

**Minutes of the Ashburnham Zoning Board of Appeals
September 7, 2011
7:30 PM**

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

Absent: Joseph Daigle

**Hearing 10-06
7:30 PM**

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ASHBURNHAM ZONING BOARD OF APPEALS
120 STATE STREET
ASHBURNHAM MA 01430

1. David opens Meeting @ 7:34 PM
 - A. David Introduces the Board

2. Discussion of current conditions to Special Permit
 - A. Open/Close times
 - George explains starting time is tough due to bus schedule
 - No weekend/Holiday is not beneficial or positive to towards local communities
 - B. Condition 2 has been meet
 - C. Condition 3 has been meet
 - D. Condition 4 has been meet
 - E. Condition 5, George asks that Condition 5 to be amended to 5 pieces of commercial or construction equipment to be kept on site. And also that part B (Registered or Not) be amended too
 - F. Mark asks if equipment is stored elsewhere
 1. George answers affirmative
 - G. George submits packet of information 29 pages (Exhibit 1)
 - H. Cheryl ask how many pieces of equipment George has that he would like to keep on property
 1. George answers 7
 - I. George explains violations & reasons for them
 - J. Joe Magui states he has helped George
 - K. Mr. Tolson submits incident report of his accounts of Special Permit Violations (Exhibit 2)
 1. Claims of equipment being visible from his property
 2. Claims of Waste Management using (exiting) incorrect address is disturbance
 - L. Cheryl ask Mr. Tolson to clarify an incident on Mr. Tolson's report
 - M. Mark asks George for clarification as to regards to types of equipment George uses.

- N. George clarifies that Tenant used Bobcat equipment on Monday September 5, 2011 which was a Holiday. (Labor Day)
 - O. Cheryl comments as to her opinion on situation
 - P. Mark comments
 - Q. Discussion in gallery
 - R. Mr. Tolson states he sees equipment over fence
 - S. Further Discussion
 - T. Mr. Tolson submits a phone log record of calls to Ashburnham Police Department (Exhibit 3)
3. David makes motion that Special Permit be granted with modified special conditions. Cheryl seconded the motion.
- A. Hours modified Monday thru Friday 7:00 a.m. to 5:00 p.m.
 - B. No construction equipment to leave prior to 8:00 AM or arriving after 4:00 PM on Saturdays
 - C. Modify condition 5 to increase # of commercial or construction equipment to five
 - D. George will ask waste management not to use tenants driveway as egress
 - E. Only one piece of commercial equipment can leave on Saturday between 8:00 AM to 4:00 PM
 - F. Number (6) will be changed from "90 days" to November 16th with hearing November 9, 2011.

Old Conditions:

1. Hours of operation to be 8:00 AM to 5:00 PM Monday thru Friday, no weekends or holidays, except for an emergency directly related to a public safety concern.
2. No equipment to be visible from the street or neighbors property.
3. Access and egress is limited to 99 Willard Road of all business activity.
4. No stock piling of materials that are not directly related to the heating of house or barn.
5. Only four (4) pieces of commercial or construction equipment to be kept on site (99 Willard Road) registered or not.
6. If applicant is found to be in violation of any conditions listed may be grounds for Special Permit to be revoked prior to the full term of the ninety (90) days.
7. Equipment repairs and maintenance must be done inside. No outside repairs allowed.
8. Special Permit is valid until September 7, 2011 only. A review meeting will be held on September 7, 2011 at 7:30 PM Town Hall Lower Level Meeting Room to see if conditions are being meet and if Special Permit should be extended or revoked.

New Conditions for Special Permit as of September 7, 2011

1. Hours of operation to be 7:00 AM to 5:00 PM Monday thru Friday, 8:00 AM to 4:00 PM on Saturday no Sundays except for an emergency directly related to a public safety concern.
2. No equipment to be visible from the street or neighbors property.
3. Access and egress is limited to 99 Willard Road of all business activity.
4. No stock piling of materials that are not directly related to the heating of house or barn.
5. Only five (5) pieces of commercial or construction equipment to be kept on site (99 Willard Road)
6. If applicant is found to be in violation of any conditions listed may be grounds for Special Permit to be revoked prior to November 16, 2011.
7. Equipment repairs and maintenance must be done inside. No outside repairs allowed.
8. Special Permit is valid until November 16, 2011 only. A review meeting will be held on November 9, 2011 at 7:30 PM Town Hall Upper Level Meeting Room to see if conditions are being met and if Special Permit should be amended, extended or revoked.
9. Waste Management not to use tenants drive way for entrance or egress.
10. Only one (1) piece of construction equipment to leave on Saturday between 8:00 AM and 4:00 PM

Vote unanimous

Dave makes motion to adjourn @ 9:30 PM

G. Seconded by Terry

H. Vote: Unanimous to adjourn the meeting

Respectfully submitted,

Rich Archer,
Acting Clerk