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TOWN OF ASHBURNHAM
ZONING BOARD OF APPEALS
LOWER LEVEL MEETING ROOM – TOWN HALL
September 5, 2013

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

Absent: Joseph Daigle

Special Permit Hearing #10-6

David Perry opens Special Permit Hearing at 7:04 PM

David reviews conditions of decision #10-06 (See exhibit 1)

Reviews condition #1 hours of operation

Mr. George Gorrell states he has complied to the best of his ability.

Mr. Richard Tolson submits police report showing his belief this is inaccurate. Report start on 9-3-2011 through 8/25/2013. (Exhibit #2)

Cheryl requests that it be noted that only 1 copy was submitted.

Mr. Tolson's Attorney Mr. Deschenes states that he would like for the record that "Mr. Gorrell stated he complied to the best of his ability however he did not comply."

Brenda Lashua (Abutter) states that George Gorrell has not followed hours on condition #1.

Condition 2:

Mr. Gorrell states there is 5 pieces of equipment on property currently.

Mr. Tolson stated that there was more than 5 pieces of equipment on George's property.

Rich confirms there was 5 pieces of equipment as of 10 minutes prior to meeting.

Condition 3:

Everyone agrees Mr. Gorrell has conformed to condition #3

Condition #4:

Mr. Gorrell explains conditions under which he has had to not conform to this condition.

Condition #5:

Mr. Gorrell confirms more than 5 pieces of commercial equipment is on his property.

Condition #6:

Reviewed by David

Condition #7:

Mr. Gorrell states he has conformed

Condition #8:

Reviewed by David

Condition #9:

Mr. Gorrell & Mr. Tolson confirm he has conformed

Condition #10:

Mr. Gorrell states he has conformed. Cheryl Anderson reads notes from Police report that complaints have conformed to the condition that only one truck are able to leave on a Saturday.

David summarizes that Mr. Gorrell has complied with five conditions and not complied with three conditions.

Discussion amongst Board, Mr. Gorrell, Mr. Tolson and Mr. Deschenes.

Brenda Lashua reiterates that he has not followed hours of operation stated in condition #1.

Mr. Deschenes stated that Town Council stated that this permit is not valid.

Cheryl Anderson disagrees.

Discussion ensues to the validity of permit.

September 11, 2013 @ 7:30 P.M. deliberations

David Perry makes a motion to close hearing # 10-06 at 8:24 PM

Mark Carlisle seconds the motion

All ZBA Members voted unanimously to adjourn the hearing.

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Respectfully submitted,

Rich Archer,
Acting Clerk

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CLERK'S OFFICE

Date Received:

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NOTICE OF DECISION
Number: 10-06

Date of Application: September 10, 2010

Subject of Appeal: The application of George Gorrell, for a Special Permit from Section 3.42 (t) of the Ashburnham Zoning Bylaws for storage of construction equipment and building material and all other necessary zoning relief on the property located on 99 Willard Road, Map 35 and Parcel 10 in the R-A District.

Date of Hearings: 6/1/11, 3/9/11, 2/23/11, 12/8/10, 11/9/10, and 10/27/2010

Date of Decision: September 7, 2011

Decision: A Special Permit granted with conditions until November 16, 2011.
Special Permit to be reviewed on November 9, 2011 at 7:30 PM.

Basis for Decision: The granting of the Special Permit with conditions listed will not derogate from the intent of the By-Law nor harm the neighborhood.

Conditions:

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

Board Members Present: David Perry, Chair
Cheryl Anderson
Rich Archer
Terry Girouard
Mark Carlisle

Exhibit
1
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Not Present: Joseph Daigle

Vote of Board: Unanimous to Grant Special Permit until November 16, 2011 with conditions and to be reviewed on Wednesday November 9, 2011.

Notice: Any decision of the Board of Appeals may be appealed to the Superior Court of Worcester County within 20 days by the Applicant, Town Boards or Officers, or any person aggrieved by the decision. Appeal may also be made in Fitchburg District Court.

After the 20 days appeal period, if no appeals have been filed with the Town Clerk, this decision must be recorded with the Registry of Deeds.

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