

TOWN OF PLYMPTON

BOARD OF APPEALS



Application For (check one):

Variance _____
Special Permit _____
Appeal X
Comprehensive Permit _____

Date

June 29, 2017

Name of Applicant

John Donahue and

JLK Realty & Development, LLC. Jamie Emerson

Received by Town Clerk:

RECEIVED

12:30pm
JUN 29 2017

TOWN CLERK'S OFFICE
PLYMPTON

Case Number: 17-0629 AP

**TOWN OF PLYMPTON BOARD OF APPEALS
APPLICATION**

This is an application for: (complete only one of the following):

1. A Variance from Section _____ of the Zoning Bylaw for _____
2. A Special Permit under Section _____ of the Zoning Bylaw for _____
3. An Appeal of a Zoning Ruling by the Building Inspector or planning agency,
dated May 17, 2017 (a copy of which must be attached)
4. A Comprehensive Permit Application for low or moderate income housing under MGL Chapter **40B** _____

Date 6-26-17

Name of Applicant John W. Donahue & JLK Realty & Development, LLC. (Jamie Emerson)

Name of Property Owner (if a corporation or trust, also give names of beneficial owners) John W. Donahue

Address of Applicant for Public Hearing Notice 6 Linda Lane Somerset, MA 02726

Phone 508-922-0843 E-Mail jamieemerson@comcast.net

Property Location: Assessor's Map # 2 Lot # 2-16

Street Address or Measurement from known point 0 Lake Street

Lot Area 43,560 sf Frontage 150.0' Depth 293.02' & (193.04' +141.58')

Applicant's interest in land was acquired on (date) August 11, 1994
From Bernard H. Donahue & Doris M. Donahue

Complete statement of nature of this application (may be attached):
See Attached

Names and address of Abutters (may be attached)
See Attached

A hearing is requested in the above matter:

Applicant's Signature John W. Donahue Date 6-26-17



3 Main Street Lakeville, MA 02347
(508) 947-4208 - www.zcellc.com

- Civil Engineering
- Septic Design (Title 5)
- Septic Inspections (Title 5)
- Commercial and Industrial Site Plans
- Chapter 91 Permitting

Site: 0 Lake Street in Plympton, MA
Assessors Map 2 Lot 2-2

Zoning Board of Appeals Attachments:

- 1 Denied Residential Zoning Permit Application
- 2 Complete Statement of Nature of Application
- 3 Certified Abutters List
- 4 Letter from Law Office of Craig Medeiros
- 5 Current Deed
- 6 Record Plan
- 7 FEMA Firm Map
- 8 Copies of Checks



Denied Residential Zoning Permit Application

File

Town of Plympton
Building Department

Palmer Road, Plympton, MA 02367
(781) 585-0571

Zoning Permit # 1717

Date May 17 17

Zone District RA

RESIDENTIAL ZONING PERMIT APPLICATION

(This is not a building permit)

- 1. LOCATION OF PROPERTY 0 lake st PARCEL #: map 2 Block 2 lot 12
- 2. PERMIT TO: ERECT SF ALTER _____ DEMOLISH _____ MOVE _____ OTHER _____
- 3. PRESENT USE vacant land
- 4. NEW PROPOSED USE Single Family home
- 5. NEW BUILDING/ADDITION HEIGHT 25 SIZE 26x34 + attached 2 car 22x26 1800 SF
- 6. AREA OF LOT 43566 NUMBER OF FEET: FRONT 150 REAR 100.68 DEPTH 293.02
- 7. DESCRIPTION OF WORK TO BE DONE: New SF Home colonial + 2 car garage

8. SITE PLAN REQUIREMENT: PLAN SHOWING PROPOSED LOCATION OF NEW STRUCTURE WITH SETBACK REQUIREMENTS AND THE FEMA FLOOD ZONE LOCATION AS IT APPEARS ON CURRENT MAP. PROPOSED DRIVEWAY ACCESS LENGTH AND WIDTH.

9. FOR NEW STRUCTURES SHOW REQUIRED MINIMAL UPLAND ON SITE PLAN.

IT IS UNDERSTOOD AND AGREED THAT THE ZONING PERMIT IS ISSUED IN RELIANCE UPON THE INFORMATION SUBMITTED BY THE PETITIONER ON AND WITH THIS APPLICATION, THEREFORE, IF ANY FALSE OR MISLEADING INFORMATION IS FOUND TO EXIST THEREIN, THE ZONING PERMIT IS VOIDABLE BY A ZONING OFFICIAL.

ZONING PERMITS ARE GOOD FOR ONE YEAR FROM THE DATE IT IS ISSUED

NAME (please print) Jamie Emerson
6 Linda Lane
 MAILING ADDRESS
Somerset MA 02726
 TOWN STATE ZIP CODE
508 922 0813
 TELEPHONE NUMBER

John W. Penahue
 SIGNATURE OF OWNER
Jamie Emerson
 SIGNATURE OF AGENT
Jamieemerson@comcast.net
 E-MAIL ADDRESS

DO NOT WRITE BELOW THIS LINE

ZONING PERMIT APPROVED: _____

ZONING PERMIT DENIED: Design + meet 5.1 for frontage and sq footage documents submitted do not match lot 12 -> lot 16 on plot plan

5/23/17
DATE ISSUED:

[Signature]
ZONING OFFICIAL SIGNATURE



Complete Statement of Nature of Application



3 Main Street Lakeville, MA 02347
(508) 947-4208 - www.zcellc.com

- Civil Engineering
- Septic Design (Title 5)
- Septic Inspections (Title 5)
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- Chapter 91 Permitting

June 29, 2017

Town of Plympton
Zoning Board of Appeals
Five Palmer Road
Plympton, MA 02367

RE: Complete Statement of Nature of Application
Zoning Board of Appeals Application
0 Lake Street (Assessors Map 2 Lot 2-16)
Plympton, MA 02367

Dear Chairman Thompson:

Our client is appealing the attached decision from the zoning enforcement officer dated May 17, 2017 and issued May 23, 2017. Per the attached letter from Attorney Craig Medeiros, we believe that this lot is buildable pursuant to the requirements of Massachusetts General Laws Chapter 40A Section 6.

Should you have any questions regarding this Zoning Board of Appeals Application, please do not hesitate to contact the office at 508-947-4208 or email jamie@zcellc.com.

Sincerely,
Zenith Consulting Engineers, LLC

Jamie L. Bissonnette, PE
Manager/Senior Engineer



3 Main Street Lakeville, MA 02347
(508) 947-4208 - www.zcellc.com

- Civil Engineering
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June 29, 2017

Town of Plympton
Zoning Board of Appeals
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Sincerely,
Zenith Consulting Engineers, LLC

Jamie L. Bissonnette, PE
Manager/Senior Engineer



Certified Abutters List

Town of Plympton Assessing Department
5 Palmer Road
Plympton, MA 02337

Telephone: (781) 585-3227
Extension: 309/310
FAX: (781) 582-1505

Board of Assessors
Ethan C. Stiles
Jocelyn A. Anderson
Richard E. Nordahl

Deborah Stuart
Assessor/Appraiser
assessor@town.plympton.ma.us

REQUEST FOR CERTIFIED ABUTTERS LIST

MAP 2 BLOCK 2 LOT 16

PARCEL ADDRESS REQUESTED 0 Lake Street

RECORD OWNER John W. Donahue

CONTACT PERSON Jamie TELEPHONE# 774-259-5525

MAILING ADDRESS 3 Main Street Lakeville, MA 02347

SIGNATURE  DATE 6-21-17

COST: \$35.00 FOR EACH PARCEL REQUESTED

- | | |
|---|--|
| <input type="checkbox"/> 100' - Board of Selectmen | <input checked="" type="checkbox"/> 300' - Zoning Board of Appeals |
| <input type="checkbox"/> 100' - Conservation Commission | <input type="checkbox"/> 300' - Planning Board |
| <input type="checkbox"/> 200' - Wetlands Protection Bylaw | |

CERTIFIED LIST OF ABUTTERS

This is to certify that at the time of the last assessment for taxation made by the Town of Plympton, the names and addresses of the parties assessed as adjoining owners to the parcel land shown as above written.



Deborah Stuart

6/26/17
Date

Town of Plympton
 Abutters List Parcel 2-2-16

NELJ	Location	Owner Name	Co-Owner Name	Address	City, State, Zip
2/ 2/ 1/ 0/	20 FOREST ST	MURPHY THOMAS C	MURPHY DIANNE M	20 FOREST ST.	PLYMPTON, MA 02367
2/ 2/ 2/ 0/	16 FOREST ST	WHITE JAMES H	WHITE ANN M	16 FOREST ST	PLYMPTON, MA 02367
2/ 2/ 10/ 0/	0 OAK ST	WHITE JAMES H	WHITE ANN M	16 FOREST ST	PLYMPTON, MA 02367
2/ 2/ 11/ 0/	0 OAK ST	WHITE JAMES H	WHITE ANN M	16 FOREST ST	PLYMPTON, MA 02367
2/ 2/ 12/ 0/	0 OAK ST	WHITE JAMES H	WHITE ANN M	16 FOREST ST	PLYMPTON, MA 02367
2/ 2/ 13/ 0/	0 LAKE ST	WHITE JAMES H	WHITE ANN M	16 FOREST ST	PLYMPTON, MA 02367
2/ 2/ 14/ 0/	0 LAKE ST	WHITE JAMES H	WHITE ANN M	16 FOREST ST	PLYMPTON, MA 02367
2/ 2/ 15/ 0/	66 LAKE ST	SUNNERBERG BRETT B		66 LAKE ST	PLYMPTON, MA 02367
2/ 2/ 16/ 0/	0 LAKE ST	DONAHUE JOHN W		46 PINE ST, APT 224	ATTLEBORO, MA 02703
2/ 2/ 17/ 0/	62 LAKE ST	GHILARDI JAMES P	GHILARDI DORIS A	62 LAKE ST.	PLYMPTON, MA 02367
2/ 2/ 18/ 0/	56 LAKE ST	DIGIACOMO FRANK	DIGIACOMO DEBORAH R	56 LAKE ST	PLYMPTON, MA 02367
2/ 2/ 19/ 0/	52 LAKE ST	PARADISE PROPERTIES LLC		20 PARADISE LANE	HALIFAX, MA 02338
2/ 3/ 1/ 0/	55 LAKE ST	SAKR SUZZANE T		55 LAKE ST	PLYMPTON, MA 02367
2/ 3/ 2/ 0/	0 LAKE ST	SAKR SUZZANE T		55 LAKE ST	PLYMPTON, MA 02367
2/ 3/ 3/ 0/	61 LAKE ST	MANNING-NORRIE JACQUELYN M		61 LAKE ST	PLYMPTON, MA 02367
2/ 3/ 4/ 0/	0 LAKE ST	MANNING-NORRIE JACQUELYN M		61 LAKE ST	PLYMPTON, MA 02367
2/ 3/ 5/ 0/	79 LAKE ST	THOMPSON ANN L	THOMPSON JAMES H	79 LAKE ST.	PLYMPTON, MA 02367
2/ 3/ 5/ A/	0 LAKE ST	MANNING-NORRIE JACQUELYN M		61 LAKE ST	PLYMPTON, MA 02367

Easy Peel® Labels
Use Avery® Template 5160®

Feed Paper  Bend along line to
expose Pop-up Edge™



2/ 2/ 1/ 0/ MURPHY THOMAS C
MURPHY DIANNE M
20 FOREST ST.
PLYMPTON, MA 02367

2/ 2/ 2/ 0/ WHITE JAMES H
WHITE ANN M
16 FOREST ST
PLYMPTON, MA 02367

2/ 2/ 10/ 0/ WHITE JAMES H
WHITE ANN M
16 FOREST ST
PLYMPTON, MA 02367

2/ 2/ 11/ 0/ WHITE JAMES H
WHITE ANN M
16 FOREST ST
PLYMPTON, MA 02367

2/ 2/ 12/ 0/ WHITE JAMES H
WHITE ANN M
16 FOREST ST
PLYMPTON, MA 02367

2/ 2/ 13/ 0/ WHITE JAMES H
WHITE ANN M
16 FOREST ST
PLYMPTON, MA 02367

2/ 2/ 14/ 0/ WHITE JAMES H
WHITE ANN M
16 FOREST ST
PLYMPTON, MA 02367

2/ 2/ 15/ 0/ SUNNERBERG BRETT
B
66 LAKE ST
PLYMPTON, MA 02367

2/ 2/ 16/ 0/ DONAHUE JOHN W
46 PINE ST, APT 224
ATTLEBORO, MA 02703

2/ 2/ 17/ 0/ GHILARDI JAMES P
GHILARDI DORIS A
62 LAKE ST.
PLYMPTON, MA 02367

2/ 2/ 18/ 0/ DIGIACOMO FRANK
DIGIACOMO DEBORAH R
56 LAKE ST
PLYMPTON, MA 02367

2/ 2/ 19/ 0/ PARADISE
PROPERTIES LLC
20 PARADISE LANE
HALIFAX, MA 02338

2/ 3/ 1/ 0/ SAKR SUZZANE T
55 LAKE ST
PLYMPTON, MA 02367

2/ 3/ 2/ 0/ SAKR SUZZANE T
55 LAKE ST
PLYMPTON, MA 02367

2/ 3/ 3/ 0/ MANNING-NORRIE
JACQUELYN M
61 LAKE ST
PLYMPTON, MA 02367

2/ 3/ 4/ 0/ MANNING-NORRIE
JACQUELYN M
61 LAKE ST
PLYMPTON, MA 02367

2/ 3/ 5/ 0/ THOMPSON ANN L
THOMPSON JAMES H
79 LAKE ST.
PLYMPTON, MA 02367

2/ 3/ 5/ A/ MANNING-NORRIE
JACQUELYN M
61 LAKE ST
PLYMPTON, MA 02367

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Letter from Law Office of Craig Medeiros

Law Office of Craig Medeiros



98 East Grove St., Suite 201, Middleboro, Massachusetts 02346
Telephone: 508-947-3555 • Facsimile: 508-256-8196

June 21, 2017

RE: 0 Lake Street, Plympton, MA
Assessors Map 2, Block 2, Lot 16
Zoning Opinion

To Whom it May Concern,

Please be advised that I have examined title to the above-described parcel of land located at 0 Lake Street in Plympton, Massachusetts. The subject lot is shown as a lot containing approximately 43,560 square feet of area and 150' of frontage according to that certain plan recorded at the Plymouth County Registry of Deeds in Plan Book 19 Page 27 (hereinafter referred to as "Lot"). The property is located in the Residential and Agricultural zoning district. The present requirements in Agricultural Residential zoning district are 60,000 square feet of area and 200 feet of frontage. Therefore, this Lot does not comply under the present zoning requirements with the area requirements or minimum frontage requirements but did meet such requirements when the afore-referenced plan was endorsed on September 13, 1976.

On October 10, 1985, the frontage and area requirements for the Agricultural Residential Zone were enacted and were revised to require 60,000 square feet of area and 200 feet of frontage to comply with said zoning regulation. As such, with the enactment of the foregoing Town of Plympton Zoning By-Laws that this Lot became non-conforming. Massachusetts General Laws Chapter 40A Section 6, the so-called "grandfather clause", provides that any increase in area or frontage shall not apply to a lot for single family residential use which at the time of recording was not held in common ownership with any adjoining land, conformed to then existing requirements, and had less than the proposed requirement but at least 5,000 square feet of area and 50 feet of frontage.

I have examined the chain of title to the parcels of land abutting the subject premises. My examination discloses that the Lot in question has not been owned in common ownership since October 6, 1976, when the owners of the 1.75 acre parcel shown on the Plan recorded in Plan Book 19 Page 27, conveyed such parcel to James Ghilardi and Doris Ghilardi by deed recorded at the Plymouth County Registry of Deeds in Book 4205 Page 489. Given that the above-referenced zoning change occurred after the two subject lots shown on the Plan recorded in Plan Book 19 Page 27 were in common ownership, the subject Lot is grandfathered as aforesaid.

Accordingly, it is my opinion that the Lot is a buildable lot pursuant to the requirements of Massachusetts General Laws Chapter 40A Section 6 as a valid undersized lot. If you require any additional information, please do not hesitate to contact me.

Very truly yours,


Craig M. Medeiros, Esquire



Current Deed

Location: North side of Lake Street, Plympton, Ma.

BERNARD H. DONAHUE and DORIS M. DONAHUE, husband and wife,
of Carver, Plymouth County, Massachusetts
in consideration of THE SUM OF ONE DOLLAR,

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
11 AUG 1994 02:38PM
JOHN D. RIORDAN
REGISTER
Bk 13079 Pg 23

grant to JOHN W. DONAHUE

of 134 Winthrop Street, Taunton, Massachusetts, with quitclaim covenants
the land in PLYMPTON, PLYMOUTH COUNTY, MASSACHUSETTS, as follows:

A certain parcel of land located on the Northerly side of Lake Street in said Plympton, consisting of 1 acre, and shown on a Plan entitled "Plan of land in Plympton, Mass., belonging to Bernard H. and Doris M. Donahue, Scale: 1" = 50', September 8, 1976, Lawrence E. Hughes, R.L.S., Plymouth Massachusetts", and being more particularly bounded and described as follows:

BEGINNING at the Southwesterly corner of the granted premises, at a corner of land of Bruce Sunnerberg, et ux, on the Northerly side of Lake Street; THENCE running North 20 deg. 02' 45" East, 293.02 feet, to land now or formerly of David G. and Carol Piper; THENCE turning and running North 89 deg. 30' 50" West, by said Piper land, 100.68 feet to a corner; THENCE turning and running South 2 deg. 51' 18" East, 141.58 feet to a corner; THENCE turning and running South 20 deg. 02' 45" West, 193.04 feet to the Northerly sideline of Lake Street; THENCE turning and running North 71 deg. 12' 00" West, along the sideline of Lake Street, 150 feet to the point of beginning.

Being a portion of the premises described in Deed of Georgia B. Barstow to Bernard H. Donahue and Doris M. Donahue, dated May 16, 1973 and recorded in Book 3890, Page 518, Plymouth County Registry of Deeds.

Executed as a sealed instrument this 9th day of August, 19 94

Bernard H. Donahue
Bernard H. Donahue
Doris M. Donahue
Doris M. Donahue

DEEDS REG 18
PLYMOUTH

08/11/94

0.00
0.00

3:00 14:31
REGISTRY TAX

CANCELLED

The Commonwealth of Massachusetts

PLYMOUTH ss. August 9th, 19 94

Then personally appeared the above named BERNARD H. DONAHUE

and acknowledged the foregoing instrument to be his free act and deed

Before me Thomas F. Bowes
Thomas F. Bowes, Notary Public

My commission expires 9/15/2000 XX

Please mail to:
Thomas F. Bowes, Esq.
274 Main Street
Plympton, Ma. 02367

9/5/2000

END OF INSTRUMENT



Record Plan



FEMA Firm Map



MAP SCALE 1" = 500'

1000

500

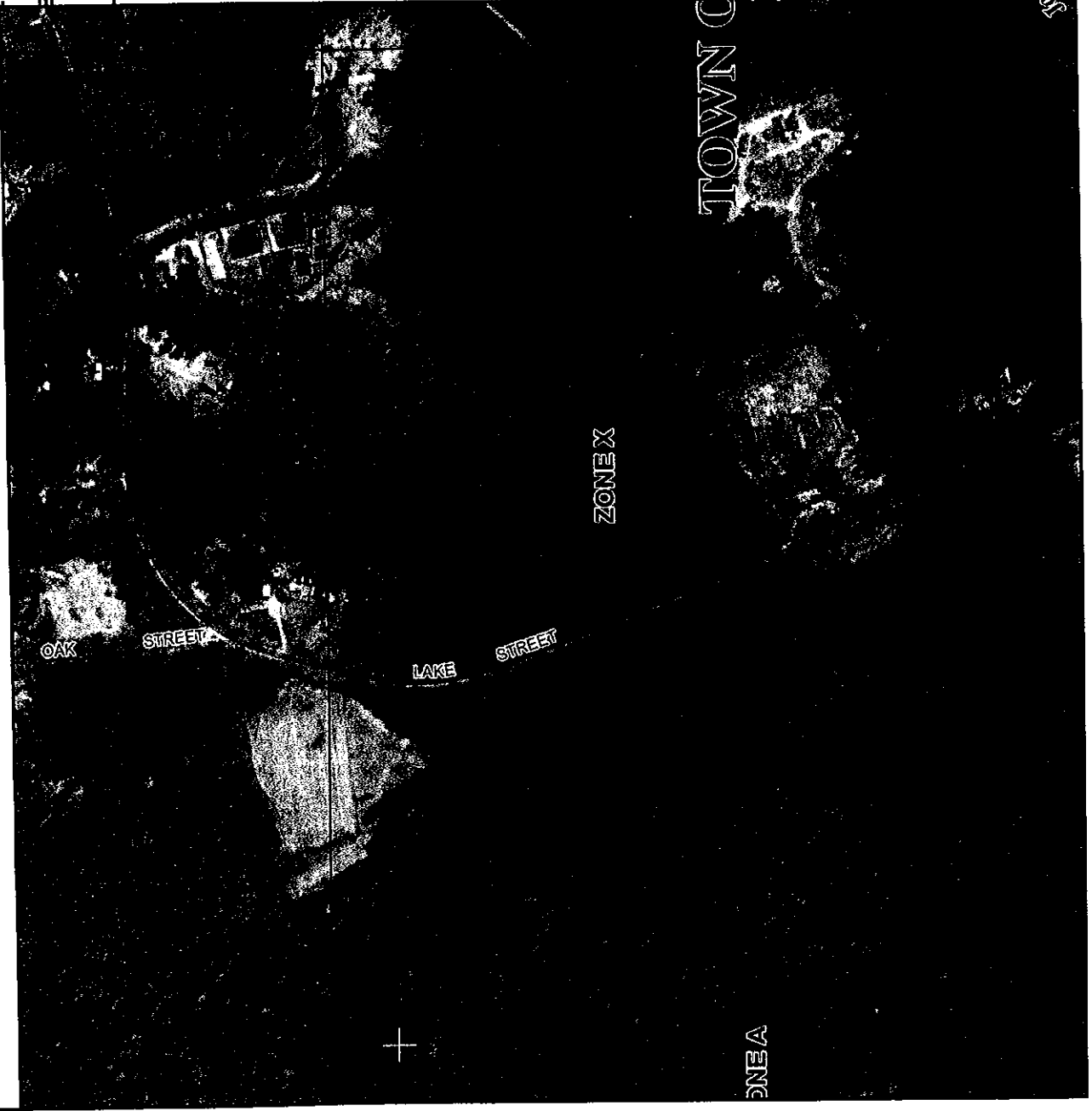
0

250



FEET METERS

258000 M



NFIP NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0331J

FIRM
FLOOD INSURANCE RATE MAP
PLYMOUTH COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 331 OF 650
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
KINGSTON, TOWN OF	250270	0331	J
PLYMPTON, TOWN OF	250279	0331	J

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
25023C0331J
EFFECTIVE DATE
JULY 17, 2012

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.nfip.fema.gov