

original

## Notice of Variance Decision

### THE COMMONWEALTH OF MASSACHUSETTS

#### Town of Shutesbury Zoning Board of Appeals

July 13, 2023

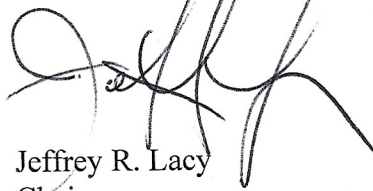
Notice is hereby given that:

- 1) The Zoning Board of Appeals has approved a Variance request from Section 8.6-2(A)(2) and (4) of the Town of Shutesbury Zoning Bylaw, on July 13, 2023, to Mark A. Wightman, whose address is 7 Oak Knoll Drive, South Deerfield, MA 01373, regarding property located on Leverett Road (Map 16, Lot H-151, deed book 3302, page 127), which is owned by applicant. This variance was granted to waive the 15-foot driveway setback from abutting property lines, and to reduce the required driveway width from 12 feet to 10 feet for a length of approximately 200 feet (the narrowest portion of the existing cart path). This variance was granted with the conditions listed below. Case number: **23-001**
- 2) The board found hardship to the applicant owing to unique circumstances of lot shape (uncommon flag-lot, with narrow, 48 foot wide “pole” leading into a much larger “flag” at the rear). A driveway conforming to the all requirements of Section 8.6-2 (centered and 12-foot wide) would be costly to construct down the center of the “pole” and require extensive earthwork and the removal of rock walls and many mature trees. Following the existing cart path within its alignment would have less impacts upon the character of the neighborhood than a centered driveway of a uniform 12-foot width, and would be far less costly to construct. This decision is not detrimental to the public good, nor does it derogate from the intent or purposes of this zoning bylaw; in fact, it supports Section 8.3-1, which says in pertinent part, *“Wherever possible, retain and reuse existing old farm/woods roads and lanes rather than constructing new roads and driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls.”*
- 3) The public hearing on this variance request was held and closed on June 28, 2023. A detailed record of this decision is available for review at the Office of the Town Clerk at Town Hall.
- 4) The following conditions apply to the granting of this zoning variance:
  - a) Where existing stone walls must be altered or removed in order to achieve the 10-foot driveway width, all the work shall occur on only the east side of the existing cart path, leaving the stone wall on the other side intact.
  - b. The driveway shall be sloped and drained such that stormwater runoff remains on the subject property of the applicant.

c. Trees and shrubs lining the driveway shall be trimmed back such that an open corridor of 12 feet wide by 15 feet high is maintained for unobstructed access by emergency vehicles.

- 5) This Notice of Variance Decision has been filed with the Shutesbury Planning Board and Town Clerk.
- 6) An appeal from the decision of the Special Permit Granting Authority may be made by any person aggrieved pursuant to MGL Chapter 40A, Section 17, as amended, within twenty (20) days after the filing of this notice of decision in the Office of the Town Clerk.

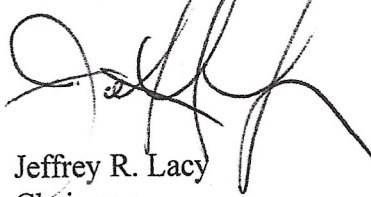
PERMIT GRANTING AUTHORITY

A handwritten signature in black ink, appearing to read 'Jeffrey R. Lacy', is written over the printed name and title.

Jeffrey R. Lacy  
Chairman

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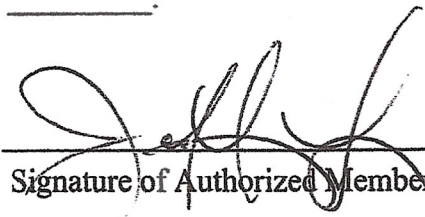
PERMIT GRANTING AUTHORITY



Jeffrey R. Lacy  
Chairman

I hereby certify that a copy of the original decision has been filed with the Town Clerk on

\_\_\_\_\_

 JEFFREY R. LACY CHAIR

Signature of Authorized Member                      Printed Name                      Title

For the Shutesbury Zoning Board of Appeals

I hereby certify that 20 days have elapsed since this decision was filed with my office, and that no appeal has been filed.

\_\_\_\_\_  
Shutesbury Town Clerk

Town Seal