

TOWN OF ASHBURNHAM  
ZONING BOARD OF APPEALS  
LOWER LEVEL MEETING ROOM – TOWN HALL  
October 24, 2012, 7:30 PM

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In attendance – David Perry, Chair, Joe Daigle, Clerk, Cheryl Anderson, Terry Girouard and Rich Archer

Absent: Mark Carlisle

At 7:35 p.m. David Perry called Special Permit Hearing #12-08 to order.

1. Perry opened public hearing, reads face sheet, introduced Board members, and explained rules of hearing.
2. Mark Dymek speaks for appellants
  - A. 4' x 8' to bath to replace deck
  - B. Lower than existing roof line
  - C. No closer to lot line than existing
  - D. Conservation Approved
3. David adds that Board of Health has written that they have not comment on project.
4. David makes motion that a finding be made that 1.42 Applies and a Special Permit may be sought.
  - A. Seconded by Terry Girouard
  - B. Vote unanimous to grant a finding
5. David explains appeals process and need to place any decision on deed and “At Risk” permit.
6. Hearing Closed at 7:45 PM
7. Board decides to enter deliberations at 7:47 PM
8. David Perry makes motion to grant special permit with conditions
  - A. Seconded by Terry Girouard
  - B. Discussion
  - C. Conditions
    1. No closer to lot line than existing
    2. No higher than existing
  - D. Vote Unanimous to grant special permit.

Continuance of Hearing #12-07 at 8:15 PM

1. David opens continuance at 8:15 PM
  - A. Introduces Board
  - B. Asks if appellant if have anything new?
    - No
2. Ms. Ficarra is afraid of large canopy catching fire
3. David Perry asks if the Board can do anything to make everyone at least all or most happy.
4. Ms. Ficarra would like fence along property line
5. Lengthy discussion by all present on 5.1
  - A. Joe interjects that due to the measurements 5.1 does not apply and we should move along.
6. Discussion on Fence, Height, length, etc....
7. David asked Ms. Ficarra where she would like the fence.
  - A. She writes on David's plan where she would like it
8. Ms. Ficarra asked when the fence would go up and when the sheds would be moved.
  - A. The applicant has 2 years
9. David asks Board if they have any more questions
  - A. No
10. Cheryl asks appellant if he would like to say anything else.
  - A. Not really
11. David explains appeal process and requirement to place decision on deed and also explains "At Risk" permit.
12. David closes hearing at 9:00 PM
13. Board goes into deliberation
14. David makes motion that a finding be made that 1.42 applies and a special permit may be sought.
15. Cheryl makes motion to grant special permit with conditions
  - A. Seconded by David Perry
  - B. Discussion
  - C. Conditions:
    1. Canopy 2.5' and shed 6' from lot line

2. Gutter on shed to direct H2O away from lot line
  3. Solid, vinyl privacy fence, 6' high, at least 1' off the lot line (Section 4.37)
    - A. 25' off road
    - B. Minimum of 3' past end of canopy
    - C. Vote: Unanimous to grant special permit
16. David explains appeal process again
17. David enters plot plan #1 of 1, one page which contains abutter's measurements and requests.
18. David Perry makes motion to adjourn at 9:30 PM
- A. Seconded by Joe Daigle
  - B. Vote was unanimous to adjourn

Respectfully Submitted

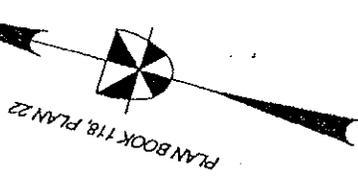
Joseph Daigle,  
Clerk

1 OF 1  
OK DP

**OWNERS:**  
DANDY LIVING TRUST - HAROLD & ELISSA DANDY tr.

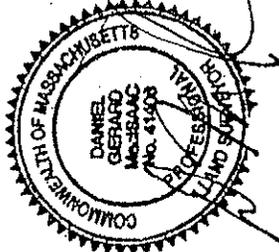
**REFERENCES:**  
DEED BOOK 5698, PAGE 353 (DEED)  
PLAN BOOK 118, PLAN 22

**ASSESSORS:**  
MAP 56, LOT 78



PLAN BOOK 118, PLAN 22

**NOTES:**  
1) THIS PLAN REPRESENTS AN INSTRUMENT SURVEY OF THE PREMISES



7-2-12

DANIEL G. MacISAAC, PLS (#41408) DATE



PLOT PLAN 44 HILLTOP DRIVE	
OF LAND IN ASHBURNHAM, MA (WORCESTER COUNTY)	
PREPARED FOR HAROLD DANDY	
DANIEL G. MacISAAC PROFESSIONAL LAND SURVEYOR	18 FAIRVIEW ROAD CANTON, MA 02021 (617) 642-7065
SURVEY DATE 8-3-2012	DATE 8-30-2012
SCALE: 1" = 40'	

CANOPY OFFSET APPROX 2.5'

Shed offset approx 6'

Shed height 116'

