



Town of Lexington
Board of Appeals

Martha C. Wood, Chairman
Jeanne K. Krieger
Leo P. McSweeney
David G. Williams
Edward D. McCarthy

Tel: (781) 698-4516

Fax: (781) 861-2780

September 24, 2015 and October 1, 2015

14 MAPLE STREET

LEGAL NOTICE

The BOARD OF APPEALS will hold a public hearing on THURSDAY, OCTOBER 8, 2015, in the Selectmen's Meeting Room, 1625 Massachusetts Avenue, at 7:30 PM, on the petition of ATTY. JOHN FARRINGTON ON BEHALF OF 11 BYRON AVENUE, LLC for a SPECIAL PERMIT in accordance with the Zoning By-Law (Chapter 135 of the Code of Lexington) Section 135-3, Table 1; Permitted Uses and Development Standards, Line D.1.04 to allow more than one dwelling per lot on a temporary basis.

At the hearing, any party, whether entitled to notice thereof or not, may appear in person or be represented by agent or attorney.

Martha C. Wood, Chairman
Zoning Board of Appeals

Send Bill To:

Yvette Meemon
37 Barberry Rd.
Lexington, MA 02421
781-863-5777



Town of Lexington
Zoning Board of Appeals
Application for Hearing



This application must be completed, signed and submitted with the filing fee by the applicant or his/her representative in accordance with the Rules and Regulations of the Board (see other side of this application). The applicant is advised to review the Lexington Zoning Bylaw and the Rules and Regulations of the Board of Appeals prior to filing this application.

Location of Property 14 Maple Street
(Street and number)

Name and Address of Applicant John M. Farrington, Esq. 5 Militia Dr., #4

Applicant contact info - phone: day 781-863-5777 evening _____ E-mail iflexlaw@aol.com

Applicant is: Owner _____ Tenant _____ Agent/Attorney XX Prospective Purchaser _____

Property Owner's Name and Address (if not applicant): 11 Byron Avenue, LLC, 37 Barberrry Road,

Date Deed Recorded: 8/8/2015, Middlesex So. Registry of Deeds Book 1476 Page 120

Characteristics of Property: Lot Area .66 acres Actual Lot Frontage 103 feet with Cert#260113

Present Use of Property: single family home

Lexington Assessors' Map No. 30/14 Lot No. _____ Zoning District RS

Application is for:

_____ A variance from Section _____ of the Zoning Bylaw.

XX A special permit in accordance with Zoning Bylaw Section, 9.4 *TABLE 1. D. 1.04*

_____ An appeal from a decision of the _____ dated _____

_____ Permit for removal or placement of fill, sand, gravel, or other materials. See General Bylaws of Town of Lexington, CH 43.

_____ Comprehensive Permit- M.G.L. Ch. 40B (subsidized housing)

_____ Other _____

Nature and Justification of Request (please use attachments as needed):

See Exhibit A attached.

PETITIONER OR REPRESENTATIVE MUST ATTEND THE HEARING.

Signature of Applicant/Petitioner (or Representative) John Farrington

Schedule of Filing Fees- October 17, 1989:

	Residential	Non-Residential
Variance	\$100	\$200
Special Permit	\$100	\$200
Appeal	\$100	\$200
Renewal	\$100	\$200

Sign: \$100
Special Permit with Site Plan Review (SPS) *
Comprehensive Permit*

*varies with size of project

Exhibit A

Applicant is requesting this Board grant a Special Permit to allow an exception from Section 135-3.0 Table 1: Permitted Uses and Development Standards of the Code of the Town of Lexington (the Zoning By Law), and Section 135-4.1.4, One Dwelling per Lot, to allow continued occupation and residency of the existing single story ranch house at 14 Maple Street while a new single family residence is built to the rear of the lot. See attached engineered site plan showing the location of the existing dwelling unit and proposed location of the new dwelling unit.

1 The Site:

14 Maple Street is an approximately 29,295 s/f lot located almost at the northerly corner of Maple Street and Massachusetts Avenue. It is next to the Gulf Gas Station which is at the corner of Maple Street and Massachusetts Avenue, and it is just below the bike path. There is currently a single story ranch house on the site, set about twenty feet back from the Maple Street street line.

The lot is in the RS Zone. It also is in the East Village Historic District.

The existing single story ranch has a gross floor area of 2477 s/f with approximately 1000 s/f of finished space on the first floor. It is habitable and was occupied full time until the end of this August.

2 The Proposed New House.

The current owner of 14 Maple, "11 Byron Avenue, LLC", (local resident Michael Martignetti, 37 Barberry Road) has received approvals from the Lexington Historic District (HDC) to demolish the existing 1950's ranch, which the HDC found lacks any historical significance or importance. The HDC also gave its approval to build a new structure on the property, the design and appropriateness of which was approved by the Historic District Commission.

The findings and approvals of the Historic District Commission to construct a new house at 14 Maple have been appealed by several abutters to Superior Court. While the owner of 14 Maple

Street feels strongly the decisions of the HDC will be upheld, the appeal of the HDC decision has delayed and likely will continue to delay the date to begin the approved project.

3 Special Permit Requested

The current owner is aware 14 Maple can continue to be occupied for up to ninety (90) days from the date a building permit to build the new, approved house on the site is issued.

However, issuance of a building permit may not happen for another month, three months, six months etc., depending on when the appeal of the HDC approvals is heard by Superior Court. Therefore, the property owner believes there is a need to be able to enter into a multi month lease with a tenant, which tenancy period may run over the allowed 90 day period after the building permit is issued.

14 Maple is a perfectly sound house, with about 1000 s/f of living area, and could be attractive and affordable for a rental to a family in transition. It's an available housing asset which should not stand vacant while a Superior Court appeals process occurs.

Section 9.4.2 of the Zoning Bylaw sets out additional criteria that must be found or meet in connection with this Board issuing a Special Permit. The Applicant submits these criteria all are met here:

- 1 The existing house already is there and will serve a demographic demand for an individual or family in need of a shorter term, rental housing situation.
- 2 The social and economic needs of the community are met by providing an affordable rental to current residents wanting or needing a smaller, in good shape, home for a temporary period.
- 3 The structure fits with the surrounding houses as it has since 1954.
- 4 The neighborhood character and social structure is not changed, but protected. An unoccupied house presents all the risks of illegal occupancy, use for weekend partying and vandalism.
- 5 There is no an increased demand on utilities or other public services.
- 6 There will be a very favorable financial impact since the existing house will continue on the tax rolls at full value for a longer time period.



Town of Lexington

Clear Form

Request For Certified Abutters List

Request Date 09/09/2015

09/10/2015

To Whom It May Concern:

I would like to request a Certified Abutters List for the following property:

Property Addresses: 14 Maple Street Tax Map #: 30 Lot #: 14 Unit # _____

Other Related Map/Lot#: _____

Current Owner(s): Michael Maritgnetti

For the purpose of contacting abutters for:

- Board of Appeals (Within 300')
- Planning (Within 300')
- Conservation Commission (Within 100')
- Historical Commission (Within 100')
- Historical District Commission (Within 100')
- Selectmen (Within _____')
- Out of Town (Within _____')
- Town Engineer (Within _____')

Other criteria as follows: _____
(Example: All condo association owners Or All properties on Elm St between Sugar St and Maple St.)

The Certified Abutters List should be Delivered as follows:

- Picked up Please call when ready # _____
Phone Number Ext
- Emailed to jflexlaw@aol.com ● With the original copy sent to:

Mailing Address Provide Self-addressed stamped envelope

John Farrington 09/09/2015

Printed Name Date

5 Militia Drive, Lexington, ma (781) 863-5777

Mailing Address Phone Ext

The source data and the process employed to establish this Abutters List has been certified by the Town of Lexington:

RF LENT
Signed & Certified, Robert F. Lent Director of Assessing

Dept Use:

30-21
CRAMPTON JEFFREY L &
CRAMPTON ELIZABETH P
7 LOCKWOOD RD
LEXINGTON, MA 02420

30-15
GAWOSKI JOHN MICHAEL &
SEAVEY BEVERLY ROBIN
1099 MASSACHUSETTS AVE
LEXINGTON, MA 02420

30-28
NEURATH CHRISTOPHER
21 BYRON AVE
LEXINGTON, MA 02420

30-30
LEICHTMAN STEPHEN E &
GAIL P LEICHTMAN
18 LOCKWOOD ROAD
LEXINGTON, MA 02420

30-33
MOULTRUP DAVID J &
MOULTRUP DONNA L
10 LOCKWOOD RD
LEXINGTON, MA 02420

30-29
YODSAMPA ANDREA LOIS STRIMLING
23 BYRON AVE
LEXINGTON, MA 02420

30-100
CREAGER BRUCE H &
CREAGER ANN H
9 MAPLE ST
LEXINGTON, MA 02420

30-98
SETTEMBRE ETHAN C &
SETTEMBRE AMANDA J
5 MAPLE ST
LEXINGTON, MA 02420

30-95
PROPER CARL L &
PULCINI JOYCE A
6721 FAIRFAX ROAD
BETHESDA, MD 20815

30-31
MCDEWELL RALPH E & PRISCILLA M
16 LOCKWOOD RD
LEXINGTON, MA 02420

30-116
BERNIER MICHELE
6 INGLESIDE RD
LEXINGTON, MA 02420

30-26
GOLDHAMMER RICHARD F
17 BYRON AVE
LEXINGTON, MA 02420

30-23
HALPERIN ROBERT R &
RUSSMAN WENDY
15 LOCKWOOD RD
LEXINGTON, MA 02420

30-103
CHASTELL PAUL &
CHASTELL CALEY
19 MAPLE ST
LEXINGTON, MA 02420

30-25
CORSINO FRANK J
15 BYRON AVE
LEXINGTON, MA 02420

30-99
CARUSO JOSEPH C &
FLEMING-CARUSO TARA
7 MAPLE ST
LEXINGTON, MA 02420

30-101
GAGLIARDI GEORGE R
13 MAPLE ST
LEXINGTON, MA 02420

30-96
PATARROYO JUAN &
PATARROYO - WHITE SUSANNAH
1071 MASSACHUSETTS AVE
LEXINGTON, MA 02420

30-27
WEYGINT LYNNE &
WEYGINT PATRICK
19 BYRON AVE
LEXINGTON, MA 02420

30-24
LAROSE GALEN R TRUSTEE
GRL/MAL REALTY TRUST
17 LOCKWOOD RD
LEXINGTON, MA 02420

30-13
WARF BENJAMIN C &
WARF CYNTHIA S
20 MAPLE ST
LEXINGTON, MA 02420

30-16
LEXINGTON AUTO CARE LLC
1095 MASSACHUSETTS AVE
LEXINGTON, MA 02420

30-32
PREZIOSI THOMAS L
12 LOCKWOOD RD
LEXINGTON, MA 02420

30-22
MURPHY DANIEL W & MURPHY
BARBARA A TRS MURPHY LOCKWOOD
11 LOCKWOOD RD
LEXINGTON, MA 02420

30-14
WATSON GEORGE G III &
DEBRA L HOLLAND
14 MAPLE ST
LEXINGTON, MA 02420

30-17
DICKHOLTZ ANDREW J &
HUNT JEANNINE W
1109 MASSACHUSETTS AVE
LEXINGTON, MA 02420

30-102
BRODERICK DANIEL J & BRODERICK KAREN L
15 MAPLE ST
LEXINGTON, MA 02420

30-115
SILVA PETER F &
SILVA KIMBERLEE A
4 INGLESIDE RD
LEXINGTON, MA 02420

30-97
HORTON ELIZABETH ANN TR
ELIZABETH ANN HORTON 2007 TRUST
1083 MASSACHUSETTS AVE
LEXINGTON, MA 02420



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Board of Appeals

Fax: (781) 861-2780

Martha C. Wood, Chairman
Leo P. McSweeney, Vice Chairman
David G. Williams
Jeanne K. Krieger
Edward D. McCarthy
Dianne Cornaro, Administrative Clerk (781) 698-4516

DATE: September 10, 2015

TO: GateHouse Media New England/Community Newspaper Company
LEGAL NOTICE DEPARTMENT

I HEREBY AUTHORIZE GateHouse Media New England/Community Newspaper Company to bill me directly for the legal notice published twice in the Lexington Minuteman for a public hearing with the Lexington Zoning Board of Appeals regarding property at:

14 Maple Street, Lexington, MA

SIGNATURE: _____

Please print where to send the bill to:

Name: Yvette Beemon

Street Address: 37 Barberry Road

City/Town: Lexington

State: MA Zip Code 02421

Day-time Telephone Number 781-863-5777

Revised: 03/10/2014 dc