

RECORDED
15 MAY 20 11:10 AM
TOWN OF ASHBURNHAM
ZONING BOARD OF APPEALS
LOWER LEVEL MEETING ROOM – TOWN HALL
May 22, 2013

In attendance – Chairman David Perry, Acting Clerk Mark Carlisle, Terry Girouard and Cheryl Anderson

Absent: Joseph Daigle and Richard Archer

Also Present: John and Mary Ann Dowd, John Moulton, Austin Joyce and Mark Dymek

Variance Hearing # 13-04 John and Mary Ann Dowd 50 Lakeshore Drive

Dave Perry explained a four member board versus a five member board of the Zoning Board of Appeals.

John Dowd opted to go ahead with a four member ZBA Board.

Dave explained the four conditions for a variance.

John Moulton explained why the Dowd's seek a variance.

They want to build a covered entrance to the house 10' width, 5' covered, with four stairs to landing. Require 40' offset only have 35.8'

Dave discusses new house was built to meet new codes putting the house into this predicament. (Higher foundation)

Cheryl Anderson stated that this house is actually preexisting non-conforming property. Cheryl also stated a case relating to this variance. Terry Girouard stated that building this addition could make the structure more non-conforming. Mark Carlisle stated that he agreed that Dave's opinion of the building regulations put the Dowd's into this situation. Mark Dymek, President of Watatic Lake Association was in favor of the Town granting the permit.

Dave explained the permit appeal and decision process.

Cheryl Anderson makes motion to close hearing and enter into deliberation.

Terry Girouard seconded Cheryl Anderson's motion. All four ZBA Members in favor of the motion to close the hearing and enter into deliberation. **Vote unanimous**

Dave Perry makes a motion to grant a variance as requested and as shown on drawings with one condition that the setback is no less than 35'.

Cheryl Anderson seconded the motion to grant the variance as requested and shown on the drawings submitted.

This variance is granted on the condition that the setback is no less than 35'.

All ZBA members vote in favor of the variance with one condition. The vote was unanimous.

Mark Dymek at ZBA Meeting to give an update on 40B project and requested that he would like to build 5 more residential units and then 2 affordable units thereafter. Mark Dymek sites the poor but improving real estate market. Cheryl sited sections of the comprehensive permit. Terry says that he has no problem but would like to check with Town Counsel. Cheryl Anderson makes a motion to grant request to amend the comprehensive permit of June 6, 2007 to build 10 single family homes then two affordable building units. Terry seconded the motion and ZBA Board is unanimous on amending the comprehensive permit.

Mark Carlisle makes a motion to adjourn ZBA Meeting at 8:45 PM. The motion to adjourn ZBA Meeting is seconded by Dave Perry. The ZBA Board votes in favor of adjourning the meeting. The vote is unanimous.

Respectfully submitted,

Mark H. Carlisle,
Acting Clerk