

**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LANESBOROUGH
ZONING BOARD OF APPEALS**

1 Apr 2013

Decision of the Board of Appeals on the appeal and petition of 439 Pittsfield Road LLC, to reconstruct by way of a addition, extension and alteration of buildings located at 636 south Main St

Notice of Special Permit: APPROVED - (see conditions listed below)

Background Information

- Zone: B Business
- Map and Lot:16-21
- Registry of deeds Book 1489 page 215
- 1096 Form received 26 Feb 13
- Letters to abutters defined by Assessors; completed
- Legal notices: completed
- Pre-requisites required prior to hearing - completed

Board members in attendance:

Betsy Bean, Gordon Zaks, Ron Tinkham & Bob Sampson

Meeting called to order at 7:00 p.m.

Reviewed background information

- Proposed site plan and petition reviewed .The application included a narrative describing the application and answering all questions required by law -Attached -
- Attorney Tom Hamel and Engrg Dan Harris Hill Engrg answered questions.
 - Fence on Baker property to be corrected
 - Cabins year around
 - Set backs same or less non conforming
 - Deck reviewed -potential change- dismissed due to precondition existing
 - View blocked (B. Torra) The zoning by laws are silent on this issue

The questions required by law are addressed in the application
See -Attached

- Is in compliance with all provisions and requirements of the Town of Lanesborough Zoning By-Laws and is in harmony with its general intent and purpose.
- Is essential or desirable to the public convenience of the welfare at the proposed location.
- Will not be detrimental to adjacent uses or the established or future character of the neighborhood.
- Will not create undue traffic congestion, or unduly impair pedestrian safety.
- Will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing uses in the immediate area or in

any other area of the Town will be unduly subjected to hazards effecting public health, safety or general welfare.

A frank and helpful exchange of data between all attendees took place.

Planning Board Inputs:

No additional questions

Notified aggrieved personnel of their right to appeal Zoning Board decision in accordance with Chapter 40A Section 17 with a copy to the Town of Lanesboro Town Clerk.

Closed Public Hearing at 7:40 pm

Zoning Board of Appeals began a session to render a decision at 7:40 pm.

Findings: Reviewed.

A draft of a motion was formulated:

Approval of the Special Permit with the following conditions

-Conservation Comm -Board of Health -Harbor Master/DEP

Approvals required

-Fence to be corrected.

The above motion was made by Betsy Bean seconded by Gorden Zaks

The motion was reviewed.

Called for a vote.

Vote: Unanimous approval

The Special Permit is **approved**

The Zoning Board of Appeals meeting terminated at 7:50pm.

Petitioners were notified of decision and the procedure required.

- Decision filed with Town Clerk
- Wait 21 days - appeal requirement
- Obtain permit from building inspector.
- Pay Town Secretary (cost of hearing.
(Legal newspaper notices, mailings, and cost to modify Deed.)

Acting Recording Agent
Lanesborough Zoning Board of Appeals



R.W. Tinkham Chairman ZBA

cc: Appellant

Board of Health

Conservation Commission

Fire Association

Police Department

Town Clerk

Town Counsel

ZBA File & Members

Registry of Deeds (via Town Clerk)

Assessors

Building Inspector

Highway Department

Town Administrator

Selectmen

Water Department

Fire Dept.

Abutters

Planning Boards - Cheshire, Dalton, Hancock, Lanesborough,
New Ashford, Pittsfield

Appeal:

The ZBA decision was received on *4/2/2013* . The Appeal period has expired per M.G.L. Chapter 40A Section 17. No appeal notice has been received by the Town of Lanesboro Town Clerks office as of

Jedda A. Hallam

Town Clerk, Lanesboro, Mass

Registry of Deeds recording

Book _____ Page _____
