

Date Received:

Town Clerk:



NOTICE OF DECISION
Number: 11-08

Date of Application: 12/5/2011

Subject of Appeal: The application of Daniel J. Kelly III DBA DJ's Classic Cars for a variance from section 3.24 (k) of the Ashburnham Zoning By Laws to operate a sales facility for motor vehicles and all other necessary zoning relief on the property located at 73 Fitchburg Road, Map 34, Parcel 26, in the RA Zoning District.

Date of Hearing: 1/18/2012

Date of Decision: 1/18/2012

Finding: Board finds that the requirements for a variance have been met.

Decision: Unanimous to grant variance with conditions.

Conditions:

1. Hours of operation; Mon-Fri 10:00 AM to 8:00 PM, Sat. 10:00 AM to 6:00 PM, and Sunday for maintenance and by appointment.
2. Signage: To remain in same location and no larger than existing sign
3. No auto body work, painting of bondo; repairs, sales, detailing and storage only.
4. Applicant to do soil testing per loan institutions needs, copies to be submitted to Board and made available to abutters.
5. Apartment to be brought to code and tested to be safe before using, results to be submitted to Board and made available to abutters.

Basis for Decision: The subject property had been run as a gas station, car repair, car sales, inspection station, and occasional auto body from 1966 until 2007 when the owner retired and placed the property for sale. The tanks and pumps have been removed. The closest abutter runs a large construction company operation which includes septic pumping in addition to out house rentals and has been in business at that location for forty plus years. The Board finds that the granting of the Variance does not derogate from the By Law; is less non conforming, and does not harm the neighborhood.

Vote of Board: Unanimous to Grant Variance with conditions.

Board Members Present: Joseph Daigle, Acting Chairman
Rich Archer, Acting Clerk
Cheryl Anderson
Terry Girouard
Leo Janssens II (Alternate)

Not Present: Dave Perry and Mark Carlisle

Notice: Any decision of the Board of Appeals may be appealed by the applicant, Town Boards or officers or any person aggrieved by said decision, to the Fitchburg District Court or the Worcester Superior Court within 20 days.

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, either in Fitchburg or Worcester.