



**TOWN OF ASHLAND, MASSACHUSETTS**  
101 MAIN STREET, ASHLAND, MA 01721  
OFFICE OF THE  
**ZONING BOARD OF APPEALS**

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John Trefethen, ZBA Chairman

Peter Matchak, Town Planner  
Emma Snellings, Assistant Town Planner

**ZONING BOARD OF APPEALS DECISION  
SPECIAL PERMIT MODIFICATION 6-22**

**MAP 20, LOT 008 and MAP 19, LOT 206**

**LOCUS: 33 West Union Street  
PETITIONER: Steven Carlin, Skipton Pet Lodge LLC  
PROPERTY OWNER: Skipton Pet Lodge LLC**

At the Public Hearing on April 12, 2022, the Zoning Board of Appeals (the "Board") voted 3-0 to grant a modification of the special permit at 33 West Union Street (the "Locus").

Steven Carlin, Skipton Pet Lodge LLC, petitioner, applied for a Special Permit Modification per Chapter 40A, Section 10 of the Massachusetts Zoning Act and Chapter 282, Sections 3.3 (Non-Conforming Uses and Structures) and 9.3 (Special Permits) of the Ashland Bylaws to allow for the modification of the Special Permit issued on January 25, 2017, granting transfer of the Special Permit to the buyer of the property. The property in question is located at 33 West Union Street, Assessors Map 20, Lot 008 and Map 19, Lot 206, in the Highway Commerce Zoning District.

**BACKGROUND AND PROCESS**

1. The Zoning Board of Appeals (the "Board") received an Application for a Special Permit on March 10, 2022.
2. The application packet for a Special Permit contained the following:
  - a. Completed Application case I.D. SP6-22.
  - b. Letter from the Applicant dated March 4, 2022
  - c. Abutter's List dated March 9, 2022
  - d. Property Card for 33 West Union Street
  - e. Special Permit Certificate of Approval for 33 West Union Street, dated January 25, 2017
  - f. Final Inspection Report for 33 West Union Street dated July 11, 2017

The foregoing memoranda and letters were read into the record and are incorporated in this decision by reference and made a part hereof.

**FACTS & EVIDENCE**

This request was received on March 10, 2022 and a public hearing was scheduled for April 12, 2022 at 7:00 PM. Notice of the public hearing was published in the MetroWest Daily News on

Monday, March 28, 2022 and Monday, April 4, 2022. The public hearing was posted in the Ashland Town Hall and on the Town of Ashland website and provided to all “parties of interest,” including all abutters, as required by MGL Chapter 40A, Section 11.

The public hearing commenced as scheduled on April 12, 2022. The following members were seated on the public hearing: Mr. Trefethen, Mr. Forestal, and Mr. Band.

At the public hearing on April 12, 2022, the applicant presented testimony citing the need to modify the Special Permit to transfer the property. The Board heard public comment and voted to close the public hearing and enter into deliberations.

### **FINDINGS BY THE BOARD**

The Board, after review of the facts, plans, and evidence presented at this hearing, and after deliberations reviewing all submitted material, the Board makes the following findings for Special Permit Modification application of Skipton Pet Lodge LLC, zoning case SP6-22 at 33 West Union Street. The Zoning Board concludes the following:

- A. The desired Special Permit Modification may be granted without nullifying or substantially derogating from the intent and/or purpose of the Zoning By-Laws. The Board finds that the original Special Permit was granted after thorough review in January 2017, and the proposed work was completed in July 2017.
- B. The Applicant has requested a Modification in order to transfer the property to a new owner. The original Special Permit states “This Special Permit may only be transferred by a Special Permit Modification granted by the Zoning Board of Appeals after a public hearing.”
- C. The Board finds that the condition requiring a Modification for the transfer of the property can be stricken from the Special Permit without negatively affecting the Special Permit or the structure allowed by the Special Permit.
- D. In reference to the criteria for granting a Special Permit in Chapter 282 Section 9.3.2 of the Ashland By-laws, the Board found that the criteria were met in the original Special Permit, and will not be affected by the requested modification.

### **MODIFICATIONS**

1. Delete the following condition in its entirety:

This Special Permit may only be transferred by a Special Permit Modification granted by the Zoning Board of Appeals after a public hearing.

The following members sat and voted on this hearing:

John Trefethen, Chair, voted to grant the Special Permit 6-22 as stated.

Brian Forestal, Member, voted to grant the Special Permit 6-22 as stated.


Nathan Band, Member, voted to grant the Special Permit 6-22 as stated.


Pursuant to Section 9.4.17 of the Ashland Zoning Bylaws, any appeal to this decision shall be made in accordance with M.G.L. c. 40A, § 17 and shall be filed within 20 days of the date this decision was stamped by the Town Clerk’s Office.

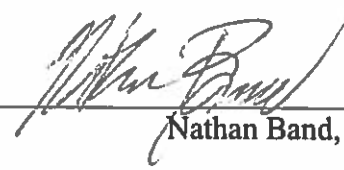
**TOWN OF ASHLAND – ZONING BOARD OF APPEALS DECISION**

The Board voted in favor of granting Special Permit Modification 6-22 in order to modify the Special Permit issued on January 25, 2017 for the property located at 33 West Union Street, Maps 19 and 20, Lots 206 and 008.

Date: 4/14/22

  
\_\_\_\_\_  
John Trefethen, Board Chair

  
\_\_\_\_\_  
Brian Forestal, Member

  
\_\_\_\_\_  
Nathan Band, Member

Filed with the Town Clerk on:

Date: 4/14/2022

  
\_\_\_\_\_  
Cynthia T. Livingstone, Town Clerk

I HEREBY CERTIFY THAT TWENTY DAYS HAVE ELAPSED FROM THE DATE THIS DECISION WAS FILED IN THE TOWN CLERK'S OFFICE AND THAT NO APPEAL HAS BEEN FILED.

Date: \_\_\_\_\_

\_\_\_\_\_  
Cynthia T. Livingstone, Town Clerk