

**SHUTESBURY ZONING BOARD OF APPEALS
SPECIAL PERMIT APPLICATION**

ZBA Contact: zba@shutesbury.org

Steven & Meaghen Mikolajczuk
Petitioner(s)

4 Canterbury Rd
Address

Windham NH 03087

603-508-0007 ; steven.mikolajczuk@gmail.com
Telephone/E-mail

Zoning Board Use Only:

Application #: _____

Filing date: _____

Application complete date: _____

Hearing opened date: _____

Hearing closed date: _____

Final action date: _____

Written decision date: _____

Property Owner (If other than petitioner)

Address

Telephone/E-mail

Attorney/Engineer/Architect (If any)

Address

Telephone/ E-mail

Brief description of request (attach plans as necessary): _____

(1) Rebuild house on existing footprint increasing the current maximum height of 21.5' to 26.5' as measured from the center of the house (total height increase of 5').

(2) Add a 20' wide by 8' deep porch on the lake front side of the house. The proposed porch is within the minimum lake setback and does further encroach on side setbacks. The porch will extend to approximately the bottom of the existing exterior stairs.

Amendment to previously granted special permit? ____ Yes ☒ No

Property Address 32 Lake Dr, Shutesbury MA

Assessor Map/Parcel #(s) B-93

Property Deed Book/Page #(s) 07385/233

Zoning District(s) Lake Wyola (LW)

Applicable Zoning Bylaw Section(s) 6.1-3

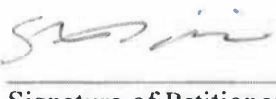
Over »

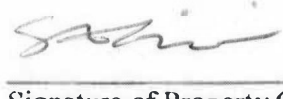
ZBA SPECIAL PERMIT APPLICATION (cont.)

Request for Zoning Waiver(s), if any:

Justification for Special Permit (attach additional materials/plans as necessary):

Please find attached (1) response to SPGA Review Criteria outlined in Section 9.3-2 B of
the Zoning code and (2) our Justification for Special Permit in narrative form. (3)
Elevations (4) Site Plan (5) & (6) Abutter Recommendations and (7) Abutter List


Signature of Petitioner(s)


Signature of Property Owner(s)

TOWN HALL OFFICE USE ONLY

6 copies filed with Town Clerk on: _____ Fee paid: \$ _____
(Date) (Amount)

Certified abutters list submitted: _____
(Yes/No)

Notice to Zoning Board: _____
(Date)

Method of notice: _____
(Town Clerk)

Please find our responses below to Section 9.3-2 B of the Zoning By-Laws

B. Specific Findings

In order to approve a Special Permit, the SPGA shall also make specific written findings that the proposed use, with or without appropriate conditions:

1. Is consistent with the purposes and requirements of the applicable land use district, overlay districts, and other specific provisions of this bylaw (including Site Plan Review requirements) and of other applicable laws and regulations. **YES, REBUILD OF A SINGLE FAMILY STRUCTURE**
2. Is compatible with surrounding uses, if any, and protective of the natural, historic, and scenic resources of the Town. **YES, PROPOSED HOUSE WILL RETAIN LOOK AND CHARACTER OF CURRENT AND SURROUNDING STRUCTURES**
3. Is accessible and serviceable by fire, police, and other emergency vehicles. **YES**
4. Will not create excessive off-premises noise, dust, odor, or glare. **YES, WILL NOT**
5. Will not cause traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition. **YES, WILL NOT CHANGE CURRENT SITUATION**
6. Will not overload any municipal facility or any public or private water, sewage disposal, or drainage system. **YES, NEW SEPTIC SYSTEM AND WELL WILL BE INSTALLED IN CONNECTION WITH THE REBUILD (BOARD OF HEALTH/CONSERVATION COMMISSION APPROVAL OBTAINED FOR NEW SEPTIC/WELL)**
7. Will not cause significant environmental damage due to flooding, wetland loss, habitat or ecosystem disturbance, or damage to valuable trees. **YES, WILL NOT CAUSE ANY OF THESE. ORDER OF CONDITIONS HAS BEEN RECEIVED AND RECORDED PER CONSERVATION COMMISSION APPROVAL PROCESS.**
8. Will not cause other significant adverse environmental effects, including but not limited to:
 - a. Pollution of surface water or groundwater; **YES, WILL NOT**
 - b. Inadequate water supply to meet the anticipated demand of the proposed activity or use or reduction of water supply to other properties; **YES, WILL NOT**
 - c. Destruction of important wildlife habitats and damage to wetlands or forest ecology; **YES, WILL NOT**
 - d. Noise and air pollution; **YES, WILL NOT**
 - e. Damage to streams or lakes; **YES, WILL NOT**
 - f. Construction which unnecessarily damages the visual amenities of the site and which is not in harmony with the landscape type; **YES, WILL NOT UNNECESARILY DAMAGE THE VISUAL AMENITIES OF THE SITE. WHILE ABLE TO REQUEST A SPECIAL PERMIT TO GO UP TO A MAXIMUM 28' IN THE LAKE WYOLA DISTRICT, WE CHOSE TO DESIGN THE HOUSE TO A MAXIMUM HEIGHT OF 26.5' IN ORDER TO MINIMIZE IMPACT WHILE MAXIMIZING THE USABILITY OF THE EXISTING FOOTPRINT AND LOT SIZE/SETBACK LIMITATIONS.**
 - g. Unnecessary decreases in agricultural or forestry use or potential land productivity. **YES, WILL NOT**
 - h. Erosion resulting from or caused by development. **YES, WILL NOT PER EROSION CONTROL SPECIFIED IN SUBMITTED/APPROVED SITE PLAN IN CONSERVATION COMMISSION ORDER OF CONDITIONS**
9. Will not adversely affect the availability of public services and the capacity of municipal services. **YES, WILL NOT**

Steven & Meaghen Mikolajczuk
32 Lake Drive
Justification for Special Permit

Thank you for taking the time to consider our request.

In justifying our request to increase the maximum height of the house on the existing footprint and to add a small porch, we have taken the neighborhood, usability, and what we have seen done around the lake into consideration. Based on our interpretation of the Zoning By-law Section 6.1-3, we believe a special permit is required for the increase in the maximum height of the house; however, the addition of the porch is permitted since it is with the lake setback and does further encroach on existing side setbacks.

The proposed home will look substantially similar to the existing structure but has been designed to maximize the existing small footprint. The dormers have been designed to be aesthetically appealing. To that end, we chose to do two small dormers on the southeast side to increase curb appeal. The proposed porch is 8' deep and will end approximately where the existing exterior steps end. Having a porch facing the lake is a common improvement in the neighborhood as it the proximity to the lake setback.

Although the Zoning By-Laws allow us to request approval to go up 28', we decided to design the house to a maximum height of 26.5'. This took some creativity; however, we endeavor to create a finished product that fits in nicely with the neighborhood with minimal impact to others. When comparing our proposed improvements to that of recent improvements on Lake Drive, our proposed project appears to have less of an impact from a height perspective.

The entire project, which encompasses a new septic system, drilled well, long term run-off/drainage solutions, and the house rebuild have been designed to have minimal long-term environmental and ecological impact while be aesthetically in line with other improved properties in the neighborhood. We have obtained Conservation Commission approval for the overall project and our Order of Conditions have been recorded (Book 7579 Page 85; MASS DEP# 286-0278). This includes Board of Health approval.

Meaghen and her family have been enjoying the benefits of the lake for generations and is excited to continue this tradition with this project which her children will enjoy for years to come. We thank you for your consideration.

Glenn Humphriss
Toni Tygard
P.O. Box 8142
Fort Mohave, AZ 86427

August 18, 2020

Re: 32 Lake Drive ZBA Approval - Recommendation

To whom this may concern,

As direct abutters to 32 Lake Drive, we are writing to recommend approval of Meaghen and Steven Mikolajczuk's proposed improvements at 32 Lake Drive.

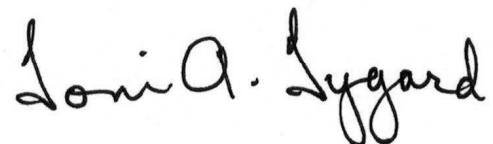
We have had an opportunity to review the plans and believe the project will retain the character of the existing house while improving the overall neighborhood setting. When the Mikolajczuks' purchased the property in July 2019 the house and grounds were derelict. They have spent considerable time and energy cleaning the house and grounds and we are excited to see the proposed project come to fruition.

Sincerely,

Glenn Humphriss

A handwritten signature in black ink, appearing to read "Glenn Humphriss", written in a cursive style.

Toni A. Tygard

A handwritten signature in black ink, appearing to read "Toni A. Tygard", written in a cursive style.

August 18, 2020

Charles DiMare
ZBA Chair
Town of Shutesbury, MA

Dear Mr. DiMare and ZBA Members,

I am the owner/resident of 28 Lake Drive and I am uncertain if I will be able to attend the public hearing regarding the proposed project at 32 Lake Drive, so I decided to write a letter to show my support for the project. The property at 32 Lake Drive had been neglected and overgrown for almost a decade before Meaghen and Steven Mikolajczuk purchased it last year. Since owning the property, they have already made improvements to the neighborhood by cleaning up the area and having 4 huge, hazardous pine trees removed. The Mikolajczuk's shared their proposed house and lot plans with me and I am excited to see that they were able to come up with a great design that I believe will fit in with in well with the neighborhood. I think their project will improve the looks and value of the neighborhood and am hopeful that the project will get approved.

Sincerely yours,

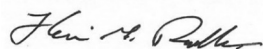
A handwritten signature in dark ink, appearing to read 'S. Panlilo', with a long horizontal flourish extending to the right.

Susan M. Panlilo

| MAP | LOT | OWNER | MAILING ADDRESS | CITY | STATE | ZIP | LOCATION |
|-----|-----|--|-----------------------|------------------|-------|-------|---------------------|
| B | 100 | HAMEL, FRANK G. & PATRICIA A. | 37 SANDRA ROAD | EASTHAMPTON | MA | 01027 | 20 LAKE DRIVE |
| B | 101 | POIRIER, DENIS & MARY ANN | 262 EAST STREET | SOUTH HADLEY | MA | 01075 | LAKE DRIVE |
| B | 121 | STAFFORD, JUDITH | 29 RIVER STREET | ERVING | MA | 01344 | 41 LAKE DRIVE |
| B | 122 | PAGE, MEG C. | P.O. BOX 659 | SHUTESBURY | MA | 01072 | 39 LAKE DRIVE |
| B | 123 | MIKOLAJCZUK, STEVEN & MEAGHEN | 4 CANTERBURY ROAD | WINDHAM | NH | 03087 | LAKE DRIVE |
| B | 125 | HOLMES, DAVID R. | 33 LAKE DRIVE | SHUTESBURY | MA | 01072 | 33 LAKE DRIVE |
| B | 126 | OSTROWSKI, MARTIN B. | 31 LAKE DRIVE | SHUTESBURY | MA | 01072 | 31 LAKE DRIVE |
| B | 195 | KAPLAN, LISA A.E. & DELUCA, CHERYL L. | 447 HAZARD AVENUE | ENFIELD | CT | 06082 | LOCKS POND ROAD |
| B | 200 | SANTIAGO, JASON M. & MARTEL, JULIE A. | P.O. BOX 659 | SHUTESBURY | MA | 01072 | 353 LOCKS POND ROAD |
| B | 803 | MA DEPT. OF CONSERVATION AND RECREATION | 251 CAUSEWAY STREET | BOSTON | MA | 02114 | LAKE WYOLA |
| B | 805 | TOWN OF SHUTESBURY | 1 COOLEYVILLE | SHUTESBURY | MA | 01072 | LOCKS POND ROAD DAM |
| B | 89 | PERRY, ANITA M. | 247 PROSPECT AVENUE | WEST SPRINGFIELD | MA | 01089 | 38 LAKE DRIVE |
| B | 90 | LAUDER, SHIRLEY & THAYER, DONAND E | 29 SALEM STREET | AMHERST | MA | 01002 | 36 LAKE DRIVE |
| B | 91 | HARDAKER, RALPH W. & HARDAKER, STASINOS K. | 32 BEACON AVENUE | HOLYOKE | MA | 01040 | LAKE DRIVE |
| B | 92 | KEEGAN, KAREN H. | P.O. BOX 419 | SUNDERLAND | MA | 01375 | 34 LAKE DRIVE |
| B | 93 | MIKOLAJCZUK, MEAGHAN & MIKOLAJCSUK, STEVEN | 4 CANTERBURY ROAD | WINDHAM | NH | 03087 | 32 LAKE DRIVE |
| B | 94 | HUMPHRISS, GLENN & TYGARD, TONI A. & HUMPHRISS-TYGARD LIVING TRUST | P.O. BOX 8142 | FORT MOHAVE | AZ | 86427 | 30 LAKE DRIVE |
| B | 95 | PANLILO, SUSAN M. | 28 LAKE DRIVE | SHUTESBURY | MA | 01072 | 28 LAKE DRIVE |
| ZB | 119 | CROSSMAN, CHARLES W. C/O STAFFORD, JUDITH | 29 RIVER STREET | ERVING | MA | 01344 | LAKE DRIVE |
| ZB | 124 | HARDAKER, RALPH W. & HARDAKER, STASINOS K. | 32 BEACON AVENUE | HOLYOKE | MA | 01040 | 37 LAKE DRIVE |
| ZB | 127 | SVBODA, STEVEN | 193 NORTH MAIN STREET | DEERFIELD | MA | 01373 | 29 LAKE DRIVE |
| ZB | 129 | SMITH, ROBERT D. & SHAW-SMITH, ELLEN M. | 576 AMHERST ROAD | SOUTH HADLEY | MA | 01075 | 25 LAKE DRIVE |
| ZB | 131 | GOREY, JOSEPH W. | 5 HILLCREST AVENUE | SOUTH DEERFIELD | MA | 01373 | LAKE DRIVE |
| ZB | 178 | OSTROWSKI, MARTIN | 31 LAKE DRIVE | SHUTESBURY | MA | 01072 | KING ROAD |
| ZB | 181 | KAPLAN, LISA & DELUCA, CHERYL L. | 447 HAZARD AVENUE | ENFIELD | CT | 06082 | 18 KING ROAD |
| ZB | 183 | BOBECK, MERINDA B. | 48 HIGH STREET | WALLINGFORD | CT | 06492 | 12 KING ROAD |
| ZB | 186 | WIDER, DEBRA L., LONGGORIA, NICOLE L. ET. AL. | 10 KING ROAD | SHUTESBURY | MA | 01072 | 10 KING ROAD |
| ZB | 196 | SALVADOR, JOSEPH & KATHLEEN | 51 MERRILL DRIVE | SHUTESBURY | MA | 01072 | 11 KING ROAD |
| ZB | 201 | GRAY, KATHERINE E. | 15 KING ROAD | SHUTESBURY | MA | 01072 | 15 KING ROAD |
| ZB | 203 | KEEFE, CAROLYN P. | 81 SAND HILL ROAD | SHUTESBURY | MA | 01072 | 25 KING ROAD |
| ZB | 216 | WALSH-SULLIVAN, ANN MARIE | 26 KING ROAD | SHUTESBURY | MA | 01072 | 26 KING ROAD |
| ZB | 74 | FINN, HAROLD W. & SALONEN, MARTHA E. | P.O. BOX 674 | SHUTESBURY | MA | 01072 | 42 LAKE DRIVE |
| ZB | 96 | ANCEBO, ANNA & STOTZ, MICHAEL | 14725 POMMEL DRIVE | ROCKVILLE | MD | 20850 | 26 LAKE DRIVE |
| ZB | 98 | WHITNEY, KENT H. & JEAN H. | 24 LAKR DRIVE | SHUTESBURY | MA | 01072 | 24 LAKE DRIVE |

300 FT ABUTTERS LIST TO 32 LAKE DRIVE
PREPARED FOR MEAGHEN MIKOLAJCZUK

Kevin Rudden
Administrative Assessor



8/13/2020



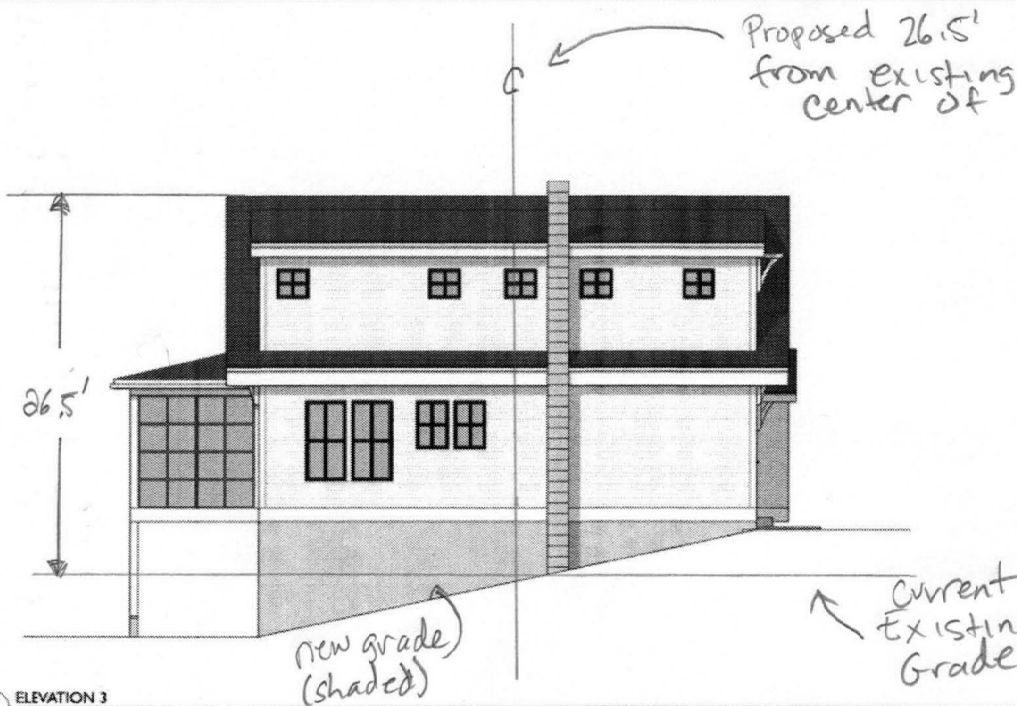
new finished grade from Lake

1 ELEVATION 1
SCALE 1/4" = 1'

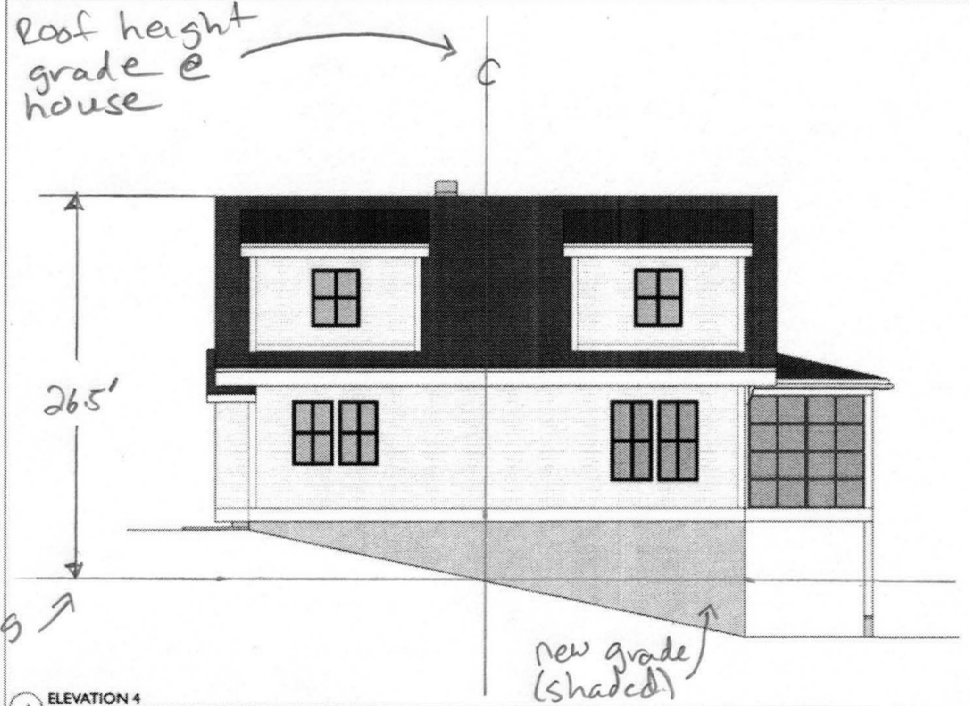


new finished grade from road

2 ELEVATION 2
SCALE 1/4" = 1'



3 ELEVATION 3



4 ELEVATION 4

