

October 12, 2010 ZBA meeting minutes
266 Pillsbury Road Ray and Martha Svedberg

Meeting called to order at 7:10pm: David Martin (chair) Jim Stacey, Garry Baer

Dave Martin (chair) addressed all in attendance by explaining the board was unable to obtain a quorum. He then read the “Rule of Necessary” procedure (Conflict of Interest Law G.L, c268a) as provided by council Joel Bard.

Dave Martin (chair) then invoked the “rule of necessary” as a last resort.

- Dave Martin disclosed his conflict (an abutter to an abutter) and indicated he could act impartially on the matter before the board
- Jim Stacey disclosed his conflict (an abutter) and indicated he could act impartially on the matter before the board

Dave Martin (chair) opened the meeting for public comments and discussion

Dave Martin asked the applicant (Martha Svedberg) if she wanted to comment, but she declined.

Pete Niles (**Ashby Building Inspector/Zoning officer**) provided the board with an explanation of his ruling:

- Applicant has applied for a building permit in 2008 to build a “garage with a second floor”
- The garage now has a apartment above
- This is in violation of Ashby zoning laws 1 household unit/residence per lot
- The applicant could sub-divide the lot and comply with Zoning bylaws
- A diagram was provided that indicates a (3) proposed dwelling, adjacent to the garage with this apartment
 - The diagram provided was a partial drawing, and not a engineering plan
 - A septic system is shown connecting the garage/apartment and proposed 3rd dwelling
- He indicated to the applicants this project has grown well beyond the permit of “a garage with a second floor” and issued an enforcement letter to the applicants indicating indicated the project was in violation of several zoning bylaws.
- The applicants are appealing his letter.

Dave Martin again asked the applicant (Martha Svedberg) if she wanted to comment, but she declined. No additional comments or discussions were offered, and Dave Martin closed the public comment portion of the meeting.

The members reviewed the 2008 application, and the materials submitted by the Building Inspector/Zoning officer (documents, diagrams, as his enforcement letter to the applicants)

A motion was made to **“uphold the Building Inspector/Zoning officer decision”** and seconded. **The Vote was unanimous (3-0) and the motion passed.**

(Minutes submitted for review by Garry Baer)