

Date Received:

Town Clerk:
A TRUE COPY, ATTEST

Linda A. Bunsdell

TOWN CLERK
TOWN OF ASHBURNHAM, MA



NOTICE OF DECISION

Number: 14-02

(Revised on 4/8/14 due to clerical error on hours of operation #2)

RECEIVED
14 APR - 8 PM 4:06
TOWN CLERK
ASHBURNHAM, MA 01430

Date of Application: 01/27/2014

Subject of Appeal: The application of Charles J. Bergeron for a special permit from 3.24 (k) of the Ashburnham Zoning Bylaws to operate a sales facility for motor vehicles and towing business located at 180 Center Street, Map 58 and Parcel 15 in the Industrial Zoning District.

Date of Hearing: March 12, 2014

Date of Decision: March 12, 2014

Note: Charles Bergeron agrees to accept a four member ZBA Board.

Finding: A finding was made that Section 3.24 (k) applies and a special permit may be sought.

Decision: The special permit was unanimously approved with conditions. (See conditions below 1-6)

Conditions:

1. Solid visual maintained, existing barrier not less than 6 feet and not more than 10 feet along part of property line used for storage and display of autos.
2. Hours of operation Monday thru Saturday 8:00 AM to 9:00 PM (Includes sales and towing.) **Sundays hours are 9:00 AM to 9:00 PM**
3. No more than 20 cars on the premises at any one time.
4. All signs must conform to Section 5.23 of the Ashburnham Zoning Bylaws
5. This permit shall be in force as long as Charles Bergeron is the owner of the business. (Charlie's Towing & Recovery) Continuation of the business under a new ownership is subject to a new hearing.
6. **NO** auto body or mechanical repairs shall be part of the business. Routine prep work such as auto detailing is **allowed**. (Some other examples of routine prep work would be washing, polishing, cleaning of interior, etc.)

Vote of Board: Unanimous to grant special permit with conditions to Charles Bergeron to allow him to operate a sales facility for motor vehicles and towing business located at 180 Center Street Ashburnham, MA.

RETURN TO:
<i>Charles Bergeron</i>
<i>53 Beacon Rd. Stillb. MA</i>
<i>PICKUP</i>

Basis for Decision: The Board finds that the granting of a special permit is not detrimental to the neighborhood and does not derogate from the intent of the By-Law.

Board Members Present and Voting:

Terry Girouard, Acting Chairman
Rich Archer, Acting Clerk
Cheryl Anderson
Mark Carlisle

Not Present: Joseph Daigle and Dave Perry

RECEIVED
14 APR - 8 PM 11:00
TOWN OF ASHBURNHAM, MA

Notice: Any decision of the Zoning Board of Appeals may be appealed to Court, in accordance with Massachusetts General Laws Chapter 40A, Section 17, by the applicant, Town Boards or officers or any person aggrieved by said decision.

Pursuant to G. L. c. 40A, s. 11, this special permit shall not take effect until a copy of the decision bearing the certification of the city or town clerk that 20 days have elapsed after the decision has been filed in the office of the town clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the owner or applicant.

CERTIFICATION

I hereby certify that the foregoing Notice of Decision was filed in the Office of the Ashburnham Town Clerk that twenty (20) days have elapsed since the date of said filing, and that:

No notice of appeal from said Decision has been received relating thereto; (or)

A Notice of appeal from said decision was received within said twenty day period.

Dated: *April 8, 2014*

Linda A. Ramsdell
Ashburnham Town Clerk

A TRUE COPY, ATTEST

Linda A. Ramsdell

TOWN CLERK
TOWN OF ASHBURNHAM, MA