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BY *Jan 03/09/2015*

## ZONING BOARD OF APPEALS MINUTES

March 5, 2015

The Lunenburg Zoning Board of Appeals held a public hearing on Wednesday, February 25, 2015 at 7:00 PM. The hearing was held at the Lunenburg Town Hall, 2nd Floor Conference Room, 17 Main Street, Lunenburg, MA.

The applicant Peter M. Kelly, 841 Valley Road, Randolph, NH 03593 was seeking a Special Permit for dimensional variation to construct an addition to the existing building to include two garage bays and a second floor apartment at 36 Summer Street, Lunenburg, MA 01462. Currently an auto sales business exists at the subject property and this use will continue as previously permitted in May 2009.

**Board Members present:** Raymond Beal, Chairman, Donald F. Bowen, Hans Wentrup, Alfred Gravelle and James Besarkarski and Paul Doherty (present but not voting).

**Others Present:** Peter Kelly applicant and abutter and Brother Michael Kelly, 40 Summer Street, Lunenburg, MA.

**7:00 PM** Chairman Raymond Beal opened the hearing and explained the procedure to the audience. Lisa Normandin, Board secretary read the application into the public record as well as a memo submitted by the Lunenburg Board of Health. The Board of Health had concerns regarding the upstairs occupants regarding fumes and ventilation. In addition they wanted to make sure any hazardous materials would be handled, stored and disposed of in accordance with DEP regulations.

Peter M. Kelly told the Board that he was seeking a Special Permit for dimensional variation to construct an addition to his existing building located at 36 Summer Street. The addition proposed would be an expansion to the existing garage from two to four bays and add an apartment on the second floor. Mr. Kelly owns the subject property and operates an auto sales business at this address known as PMK Motor Sales. A Special Permit was granted in April 2012 to Alain LaChance for an automotive repair garage at this address, however, Mr. LaChance has since moved his business to a larger facility in Fitchburg. Mr. Kelly told the Board that he currently resides in NH and he has family living in the Lunenburg area, the apartment would allow him and his family to be closer to one another, he also intends to continue the auto sales business at this location.

Raymond Beal pointed out that the **Summer Street Revitalization Overlay District** allows residential uses as defined in Section 4.14 of the Lunenburg Protective Zoning By-law. The reason Mr. Kelly was before the Board is that the side yard regulation is fifteen feet and the proposed addition is five feet from the property line.

James Besarkarski asked Mr. Kelly why the addition was not being proposed on the other side of the lot that is a much larger area. Mr. Kelly indicated that the existing utilities (water/sewer) are located in the middle of the existing building making it difficult to propose in that area. Mr. Besarkarski proposed staggering the addition and Mr. Kelly did not feel that it would be aesthetically pleasing.

Paul Doherty asked questions regarding egress safety for the upstairs apartment. Mr. Kelly indicated he would follow all building and fire codes with regard to ingress and egress standards. Alfred Gravelle asked what his plans were for the addition of the two garage bays. Mr. Kelly wanted to rent out the two bays with potential renting all four bays to one or more tenants.

James Besarkarski had concerns about fire department access around the building as the five foot offset was very close to the property line. Mr. Kelly said that there are no fences around the existing parcel and his brother owns the abutting property, in addition there was a large area in the front and all other sides of the building.

James Besarkarski asked that if all bays were rented how would (Mr. Kelly) access the apartment? Mr. Kelly said that an interior enclosed walkway would be constructed in the left garage bay upstairs to the apartment.

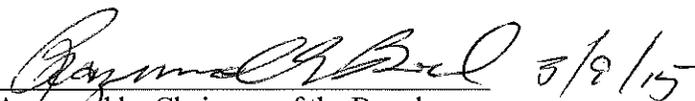
Mr. Kelly was apprised of the fact that if he rented the garage bays to outside vendors that they (vendor and or tenants) would need to come before the Zoning Board for approval, also that the current conditions outlined in the special permit issued and modified in April 2012 are still in effect.

Chairman Beal reviewed Section 4.14 Summer Street Revitalization overlay district and its stated objectives. He felt that the objectives are clearly met, and the ten foot special permit for dimensional variation of the side setback is the significant issue. Mr. Beal informed Mr. Kelly that if the petition were granted a development plan review by the Planning Board would also be required. Mr. Kelly acknowledged the fact he has been notified of that fact.

The Board members were satisfied that the business would not be detrimental to the abutting properties.

The Board voted unanimously to approve the Special Permit for dimensional variation.  
Hearing Adjourned at 7:58 P.M.

Minutes submitted by Lisa A. Normandin, Board Secretary

  
Approved by Chairman of the Board

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