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ASHLAND, MA

2017 AUG 16 AM 11:28

Case No.: SPI -18

**Town of Ashland
Planning Department**

101 Main St.

Ashland, MA 01721

508.881.0101

ashlandmass.com/316/Zoning-Board-of-Appeals

Application to Zoning Board of Appeals

Note: Application must be complete, with a certified plot plan and all application fees to be accepted.

1. Property Information:

Street Address: 10 Waushakum Avenue

Zoning District: Commercial Highway (CH) Overlay District: _____

Assessor's Map: 16-139-00-000 Lot: _____ Deed Book: 69078 Page: 557

Current Property Owner: Waldir DaCosta

2. Permit/Approval Sought:

Special Permit Amendment to Special Permit Variance

Appeal of Building Inspector Decision Comprehensive Permit (as per MGL Ch. 40B)

Use Type: Residential: Commercial: Industrial:

3. Applicant Information: Owner: Tenant: Prospective Purchaser/Tenant:

Name: Waldir DaCosta

Address: 8 Grant Street, Natick, MA 01760

Phone: 617 835-5366 Email: costa.95@live.com

Agent's Name: Terrence P. Morris, Esquire

Agent's Address: 57 Elm road, Newton, MA 02460

Agent's Phone: 617 202-9132 Agent's Email: tpmorris.landuse.law@comcast.net

4. Additional Information:

Are all real estate taxes and other assessments to the Town current?: Yes

Is the parcel on a scenic road?: No

Is this an amendment to a previously issued Special Permit? (attach approved permit): No

Date structure was built?: 1940

Is the property within 100 ft. of a wetland, within 200 ft. of a stream, or in a floodplain?: No

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TOWN OF ASHLAND
DEVELOPMENT

5. Description of the Relief Sought: (attach additional pages if needed)

To allow the reconstruction/replacement of a single-family residential structure on a substandard 4,500 sq. ft. lot with fifty (50) foot frontage, originally created as part of the 1909 Subdivision Plan of Land that laid out Waushakum Avenue into predominantly 4,050-4,500 sq. ft. lots. Petitioner seeks relief from the minimum 150 ft. frontage and 30,000 sq. ft. lot size, front setback and to exceed the volume and footprint of the original structure.

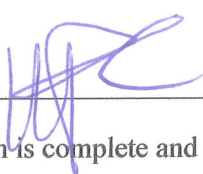
What specific zoning bylaws is this application associated with?: Subsection 3.3.5 Nonconforming Single and Two Family Residential Structures; Subsection 3.3.7 Reconstruction after Demolition; Section 4.1.1 General Dimensional Requirements

6. Justification for why the application should be approved:

Of the 16 house lots on the street, none of them meet the minimum lot size or frontage requirement for the CH District. All but one are at or less than 8550 square ft. and four of those (25%) are less than 5,000 sq. ft. with 45'-50' frontage. The relief will allow the construction of a conventional single-family home in keeping with the residential character of the street by eliminating a deleterious nonconforming use. Not only is the proposed use not substantially more detrimental than the existing nonconforming structure to the neighborhood, to the contrary it possesses considerable beneficial impact to the neighborhood.

7. Existing use and condition of the property and surrounding neighborhood: (Please list all relevant non-conformities.) Existing structure is setback 8.3 ft. from the side lot line and 21 ft. from the front lot line where 10 ft. and 30 ft. respectively are required. The existing structure consists of a one-story wood-frame element appended to a one-story mobile home permanently affixed to the nonconforming 4,500 sq. ft. lot. There are 15 other House lots on the street, all but one (2F) occupied by single-family homes.

Signature of Building Commissioner:

 8/16/2017

By signing below you assert this application is complete and accurate to the best of your knowledge:

Signatures:

Applicant/Agent: Terrence P. Morris ESR Applicant's Name: Waldir DaCosta
Agent's Relationship to Applicant: Attorney Firm: Law Offices of Terrence P. Morris LLC
Owner: Waldir Da Costa Owner's Name: Waldir DaCosta

Note: If the applicant is not the owner, please have the owner sign above or submit a letter of permission with the application.