

SPECIAL PERMIT AMENDMENT

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APPLICANT	Mark A. Wightman, 7 Oak Knoll Drive, S. Deerfield, MA 01373
CASE NUMBER	22-003
DECISION DATE	September 11, 2023

REGISTRY OF DEEDS REQUIRED INFORMATION			
Current Property Owners:		Mark A. Wightman	
Property Address:		Leverett Road, Shutesbury, MA	
Registry of Deeds Title Reference		Book: 3302	Page: 127
or	Certificate of Title #	Land Ct. Lot	Plan #
Town Map #	16	Town Parcel#	H-151

HEARING DATES	09/11/2023 (hearing opened and closed)
REQUEST	<p>To amend the previous special permit, case number 22-003, approved by the Planning Board on April 10, 2023, for a non-subdivision Open Space Design under Article V, Section 5.1-2(B) of the Town of Shutesbury Zoning Bylaw.</p> <p>This requested special permit amendment is to incorporate herein all aspects of the subsequent Notice of Variance Decision issued by the Shutesbury Zoning Board of Appeals pertaining to Case number 23-001, dated July 13, 2023. In particular, the variance allows the driveway to be a minimum of ten feet wide instead of between eight and nine feet wide, as provided by condition 3 of the original special permit decision.</p>

PLANS	N/A
PLOT PLAN	N/A
BUILDING PLANS	N/A

FINDINGS	<p>The Planning Board finds:</p> <ol style="list-style-type: none"> 1. The Shutesbury Zoning Board of appeals has issued a Notice of Variance Decision (ZBA Notice), dated July 13, 2023, that approves a variance request from the applicant, regarding the same property covered by this application, that waives requirement in the Shutesbury Bylaw for Section 8.6-2(A)(2), that the traveled portion of the driveway shall be located no less
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	<p>than fifteen feet from any abutting property lot line, and for Section 8.6-2(A)(4), that the traveled portion of a driveway shall be a minimum of twelve feet wide in order to insure reasonable and safe access to vehicles, including emergency vehicles. The decision waives the 15-foot driveway setback requirement and reduces the required driveway width from 12 to 10 feet.</p> <p>2. The ZBA waiver of the driveway width requirement from 12 to 10 feet does not provide the applicant the means to proceed with their plan without running afoul of condition 3 of the original special permit decision, which specified the driveway width be from 8 to 9 feet through the narrow part of the existing cart path.</p> <p>3. Approval of this application that allows the driveway to be at least ten feet wide, does not detract from, or invalidate any of the findings or conditions issued in the original special permit decision, with the exception of condition 3, which limits the driveway width to eight or nine feet through the narrow part of the existing cart path. The ZBA Decision to waive the driveway width requirement from 12 to 10 feet strikes a reasonable balance between the benefits of utilizing the existing cart path in accordance with rural siting principles (Shutesbury Bylaw Section 8.3-1) and the need to allow safe passage of emergency vehicles (Shutesbury Bylaw Section 8.6-2(A)(4)).</p>
VOTES	<p>On 9/11/2023 the Planning Board voted to approve this special permit application with the conditions listed below:</p> <p>Bonnar – Aye Bressler – Aye DeChiara – Aye Lacy – Aye Murphy – Aye Raymond – Aye Weston – Aye</p>
CONDITIONS	<p>1. Violation of any condition imposed by the ZBA decision shall constitute a violation of this special permit.</p>

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Details of the hearing and decision are on file in the Office of the Town Clerk at the Shutesbury Town Hall.

Appeal from this decision may be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days of filing with the Town Clerk. This Special Permit shall lapse if substantial use or construction has not commenced without good cause within two years from the date issued.

Signature	Printed Name	Title
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For the Shutesbury Planning Board

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

Shutesbury Town Clerk

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