

TOWN OF ASHBURNHAM  
ZONING BOARD OF APPEALS MINUTES  
LOWER LEVEL MEETING ROOM – TOWN HALL  
May 18, 2016

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Present –Heather Carlisle, Mark Carlisle, Rich Archer, Ken Mullen and Cheryl Anderson (alternate)

Applicant Todd Rivers present

1. Meeting opens at 7:00 pm.
2. Mark opens meeting and reads from bylaw Sec. 6.43.
  - States that Mr. Rivers is short on frontage / square footage.
  - Hardship on town for taxes (could be a taxed residence); the other hardship is that the Planning Board allowed this property to become non-conforming.
3. Henry Sands, Attorney for Catholic Diocese of Worcester, Father Richard Ready of Worcester and Father Hamm of Ashburnham in attendance.
  - Henry Sands states that the lot is similar in size to others in the neighborhood, appearance will be the same (not detrimental or out of character), SF home is permitted as of right in zone.
  - Unique aspects: part of larger parcel, former rectory is adjacent; the two buildings were divided into (2) parcels in 1995, Church was demolished.
4. The 2 parcels were once a single parcel (41(81)(L) – a parcel of land with 2 principal buildings can be divided, which is what happened in 1994.
  - Section 41(81)(L) : don't need to comply completely with zoning regulations according to case law relating to subdivisions.
  - This is a prior conforming lot, questionable as to whether a Variance I even needed.
  - Church had to be demolished due to being condemned.
5. Variance is due to size / frontage because of the division of lots in 1994.
  - To not allow would result in a useless lot (not the intent of bylaws)
  - To not allow would be a hardship for the Diocese
  - The use of the land would not be detriment to public good
  - This would make neighborhood more attractive
6. Mr. Rivers was asked to provide house plans more extensive than home plan # 160211 with dimensions.
  - Asked by Joyce if the size of the home would be 36' wide and 26' deep? Mr. Rivers confirmed these dimensions.
  - Cheryl asked how far from road? Mark also asked about setback. Mr. Rivers stated he wanted to have it line up with existing homes.
  - Cheryl asked for a more complete plan. Mr. Rivers stated he would keep it centered also.
  - Mark asked if this property would be hooked up with town sewer/water. Mr. Rivers confirmed.
  - Mark asked about the easement for the septic for the other lot, Birchlers. Asked if the Birchlers were hooked up to town sewer? Stated no.

- Mark asked if there was an expansion easement if the septic failed. Birchlers stated that no, if it failed they would connect to town sewer.
  - Terry asked about bump out for dimensional accuracy, 5' beyond footprint of house(41' x 26')
7. Mark asked if any abutters have any comments.
- Dave Perry an abutter, who recused himself from hearing. Stated he has no problem with square footage of house, and feels it would be good for property.
  - He said that he would like to know exactly the setbacks.
8. Mr. Rivers stated that plot plans are good but sometimes move, didn't want to have to move things down the road, needs flexibility.
- Dave Perry says that some sites that is true however this site is not that situation. He would be more comfortable knowing the setbacks.
  - Mark asks Mr. Rivers if he has a rough idea.
  - Mr. Rivers says he plans to line up with Mr. Girouard's house, have a driveway and wants it to be centered on the property.
  - Mr. Girouard, another abutter who recused himself for hearing, states he would like to see the house centered with the existing footprint, and driveway at tree line.
  - Mr. Rivers says that there is plenty of room to move forward towards the street (rubble in the back) and no problem to center in the existing footprint.
  - Mr. Girouard says that would be approximately 58' from Birchler's to center, 74' from Girouard's to center (side to side, not front to back) and centered from the side, if it does need to be moved slightly to stay away from rubble says that would be okay as long as it stays centered.
  - Perry agrees with the location and that this would be a good use of the land.
  - Girouard would like to know distance of driveway to his lot line, and would like distance suggested. He would like minimum distance of 10' from lot line, not over sewer connection.
  - Mr. Rivers responds that he can't answer as to sewer connection location, but wants to center the driveway with the rest of the house.
  - Cheryl Anderson asks if buffer from driveway to lot line of 10' would work.
  - Girouard says he would like 20' because there is a catch basin for snow removal; it should be on other side and would not like to see it on lot line.
  - Mr. Rivers stated that he is agreeable to these concerns.
9. Ken asks if they could legally build on footprint if church was building again.
- Cheryl Anderson states that if anything was existing on the footprint, but the church is selling as a residence, churches are exempt under 40A.
10. Joyce Birchler asks if Terry is asking for 20' on his side what happens to her side.
- Terry states nothing; it would just be the driveway, not the house.
  - Mr. Birchler asks for clarification for the previously mentioned septic (Birchler's septic)
  - Mark clarifies he was asking since there was a septic easement, would not apply since they are hooking up with town sewer.
  - Girouard asks about the issue of no water line on the property.
  - Mr. Rivers says he is away he would need to hook up to town water.
  - Girouard asks if that would be at the same time as sewer hookup.
  - Perry states that the water sewer lines need to be 10' apart.

11. Mark states that he is not comfortable without a true site plan because of the setbacks, sewer lines, and water lines. Say there is a lot of things to address and does not want misunderstandings with neighbors. We want to do our due diligence.
  - Cheryl says that a site plan will be required (bylaws) and it would need to be given to building inspector.
  - Mr. Rivers states that he did not get a site plan yet because he did not want to spend more money if the application to build on the land was rejected.
  - Mark says that it is the cost of doing business. The want to make sure the proper job is done and it is methodical, but it will make things easier.
  - Perry asks if he is suggesting an engineered plan.
  - Mark clarifies that he is not suggesting an engineered plan, just a sketch.
  - Mr. Rivers agrees that he work with abutters to come up with something as well as find out water and sewer locations.
  - Mrs. Birchler wants to have a property value.
12. Cheryl Anderson says that the problem with the deed (July 31, 1917 Book 331 Page 520) is that the square footage was ??? field card, after 1994, land divided.
  - Attorney for church said that no new deed for lot 2, when land was divided, deed from diocese to new owner has a deed Lot 1. Field card for property we're talking about is incorrect.
  - Book and Page for the remaining land is under the original deed before it was split. Which refers to the newest boundary, no new deed?
  - Cheryl asks how you would add the SP to the deed.
  - Attorney states to reference the old book and page, would document new deed to buyer with new legal description for Lot 2.
  - Chery states that the assessor's office need to correct the book and page mentioned on the field card.
  - Heather Carlisle agrees with the attorney's statement in regards to correcting deed.
13. Perry states that he has seen other work Mr. Rivers has done and it is quality work.
14. Girouard asks if there is any timeline.
  - Mr. Rivers says he believes it would probably start in the fall.
15. Mark suggests that this hearing should be continued so as to see a plot plan.
  - Mr. Rivers asks if Mr. Perry would like to be a part of that meeting, review of the plot plan.
16. Heather makes a motion to continue this hearing to next Wednesday 5/25/2016 at 7:00.
  - Cheryl seconds the motion.
  - All in favor.
17. Ken makes a motion to adjourn the meeting at 8:15pm.
  - Cheryl seconds.
  - All in favor.

Meeting adjourned at 8:15 pm.