

MAR 31

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LANESBOROUGH
ZONING BOARD OF APPEALS

20 Sept 2010

Decision of the Board of Appeals on the petition of Appicant Berkshire Wind Power Cooperative Corporation(owner Feronia Holdings,LLC), for a Special Permit for use of the constructed access road located off of Brodie Mountain Road

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

Background Information

- Zone:R-3 & RA
- Map and Lot:208-16
- 1096 Form received 2Sept 10
- Letters to abutters as defined by Assessors; completed
- Legal notices: completed
- Deed book 1333 page 597
- Pre-requisites required prior to hearing - completed

Board members in attendance:

Robert Mossman, Gene Andrew , Gordon Zaks, Ron Tinkham & Bob Sampson member Harley Phelps did not vote -potential conflict of interest Meeting called to order at 7:00 p.m.

Reviewed background information

- Proposed site plan and petition reviewed :
- Application
- Quitclaim deed from National Farm & Forestry LLC to Feronia Holding LLC
- Memorandum in support of Application for special permit 17 pages With exhibits (15)
 - (1) ZBA recording / decision Jun 04
 - (2) Land Court decision Apr 10
 - (3) Access road layout
 - (4) Town map 208
 - (5) quitclaim deed Schmey to Berkshire Wind Pwr.Coop. Corp.
 - (6) Plan of land
 - (7) Agreement Bentleys & Myers
 - (8) Warrant deed
 - (9) Release recorded
 - (10 11 & 12) Arial photographs
 - (13) Building Inspectors memo 27 Apr 04
 - (14) Land Court 11 Aug 09
 - (15) Affidavit A Cavangh
- (A) Site plan S3

-Supplement to memorandum in support of application for Special Permit 8 Sep 10

Exhibits

-(A) Easement agreement

-(B) Liens, security interest, encumbrances & claims against property

-15 sept 10 Memo -unopposed motion to modify judgment in part (motion) 7 September

-Order allowing the motion (order)

All questions required are addressed in the memo of support

Additional Data received from the Petitioners:

N.Scobbo Jr represents the petitioners He introduced the representatives of the Pwr. Corp.

N.Scobbo reviewed the application and answered questions

-Construction of the road -in place only maintenance

-definition of substantial

-Time schedules -construction-commission- completion by spring

Zoning Board of Appeals and Attendees Questions

All 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 7:45pm

Zoning Board of Appeals began a session to render a decision at 7:50 pm.

Findings: Reviewed.

A draft of a motion was formulated:

-Ref. ZBA Jun 04 meeting

-Construction of the road is - as is- per application with maintenance as required.

-The Zoning Board of Appeals encourages the Berkshire Wind Power Cooperative Corporation to work with the Board of Selectmen and the Town Administrator to address any issues of concern to the Town of Lanesborough which may arise as a result of the exercise of the relief granted by this special permit.

-approval of the special permit

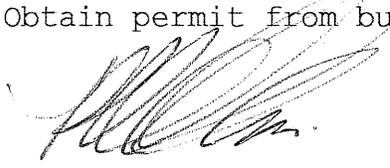
The above motion was made by G.Zaks seconded by B Mossman
The motion was reviewed.
Called for a vote.
Vote:Unanimous approved

The Special Permit is approved.

The Zoning Board of Appeals meeting terminated at 8:15pm.

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
Book 1333 Page 597 Owner Feronia Holding LLC
