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ASHBURNHAM MA 01430



NOTICE OF DECISION
Number: 14-03

Date of Application: 7/10/2014

Subject of Appeal: The application of Simonne McIntyre for a Variance from Section 1.40 Non-Conforming Buildings and Structures and Section 1.42 Alteration and Enlargement of the Ashburnham Zoning Bylaws. The request is to allow her to separate lots purchased individually but now owned in common ownership and to include all other necessary zoning relief for property located at Winding Cove Road and Balsam Drive; Map 48 and Parcels 43 & 44 in the R/B Zoning District.

Date of Hearing: August 27, 2014, September 10, 2014 and September 17, 2014

Date of Decision: September 17, 2014

Decision: Variance Denied

Vote of Board: Unanimous to deny Variance

Basis for Decision: Applicant did not meet the requirements for granting a variance. Per Massachusetts General Law Chapter 40A Section 6 all lots that are in common ownership must be merged to conform with zoning.

Board Members Present: David Perry, Chair
Rich Archer, Acting Clerk
Cheryl Anderson
Mark Carlisle

Not Present: Terry Girouard

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.

Pursuant to G. L. c. 40A, s. 11, this denial 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:

Ashburnham Town Clerk