfield State MA Phone No. 781-710-2920  
Assessors Clerk \_\_\_\_\_ Date \_\_\_\_\_

6. 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.

7. 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 1<sup>st</sup> 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 \_\_\_\_\_

QUITCLAIM DEED

We, MICHAEL C. HALPERN and PAMELA A. HALPERN, of Lynnfield, Essex County, Massachusetts,

for consideration paid and in full consideration of One and 00/100 Dollar (\$1.00),

grant to MICHAEL C. HALPERN and PAMELA A. HALPERN, AS TRUSTEES OF THE 3 PERKINS LANE NOMINEE TRUST, under Declaration of Trust of even date to be recorded herewith, having a principal address of 3 Perkins Lane, Lynnfield, Essex County, Massachusetts,

with QUITCLAIM COVENANTS,

The land with all buildings thereon on Perkins Lane in Lynnfield, Essex County, Massachusetts, being shown as Lot 2 on a plan entitled "Definitive Plan 'Perkins Farm' Lynnfield, Mass." dated July 17, 1981, revised August 2, 1981, by Hayes Engineering, Inc., which plan is recorded in Essex South District Registry of Deeds in Plan Book 172 as Plan 72. Said Lot 2 is more particularly bounded and described as follows:

SOUTHERLY by the northerly sideline of Perkins Lane, as shown on said plan, 149.00 feet;

WESTERLY by Lot 3, as shown on said plan, 191.04 feet;

NORTHEASTERLY by land now or formerly of Bruce A. and Marie Ryan, 150.82 feet; and

EASTERLY by Lot 1, as shown on said plan, 167.67 feet.

Said Lot 2 contains 26,723 square feet of land, more or less, according to said plan.

Included in this conveyance is the right to use Perkins Lane and Candlewood Road, as shown on said plan, for all purposes for which public ways may be used in the Town of Lynnfield, but reserving the fee in each of said ways to the grantors of a deed dated January 17, 1984 and recorded with said Deeds at Book 7316, Page 213.

Said premises are conveyed subject to real estate and Water District taxes assessed by the Town of Lynnfield for fiscal year 2014 and thereafter, and to the following: an extended record and Decision of the Lynnfield Board of Appeals recorded in said Deeds in Book 6951, Page 162; a Supplementary Covenant recorded in Book 6951, Page 172; an easement to New England Power Co., Book 3080, Page 1, Book 3093, Page 298 and Book 6209, Page 697; terms and conditions of a Declaration of Covenants and Restrictions for Perkins Farm in Lynnfield, Book 6955, Page 294; utility easements to New England

Return to:  
Neil R. Schauer, Esq.  
Conn Kavanaugh Rosenthal Peisch & Ford, LLP  
Ten Post Office Square, 4<sup>th</sup> Floor  
Boston, MA 02109

GASEN BERT

Property: 3 Perkins Lane, Lynnfield, Massachusetts 01940

B  
2  
7/19

Telephone and Telegraph Co. and Reading Municipal Light Dept. as shown on said plan and recorded in Book 6986, Page 224.

Being a portion of the premises described in a deed recorded in said Deeds in Book 6951, Page 160.

For Grantor's title, see deed of Peter S. Confalone and Douglas R. Conn, Trustees of Bermuda Hill Realty Trust, dated January 17, 1984 and recorded in said Deeds in Book 7316, Page 213.

Witness our hands and seals this 29<sup>th</sup> day of August, 2015.

Michael C. Halpern  
Michael C. Halpern

Pamela A. Halpern  
Pamela A. Halpern

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex

On August 29<sup>th</sup> 2015, before me, the undersigned notary public, personally appeared Michael C. Halpern and Pamela A. Halpern, proved to me through satisfactory evidence of identification, being (check whichever applies):  driver's license or other state or federal governmental document bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatory, or  my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by such person voluntarily for its stated purpose.

[Signature]

Notary Public

My Commission Expires: 2/17/2017





# LAW OFFICE OF COLONNA, DOYLE & SIMEOLA

26 Main Street, Third Floor • Lynnfield, Massachusetts 01940

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Thomas F. Colonna • William P. Doyle, III • Timothy J. Doyle • Mark J. Simeola • Mary E. King

Via Hand Delivery

March 9, 2022

Lynnfield Zoning Board of Appeals

55 Summer Street

Lynnfield, MA 01940

**Re: 3 Perkins Lane  
Lynnfield, Massachusetts**

Dear Board Members:

This letter is being submitted in support of the Petition for Request for Reasonable Accommodation pursuant to Section 10.8 of the Zoning By-Laws. The Petitioners, Michael C. Halpern, Pamela A. Halpern and Joseph S. Halpern (the "Halpern's"), Trustees of The 3 Perkins Lane Nominee Trust are the owners of the real property known and numbered as 3 Perkins Lane, Lynnfield, Massachusetts. Pamela and Joseph are the parents of a handicapped minor child who suffered a tragic medical event in February of 2018. Michael is the grandfather of the minor child. Collectively the Halpern's are the primary caregivers the child. The Petition for Request for Reasonable Accommodation is a condition precedent to a Petition for Accessory Apartments in Residence District pursuant to Section 8.3 of the Zoning By-Laws filed simultaneously herewith.

In February of 2018, at the age of 5, the minor child suffered catastrophic bacterial sepsis caused by strep throat. As a result, the child had a stroke, a brain hemorrhage and suffered significant damage to the extremities. The child's lower legs, right hand and portions of the fingers on the left hand were amputated. The child is dependent on a wheelchair, prosthetics and the Halpern's for day-to-day care. Michael C. Halpern has been residing at 3 Perkins Lane since the child returned home from hospital to provide support and assistance with the child's care. To accommodate the child's changing needs the Halpern's must modify their home, including adding an elevator and creating a handicapped bathroom. In addition, the Halpern's desire to create a separate living area for Michael C. Halpern by adding an Accessory Apartment beyond the existing principal dwelling.

Section 8.3.7.1 of the Accessory Apartments in Residence District By-Law states "The accessory apartment shall not involve the extension or enlargement of the principal dwelling, except to provide access or egress...". The Halpern's architect has determined the principal dwelling has insufficient space to support an Accessory Apartment. The Petition for Reasonable Accommodation is a request to waive Section 8.3.7.1 to permit the Halpern's to construct an Accessory Apartment above the principal dwelling's garage.

Section 10.8.1 of the Zoning By-Laws cites the Fair Housing Act (the "FHA") as the purpose of the By-Law. In this regard the FHA makes it unlawful to refuse to make a reasonable accommodation to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. *U.S. Department of Housing and Urban Development, Reasonable Accommodations and Modifications and 42 U.S.C. sec 3604(f)(3)(B)*. FHA is applicable to circumstances involving renting or buying a home, getting a mortgage, seeking housing assistance, or **engaging in other housing-related activities**. [www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_op/fair\\_housing\\_act\\_overview](http://www.hud.gov/program_offices/fair_housing_equal_op/fair_housing_act_overview) Further the By-Law states, "any person eligible under the FHA or any provider of housing to persons under the FHA ...may request a reasonable accommodation as provided by the Fair Housing Act". The FHA identifies seven (7) protected classes, one of which is handicapped individuals.

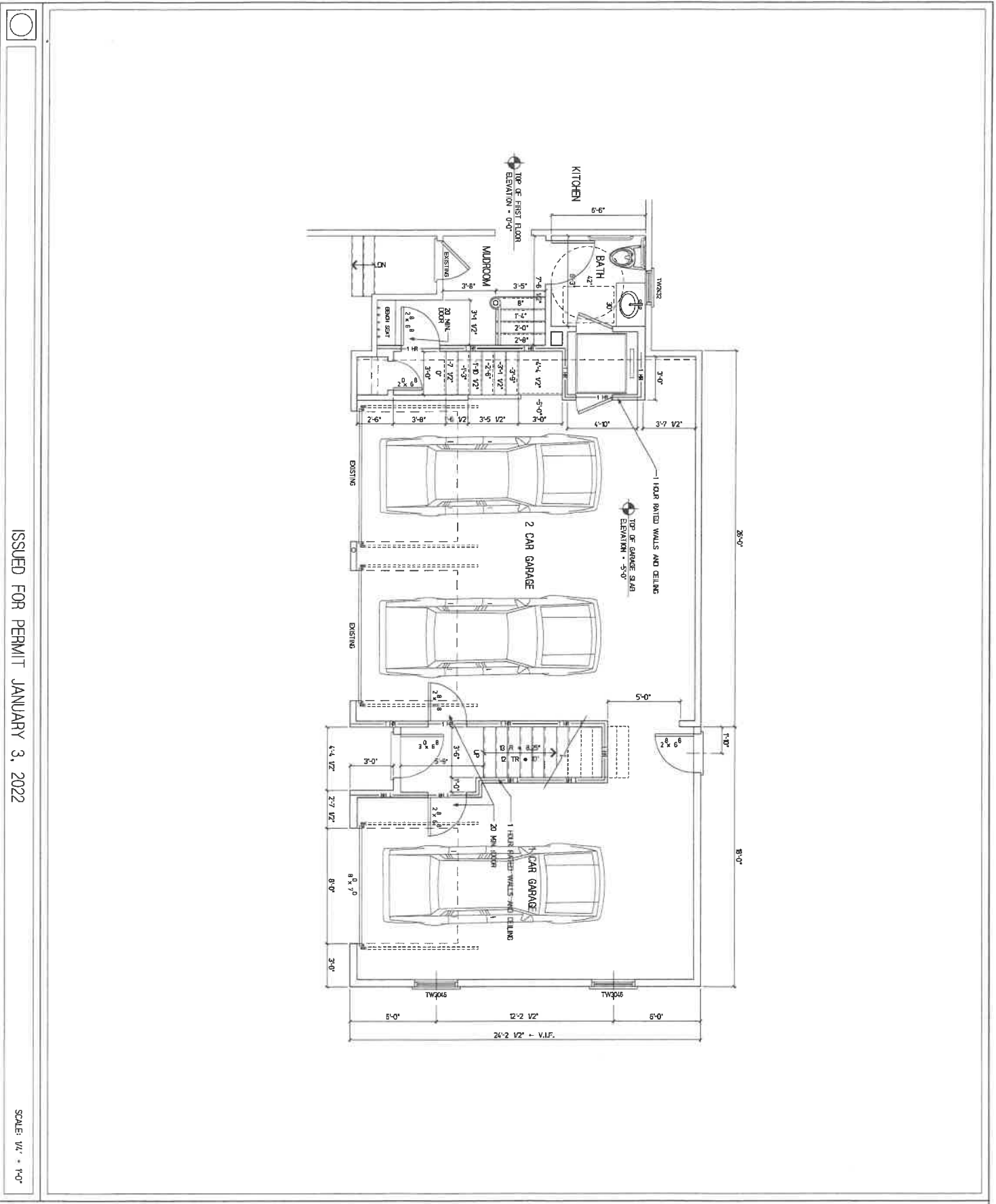
It my position the Halpern's situation as described herein fulfills the criteria to grant a Request for Reasonable Accommodation. The Halpern's as the dwelling owners are qualified to be the Petitioners on behalf the handicapped child. The accommodation is necessary to afford the child an equal opportunity to use and enjoy the family home. The Board can grant this accommodation without fundamentally altering the purpose and intent of the Accessory Apartments in Residence District By-Law because the Halpern's will otherwise be obligated to fulfill the By-Laws' conditions and any other conditions as the Board may deem necessary to protect the By-Law's purpose and intent and the public interest.

Should the Board need any additional information regarding this request please contact my office.

Very truly yours,



Timothy J. Doyle, Esquire



ISSUED FOR PERMIT JANUARY 3, 2022

SCALE: 1/4" = 1'-0"

Sheet: **A1**

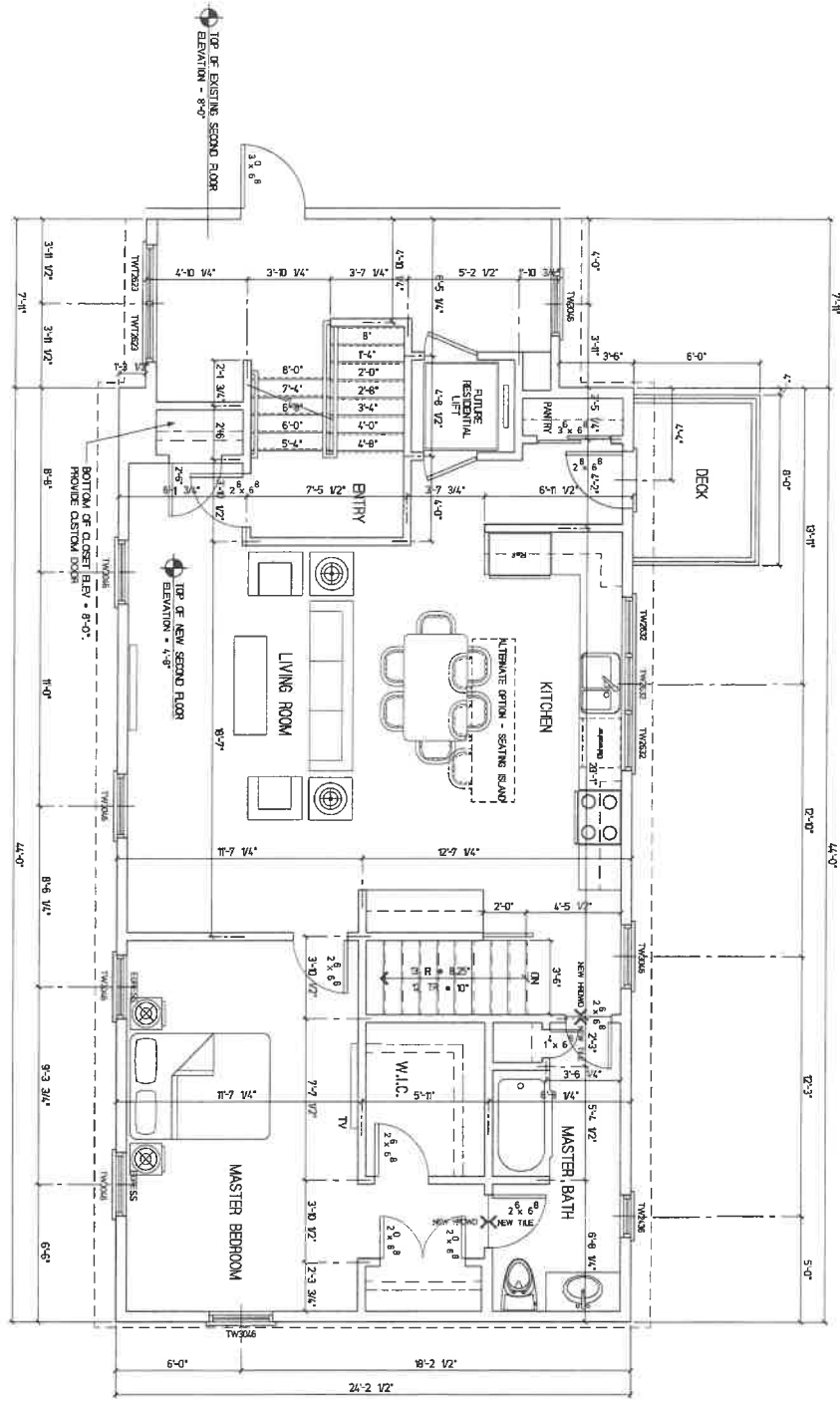
Sheet Title: **FIRST FLOOR PLAN**

Client Name: Residential Addition for 3 Perkins Lane, Lynnfield, MA

**Bourque Design**  
 Architectural Design Firm  
 (except as otherwise noted)  
 Ron Bourque, Architect  
 AIA, R.C.A.S. (C), L.S.D. (C)  
 1000 Lynnfield Road  
 Lynnfield, MA 01902  
 Telephone: 978-325-1000

ISSUED FOR PERMIT JANUARY 3, 2022

SCALE: 1/4" = 1'-0"



Sheet: **A2**

Sheet Title: **SECOND FLOOR PLAN**

Client Name: Residential Addition for 3 Perkins Lane, Lynnfield, MA

**Bourque Design**  
 Architectural Design Firm  
 CONSULTING IN CONSTRUCTION  
 Ryan Bourque, Architect  
 AIA, NCARB, CS, LEED AP  
 150 Main Street  
 Lynnfield, MA 01902  
 Telephone: 978-304-0013