

TOWN OF HINSDALE, MASSACHUSETTS
ZONING BOARD OF APPEALS
NOTICE OF DECISION-Revised

(To be mailed forthwith to the petitioner, abutters and owners of land within 300 feet of the property line, the Select Board, Building Inspector, Planning Board, the planning boards of every abutting municipality and to persons present at the hearing who requested that notice be sent to him/her and state the address to which such notice was to be sent, as provided in Section 15, Chapter 40A as amended.)

Applicant or Petitioner: Michael and Lori Powers

Property Location: 59 Henry Drive, Hinsdale, MA 01235 (Map 112, Lot 28)

Zoning District: R-3 Recreational and Residential

Deed Reference: Registry of Deed in Book 07272, page 70

Application: Proposes to build a new garage on the property.

Hearing Date: March 21, 2024

Case No.: 642

Appeal Variance Petition Special Permit Application

VOTED TO GRANT A DECISION:

After a public hearing opened and closed on March 21, 2024 the Hinsdale ZBA voted 3 to 0 to approve the applicants request for a variance on the Zoning setbacks.

The decision of the Board together with detailed record of its proceedings stating the reasons for the decision shall be filed within 90 days after hearing in the office of the Town Clerk.

IMPORTANT: Any appeal from the decision of the Zoning Board of Appeals must be made pursuant to Section 17, Chapter 40A (Massachusetts General Law) as amended, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

ZONING BOARD OF APPEALS

Terry Douglas ZBA clerk

TOWN OF HINSDALE

Massachusetts

Petition No.: 642

Date filed: 3/27/24

**ZONING BOARD OF APPEALS
RECORD OF PROCEEDINGS**

(Copies of this Record of Proceedings with all attachments must be filed within 14 days in the Office of the Town Clerk.)

I, Terry Douglas, Clerk of the Zoning Board of Appeals under the Zoning By-Law of the Town of Hinsdale hereby certify that the following is a detailed record of all its proceedings relative to the ___ petition X_ application ___ appeal of Michael and Lori Power, 59 Henry Drive, Hinsdale, MA 01235 for a variance under Section 6, 6- A of the Zoning By-Law of Town of Hinsdale.

The Applicant proposes to build a garage on the property.

The premises affected are located on 59 Henry Drive, MA, 01235 (Map 112, Lot 28), being in Zoning District R-3 in which the above-mentioned use

X__ requires a variance that is not permissible under terms of said By-Law.

1. On March 21, 2024 ___petition ___X_ application ___ appeal of which a true copy marked “A” accompanies this certificate and is made a part of this record was presented to the Zoning Board of Appeals, accompanied by a filing fee of \$250.00 and in the case of an appeal the Refusal of the Building Inspector or Select Board to issue a permit, a true copy of which refusal, marked “B”, accompanies this certificate and is made a part of this record.
2. Thereupon, an advertisement, a true copy of which, marked “C” accompanies this certificate and is made a part of this record was published in the Berkshire Eagle a newspaper published in Pittsfield, Ma.01201 on March 5,2024 and March 12,2024.
3. Notices of the hearing a copy of which, marked “D” accompanies this certificate and is made a part of this record were mailed postpaid to the petitioner, abutters and owners of the land within 300 feet of the property line, being the same persons named in the assessor certificate which was a part of the petition heretofore referred to and marked “A” and to the Select Board, Building Inspector, Planning Board and the planning boards of every abutting municipality.
4. On March 21,2024 a meeting was held at the Hinsdale Town Hall at which opportunity was given to all those interested to be heard in favor or opposition to said

petition, application or appeal at which hearing.

5. Following the hearing the Board made the following specific findings and conditions regarding the land in questions and the proposed use:

- A. The garage will not be used as an Air B & B or rental property or an ADU.
- B. Side Set back by Skyview Grove Association cannot be less than 3 feet.
- C. Side set back from Lot #55 property must be at least 15 feet.
- D. Frontage set back must be at least 32 feet.

Members Present:

- Jeff Viner, Chairman
- Dan Thornton
- Bruce Alexander
- Dion Douglas Alternate

Also present at the meeting:

- Terry Douglas ZBA clerk
- Michael Powers
- Lori Powers
- The use is allowed by variance.

NOTE: Restatement of mandatory provisions and requirements are not to be taken as findings.

6. The Board voted at its meeting 3/21/24 as detailed below to,

DENY the petition application appeal

based on findings as recorded under item 5 herein.

GRANT the variance

Note: Show the vote of each member upon each question or if absent or failing to vote, indicate such fact and set forth clearly the reason or reasons for its decision and of its other official actions.

Members present:

- Jeff Viner Chairman voted in favor of the variance
- Dan Thornton voted in favor of the variance

