

Date Received:

Town Clerk:



NOTICE OF DECISION
Number: 14-06

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14 DEC 11 PM 4:37
ASHBURNHAM MA 01450

Date of Application: 10/27/2014

Subject of Appeal: The application of Wesley Smith for a variance from Section 4.2 the Schedule of Dimensional Regulations of the Ashburnham Zoning By-Laws. The request is to build a 26.5' x 25' attached garage with family room above that does not meet the front yard setback requirements and all other necessary zoning relief on the property located at 1 Sunset Isle Drive, Map 45 and Parcel 28 in the R-B Zoning District.

Date of Hearing: December 3, 2014

Date of Decision: December 3, 2014

Note: Wesley Smith agrees to a four Member Zoning of Appeals Board

Finding: A finding was made that Section 1.42 applies and a special permit may be sought.

Decision: Unanimous to grant special permit with conditions per plans and application presented at the hearing.

Conditions: 1. Ridge line of proposed addition not to exceed height of existing building.
2. Foot print to be shown on plan presented at hearing.

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.

Vote of Board: Unanimous to grant special permit with conditions per plans and application presented at the hearing.

Board Members Present and Voting: Dave Perry, Chairman
Rich Archer, Acting Clerk
Terry Girouard
Mark Carlisle

Not Present: Cheryl Anderson

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:

Ashburnham Town Clerk

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