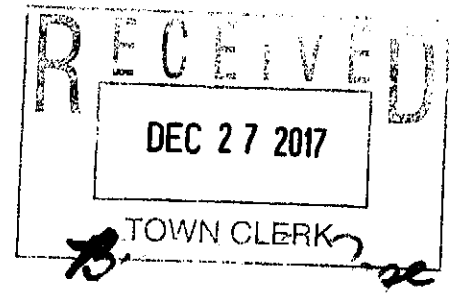


**TOWN OF LEE, MASSACHUSETTS  
ZONING BOARD OF APPEALS**



December 27, 2017

Joseph Patrick Short & MaCaela Colleen Donovan  
600 West Road, Lee, MA 01238

Assessors' Map 11, Lot 13

The Public Hearing for Case Number 475 was called to order at 7:00 P.M. on Wednesday, December 13, 2017. Five members of the Board were present.

ZONING BOARD OF APPEALS MEMBERS PRESENT: Chairman Francine Larson, Richard Brittain, Keith Heeren, Gordon Bailey, Garth Story and Bruce Singer, Alternate Member

PETITIONER(S) PRESENT: Attorney Don Hunter, Joseph Short, applicant

ABUTTER'S AND CONCERNED CITIZEN'S: Patrick Curran, interested observer, Matt Puntin, resident and David Parker, resident

Chairman Francine Larson opened the hearing at 7:00 P.M. He asked if any Board member had a conflict of interest. All other members introduced themselves and stated no conflict of interest.

EXHIBITS: Exhibit 1 Berkshire Engineering Notice of Intent, Exhibit 2 New Construction Contract, Devine Construction, Inc., Exhibit 3 Town of Lee Foundation Permit, Exhibit 4 Building Permit, Exhibit 5 correspondence contractor and Building Official, Exhibit 6 Correspondence Berkshire Engineering and Building Official, Exhibit 7 correspondence owner and contractor, Exhibit 8 Stop Work Order

The Variance petition was read for the public record. Notices had been published in the Berkshire Eagle and posted in Town Hall, and mailed to abutters.

The Chairman then asked the Applicant to state his reason for the variance.

Attorney Don Hunter represented Joseph Patrick Short & MaCaela Colleen Donovan in a request for approval of a variance from the Town of Lee Zoning Bylaws (Table of Dimensional Requirements. The Petitioner seeks a variance from Section 5.1 (A) of the zoning bylaws required that the front setback for a structure or building in the RA-40 be at least thirty-five (35) feet back

**Town of Lee  
Zoning Board of Appeals  
Lee, Massachusetts 01238**

RECEIVED  
DEC 27 2017

TOWN CLERK

*Brandi L. Page*

NOTICE OF A DECISION ON VARIANCE

(To be mailed forthwith to the petitioner and to persons present at the Hearing who requested that notice be sent to them and stated the address to which such notice should be sent, as provided in Section 15, Chapter 40A as amended.) Copy will be given to the Lee Board of Selectmen, Lee Building Inspector and Planning Boards of abutting municipalities.

Applicant(s): Joseph Patrick Short  
85 Thorton Street #2  
Boston, MA 02119

Date: December 20, 2017

Case No. 475

Premises affected: 600 West Road  
Lee, MA 01238

Assessors' Map 11  
Parcel 13

**Variance Petition**

Referring to the above petition so as to DENY the above petition for a Variance from the Town of Lee Zoning Bylaws (Table of Dimensional Requirements). Petitioner seeks a variance from Section 5.1 (A) of the zoning bylaws required that the front setback for a structure or building in the RA-40 be at least thirty-five (35) feet back from the road. The petitioner seeks relief from the requirement as the residence constructed thereon encroaches into the setback in two places by approximately three feet

After a Public Hearing on: Wednesday, December 13, 2017 the Zoning Board of Appeals **VOTED 5 - 0 TO DENY** the petition for variance as requested in the application.