

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF LANESBOROUGH  
ZONING BOARD OF APPEALS

16 Aug 10

Decision of the Board of Appeals on the appeal and petition of Harry Davidson Evens III and Beverly A Evens ( Lanesborough Village Fire & Water District ) for a new water storage tank on property located on 93 Prospect St.

Notice of Zoning exception-Variance: APPROVED - (see conditions listed below)

Background Information

- Zone: R-A Zone ( Residential and Agricultural )
- Map and Lot: 106 lot 14
- 1096 Form received 21 Jul 10
- Deed 687 page 811
- Letters to abutters as defined by Assessors; completed
- Legal notices: completed
- Pre-requisites required prior to hearing - completed
- All cost of the hearing has been paid.

Board members in attendance:

Robert Mossman, Tom Ostrowski , Harley Phelps, Gordon Zaks, Ron Tinkham & Bob Sampson

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

Reviewed background information

- Proposed site plan and petition reviewed :

To provide the Lanesborough Village Fire & Water District (LVFWD) a 4.224 acre plot of land for the purpose of constructing a new water storage tank. The plot of land to be conveyed to the LVFWD does not meet the current Zoning By-Laws pertaining to lot frontage and allowed usage. This parcel is needed for the new storage tank because of its elevation being the same as the existing tank and its abutting the current parcel.

The LVFWD is seeking relief from the Zoning By-Laws.

Access is from the Jackson (Tower) special permit 6 Nov 2000 from old Cheshire Rd. or / & existing right of way from prospect St.

Additional Data received from the Petitioners:

- 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.

The lot has no frontage and the usage Water storage tank is not listed in the usages allowed

- Is essential or desirable to the public convenience of the welfare at the proposed location.

The lot is abutting to the existing water storage tank lot and provides the same elevation needed.

- Will not be detrimental to adjacent uses or the established or future character of the neighborhood.

This lot will be used in conjunction with the existing abutting lot for the use of water storage for the town. It will not be detrimental to the neighborhood.

- Will not create undue traffic congestion, or unduly impair pedestrian safety.

There will be no increase in traffic after the project is completed and minimal increase during construction.

- 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.

This action will upgrade the safety and general welfare to the town by increasing the storage capacity of the water tank needed for fire and the health of the people being served by the new storage tank.

-That owing to circumstances related to soil conditions, shape or topography of such land or structure and especially such land or structure but not affecting generally the district in which it is located, literal enforcement of the provisions of this By-Law would involve substantial hardship to the petitioner.

There is no impact on the Zoning By-Laws

-That desirable relief may be granted without substantial detriment to the public good.

If approved, this will upgrade the safety and health of the town's residents with no harm or damage to the town. The existing right of way will be used for the project.

-Without nullifying or substantially detracting from the intent or purpose of the By-Law.

This project does not counteract from the purpose of the current Zoning by-Laws.

R. Brown (Tighe & Bond ) reviewed

-site plan -1/2 grass 1/2 wooded

-current tank 300,000 gallons -new tank 750,000 gallons

-66 ft dia 35ft high some in ground -cement built/poured on site -steel lined between cement walls -life 50 + years

-Fence +/- 100 x 180 ft 6 ft high with 3 rows of barb wire

-security system

-Reviewed Jackson access road-improvements planned 21%+/-grade good base but improvements required

-Test boring done -Geo Tech analysis available

Mr & Mrs Pirzli abutters reviewed

-impact on house valve- 400 ft from house

-Screening

-Color

- Drainage of run off -over flow-wet land-security -lighting
- Sensors and potential failure - alarms
- Questioned notice of hearing -list from assessors had Pirzls listed -Town secretary mailed notice

Mr J Dona representing the Evens reviewed

- District established 1938
- Exceptions required -Zoning by Laws
- Existing tank is required to be replaced by State DEP
- Land to be combine with existing site
- Exceptions required -frontage & usage- Variance vs permit
- Reviewed general law-background information

Mr. L Hauge reviewed

- Willing to work with Pirzls -color-screening with or without berm

Zoning Board of Appeals and Attendees Questions were addressed

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

Planning Board Inputs: None

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 8:06pm

Zoning Board of Appeals began a session to render a decision at 8:07 pm.

Findings: Reviewed.

A draft of a motion was formulated:

Discussion

-Formulated a list of conditions

-Lots to be combined -one lot

-Road when completed to be returned to original condition or better condition

-Screening berm &/or appropriate plantings to be worked out with the Pirzls

- Tank color to be chosen by the Pirzls

-wetlands require Conservation Committee action

-Copy of GEO Tech report to be given to the ZBA

Reviewed conditions

Motion was made by G.Zaks to approve a Variance with the above conditions seconded by B. Mossman

The motion was reviewed.

Called for a vote.

Vote: Unanimous approval

The Variance to the Zoning By-Law is approved.

The Zoning Board of Appeals meeting terminated at 8:20 pm.

Petitioners were notified of decision and the procedure required.

- Decision filed with Town Clerk
- Wait 21 days - appeal requirement
- . Obtain permit from building inspector.

R.W.Tinkham  
Chairman / Acting Recording Agent  
Lanesborough Zoning Board of Appeals

cc: Appellant	Assessors
Board of Health	Building Inspector
Conservation Commission	Highway Department
Fire Association	Town Administrator
Police Department	Selectmen
Town Clerk	Water Department
Town Counsel	Fire Dept.
ZBA File & Members	Abutters
Registry of Deeds (via Town Clerk)	
Planning Boards - Cheshire, Dalton, Hancock, Lanesborough, New Ashford, Pittsfield	

**Appeal:**

The ZBA decision was received on . 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

Town Clerk, Lanesboro, Mass

Registry of Deeds recording

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