

**Minutes of the Ashburnham Zoning Board of Appeals
April 21, 2010**

Present: David Perry, Chairman, Joseph Daigle, Terry Girouard, Cheryl Anderson
Mark Carlisle and Rich Archer

**HEARING: 10-1
TIME: 1930 HOURS**

1. David opens hearing at 1930 hours
 - A. Explains rules
 - B. Reads hearing cover letter
 - C. David explains
 - D. Cheryl explains
 - E. Joe explains
 - F. Turns hearing over to the applicant
2. Attorney George Watts presents case for applicant
3. David breaks in to explain variance requirement
4. Attorney Watts explains further the case of the applicant
 - A. Purchased lot from town at auction
5. Joe submits 8 pages of documents from Registry of Deeds #1 of 1 – 8 pages
6. David asks board if they have further questions
 - A. All answered negative
7. Board did not receive complete package: i.e. tax card or deed
 - A. Attorney Watts supplies board with view of his copies
8. Terry asks Mr. Rivers (applicant) what size house & location of driveway and garage size
 - A. 1800 to 2000 sq. ft
 - B. 2 car garage
 - C. Lower elevation
9. David asks abutters for their input
 - A. Mike Blake (115 Lincoln Ave) explains his history of area 18 years
 - B. Richard Flynn (34 Sibley Rd) asks if anybody has ever asked for a variance on this lot before
 1. Answered – unknown. Further explains someone had asked him about the build ability of the lot. States that everyone knows the lot is unbuildable.
 2. David explains the best he can that anyone can apply for relief
 3. Debate continues on merits of variance
 4. Mr. Flynn & Mr. Blake are against variance

10. Cheryl speaks to variance
11. Board takes short break at 2013 hours
12. Mr. Legros, 116 Lincoln , speaks to the fact that when he bought his home he was told by the town that the lot in question was not buildable
 - A. Mr. Legros is against this variance
13. Terry explains the town advertised the sale
14. Debate continues on legality of variance and town selling the land without notifying the abutters
15. Mr. Rivers addresses the abutters
16. David again explains the rules of obtaining a variance
 - A. Explains he visited the lot this PM
17. Mr. Flynn again explains his dismay of not being warned of the sale
18. David explains the appeal process of our decision in either direction
19. David again asks if board has any further questions
20. Joe attempts to explain the non president setting of a ZBA
21. Attorney Watts addresses board in applicant's defense
 - A. Demential variance
 - B. Not changing use
 - C. Only looking at 20% sq lot size
22. David closes hearing at 2040 hours
 - A. Explains time frame of decision. March 23, 2010 ends July 1, 2010
 - B. Explains deliberation at open meeting
 - C. Explains appeal time frame (20 days)
 - D. Explains deed attachment
23. Board decides to debate and deliberate hearing at 2050 hours
 - A. Debate of merits
 - B. Debate of cover letter
 - C. Debate of evidence
 - D. Debate of zoning
24. Motion made by Cheryl to deny variance because no hardship was proven
 - A. 2nd Terry
 - B. Vote: unanimous

25. Motion to adjourn at 2125 hours by terry
 - A. 2nd: Cheryl
 - B. Vote: unanimous

Respectfully submitted,

Joseph B. Daigle, Clerk