

Date Received:

Town Clerk:



NOTICE OF DECISION
Number: 15-04

15 SEP 14 AM 9:53
TOWN CLERK'S OFFICE
289 ASHBY ROAD
ASHBURNHAM, MA 01568

Date of Application: July 27, 2015

Subject of Appeal: The application of Lynnette Simoneau, request for a Special Permit from Section 3.22 (d) of the Ashburnham Zoning Bylaws. The request is to build a two (2) family or semi-detached dwelling, on the property located at 289 Ashby Road, Map 31 and Parcel 14 in the R-B Zoning District.

Date of Hearing: September 2, 2015 - Applicant agrees to (4) member board.

Date of Decision: September 2, 2015

Decision: Unanimous to grant Special Permit under Sec. 3.22(d) with conditions.

Basis for Decision: The Board finds that the granting of a Special Permit meets the criteria for a Special Permit request. The granting of this special permit does not harm the neighborhood and does not derogate from the intent of the Bylaw.

Conditions:

1. Proposed structure not to be closer to the lot line than 26'.
2. Building size to be 28' x 30'.
3. Breezeway to be 6' x 6'.
4. Mean grade not to exceed 25'.

Vote of Board: Unanimous to grant Special Permit with conditions.

Board Members Present and Voting: Dave Perry, Chairman
Heather Carlisle, Acting Clerk
Terry Girouard
Ken Mullen

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 variance 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, which 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