

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF PEMBROKE
ZONING BOARD OF APPEALS

Case #25-16

September 28, 2016

DECISION OF THE BOARD OF APPEALS ON THE APPEAL AND PETITION OF
STEPHEN LEAMAN.

Premises: 70 Toole Trail, Pembroke as shown on Assessors' Map B-5,
Lot 110, Book 46190, Page 108.

Zoning District: Residence District A

Petitioner: Stephen Leaman, 1082 Ferry Street, Marshfield, MA 02050.

Date of Filing
Application: July 27, 2016

Dates of Public
Notice: September 2, 2016 and September 9, 2016

Date of Mailing
& Posting Notice: September 2, 2016

Date of Hearing: September 19, 2016

Petition: Requesting a special permit of the Zoning By-laws of the Town of
Pembroke, Sec. V, 5. Non-Conforming Property to raze the
existing single family dwelling and construct a new single family
dwelling..

The public hearing was held on Monday, September 19, 2016 at 7:00 p.m. in
accordance with proper notice and advertisement. The full Board consisting of William
Cullity, Vice Chairman, Frederick Casavant, Member, and James Gallagher, Member,
heard the petitioner, Stephen Leaman. There were five abutters present at the hearing.

DECISION: UNANIMOUSLY APPROVED .


The petitioner explained to the members of the Board that the existing dwelling sits on a 3,601 square foot non-conforming lot. The existing structure is in need of repair and improvement. Thusly, we ask to raze the existing single family dwelling and construct a new single family dwelling at a site that will improve the non-conforming setback as shown on the drawing submitted.


The Board reviewed the information presented by the petitioner and found the request to be in harmony with the general purpose and intent of the by-laws and conforms to all the provisions and standards of the by-laws and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-laws.


A motion was made, seconded, and unanimously voted upon to grant a special permit of the Zoning By-Laws of the Town of Pembroke, Sec. V, 5. Non-Conforming Property to Stephen Leaman for property located at 70 Toole Trail, Pembroke as shown on Assessors' Map B-5, Lot 110 to raze the existing single family dwelling and construct a new single family dwelling as shown on the drawing by Grady Consulting, L.L.C., dated July 25, 2016.

Any judicial appeal from this decision shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17 and any such appeal shall be filed within twenty days from the filing of this decision with the office of the Town Clerk of Pembroke.

If substantial use of the rights authorized by this special permit are not exercised within one (1) year of the date on which a copy of this decision is filed with the Town Clerk, then this special permit shall expire.


William Cullity
Vice Chairman


Frederick Casavant
Member


James Gallagher
Alternate