



2010 APR 30 PM
CLERK'S OFFICE

**TOWN OF BOURNE
BOARD OF APPEALS
24 PERRY AVENUE
BUZZARDS BAY, MA 02532
TEL. 508-759-0615 EXT. 3**



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VARIANCE - FINAL DECISION

CURRENT PROPERTY OWNER(S):

**PROPERTY ADDRESS: 440 Shore Road, Bourne, MA 02532
REGISTRY OF DEEDS TITLE REFERENCE: BOOK: 20260, PAGE: 246, OR
TOWN MAP: 30.4 PARCEL 290 LOT VB Zoning District
PETITION NUMBER: 06-10
NAME OF APPLICANT: DEBORAH K. LARSEN**

On Wednesday April 21st, 2010, the Board of Appeals voted to grant a Variance to Deborah K. Larsen for property located at 440 Shore Road, Bourne, MA as shown on assessor's map #30.4, parcel 290, in a VB zoning district.

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a Variance and that a copy of said decision, and all plans referred to in the decision, have been filed with the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no variance, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed or that, if an appeal has been filed, it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of that recorded or registered decision shall be submitted to the Inspection Department office, as proof of filing, along with an application for a Building Permit.

Any person aggrieved by this decision may appeal to the Superior Court or Land Court as provided in M.G.L. Chapter 40A, Section 17, and by filing a NOTICE OF ACTION AND COMPLAINT with the Town Clerk within twenty (20) days of the date of filing of this decision.

William Keen
Board of Appeals

4-30-2010
Date

PROCEDURAL HISTORY:

1. Application for a Variance was made by Deborah A. Larsen and represented by herself.
2. Proper notice was given and the public hearing was opened on Wednesday, April 21st, 2010 and closed on Wednesday, April 21st, 2010.
3. The Application was accompanied by a site plan dated 07/10/2006 and a letter from the Town of Bourne Fire Department.
4. The Board reviewed the application along with all of the materials submitted.
5. The Board gave due consideration to the testimony given at the public hearing.

FINDINGS:

After hearing and due deliberation: On motion made by Judith Riordan, and seconded by Wade Keene, it was voted:

1. To grant a Variance in Case No. 06-10, only to the extent set forth in paragraph #5 of this Decision, with any conditions, safeguards, and limitations that may be contained in paragraph #6 of this Decision, and further to incorporate as the reasons therefore, that the Board of Appeals has made the preceding findings of fact set forth in paragraphs #2, #3, and #4 of this Decision.
2. Owing to the circumstances relating to the soil, conditions, shape, or topography of such land or structures, the conditions especially affecting this parcel of land or structure but not affecting generally the zoning district in which it is located are as follows: None.
(If none, so state)

And,

3. A substantial hardship, financial or otherwise, to the petitioner or applicant would be imposed by literal enforcement of the by-law(s).

And,

4. desirable relief may be granted.
 desirable relief may not be granted
without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning by-law(s) because no one would be affected by this as the abutting property is open space land.

5. The specific Variance(s) to be granted is (are) as follows: to obtain relief from zoning bylaw 42-50, paragraph (d) for a year round vegetable stand.

6. Conditions, Safeguards, and Limitations

7. Voted in Favor of the Motion: five (5) to zero (0) in favor of the motion
John Priestley, Jr., Judith Riordan, John O'Brien and Wade Keene

Voting in Opposition to the Motion: None

Other Members Present: None

Wade M Keene
Board of Appeals

4-30-2010
Date

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Bourne and no appeal has been filed in accordance with Section 17, Chapter 49A of the Massachusetts General Laws.

Randy Johnson
Town Clerk of Bourne