



Town of Ashby
Zoning Board of Appeals
895 Main St.
Ashby, MA 01431

Proceeding Minutes

Application Submitted: 5/10/2018

Hearing Date: 6/12/2018

Hearing Continued:

Decision Date:

Petition for: Special Permit

Zoning Bylaw: sections 12.3 & 5 & 7

Zoning District: Residential and Residential/Agricultural

Property at: 386 Turnpike Rd., map/parcel 005.0-0019-0000.0

Applicant: Virginia Culligan & Clark Laszlo

Application for: Sale or Storage of Feed 7.2.4, Dog or cat Kennel 7.2.6

Members Present:

x	Alan Pease, chairman	x	Justin Baer, member
	Garry Baer, clerk	X	Sam Stacy, alternate

Documents:

- A. Application for Hearing, Request for Special Permit, Abutters List, Property Record card

Background

1. None

General Findings

1. The property is in the Residential District for 500 feet from the street and beyond 500 feet it is in the Residential Agricultural District.

Applicable Law

1. Ashby Zoning Bylaw Sections 5, 7, and 12.3
2. Chapter 40A, Section 3 - Section 3.nor shall any such ordinance or by-law prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of

commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities may be limited to parcels of 5 acres

Facts & Testimony

Hearing opened 7:15 pm

Mr. Laszlo explains intent to augment existing farm.

AP explains the property is in 2 zoning districts. The house and farm buildings are in the Residential District. The requested special permits (sale of feed and kennel) are not available in the Residential District, only in the Residential/Agricultural District.

Application withdrawn without prejudice. 6/12/2018

Board accepts withdrawal. Vote unanimous, 6/12/2018

Hearing adjourned 7:40 pm

Specific Findings

Decision

The decision of the Board is to:

- Grant the Special Permit
- Deny the Special Permit
- Grant the Special Permit with Conditions (listed below)

Vote: _____ yea _____ nay
Date _____ Signed _____

Filing with Town Clerk

Filed with Town Clerk on _____ Signed _____

Right to Appeal

Any appeals of this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and a copy shall be filed in the Town Clerk's office within twenty (20) days after the date of filing of the Decision in the Office of the Town Clerk.

Town Clerk Notification

I certify no appeal has been received within twenty (20) days of the filing of this notice in my office, or that if an appeal has been filed; it has been dismissed or denied.

Tiffany Call, Town Clerk _____ Date _____

Notice to Applicant

Having received certification from the Town Clerk, it shall be the responsibility of the applicant to have recorded both this NOTICE OF DECISION and the DECISION at the South Middlesex Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. Fee for recording shall be paid by the owner or applicant. NO BUILDING PERMITS or CERTIFICATES OF OCCUPANCY shall be issued by the Building Inspector until notice of attestation by the Register of Deeds is made to the Town Clerk by filing a copy of this notice with the recording date and document number noted.

ATTESTATION

Received and entered in the Registry of Deeds in the County of Middlesex, South:

ATTEST: _____ Register of Deeds