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THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS

March 6, 2014

Certificate of Granting a Special Permit

Special Permit approval is granted to Michael DeLuca, 74 Bolton Woods Way, Bolton, MA 01740. The property which is the subject of this case is located at 100 Pleasant Street, Lunenburg, MA. The Special Permit is granted under the Lunenburg Protective Zoning by- Law, Section 4.6.3.1.j. The petitioner was seeking a Special Permit to use the property at **100 Pleasant Street**, Lunenburg, MA 01462 as a distribution center. The Board of Appeals of the Town of Lunenburg hereby certifies that a Special Permit has been granted pursuant to the Protective By-Law of the Town of Lunenburg Sections 4.6.3.1.j).

Board Members present: Donald F. Bowen Chairman, Alfred Gravelle, James Besarkarski, Raymond Beal, Paul Doherty and David Blatt. David Blatt was present but not voting.

Special Permit is granted to Michael DeLuca, 74 Bolton Woods Way, Bolton, MA 01740 and affecting the rights of the owner with respect to land and buildings at **100 Pleasant Street, Lunenburg, MA 01462**, Book 7067, Page 123, dated November 12, 2009, as described in plans submitted with the petition. Assessors Map 95/19.

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said decision, and all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, 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, that 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.

DISCUSSION

Mr. DeLuca was before the Board with a request to operate distribution/sales business at 100 Pleasant Street. Mr. DeLuca received a special permit from the Zoning Board on July 28, 2009 to operate a thermal vibration and equipment business. Mr. DeLuca said that the business did not work out with his previous partner and most of the equipment has been removed and will most likely cease in the next three months. Currently Mr. DeLuca is operating ProTech Painters at the site. The applicant is seeking to continue the ProTech painting business and to distribute a product called Cleurette which is an e-cigarette product.

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Greg Bittner an abutter located 129 Pleasant Street had concerns with high traffic volume at the site and the large vehicles that would distribute the product. Mr. Bittner indicated that he has small children and is worried about safety as the area is known for speeding cars.

Mr. DeLuca explained that he expects mostly UPS trucks or vans for pick-ups and delivery of the product with no more than one or two deliveries per day. David Blatt asked about the ability for large trucks to be able to turn around and access the facility for distribution. Mr. DeLuca does not expect any tractor trailer style trucks, but in the past the building has been able to accommodate this activity and it has a loading dock in the rear.

David Blatt indicated that according to the plan there is a spray booth in the building and a freight elevator. Mr. DeLuca said the both the items have been removed and was done properly under the guidance of the Building Official and Fire Captain. He said there are currently no outstanding code violations.

James Besarkarski reviewed the plan and asked several questions regarding the parking. Mr. DeLuca said that when he first approached the Board in 2009 there was a plan in place to subdivide the property into two separate lots. When he received approval for a Special Permit in 2009 he purchased the parcel with the building on it and has nothing to do with the business in the rear. Mr. DeLuca only utilizes the area behind his building for parking. At times the employees on the other business park in the front but only in the event of bad weather. Mr. DeLuca had a new septic system installed after he purchased the property.

Raymond Beal if there were any chemicals in the building. Mr. DeLuca said that he has no chemicals other than what you would find in a normal home, i.e. cleaning products, lubricants with no significant volume or quantity. There are no chemicals involved with the distribution business. There is a locked chemical cabinet in the building. Raymond Beal asked the applicant if has expectations for future growth of the business, he added that he is bordered on three sides by residential homes and wanted to be sensitive to their privacy. Mr. DeLuca hoped that the business would be successful and if he needs to expand he can explore his options in the future. He explained that he wants to be a good neighbor and does not anticipate any problem moving forward. Mr. Beal asked what the name of his business was going to be and Mr. DeLuca replied "Stone Gate Distributors".

Donald Bowen reviewed the Planning Board findings and directives outlined in their 2009 decision. Their directives limit the building to ten employees and allow seventeen parking spaces. The Board wanted to make this part of the conditions for approval.

MOTION

After due deliberation Paul Doherty made a motion to grant the Special Permit as requested and subject to the subject to the conditions outlined below. Alfred Gravelle seconded the motion.

CONDITIONS

- Applicant must adhere to the Planning Board directives outlined in their 2009 decision.
- No more than ten employees at the business.
- Maintain seventeen parking spaces as per the Development Plan Review.
- Business hours are limited to 7:00 A.M. to 7:00 P.M, Monday through Saturday.

The Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said decision, and all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

FINDINGS

In granting a Special Permit, the Board of Appeals found that the proposed use:

1. Will not be injurious or dangerous to the public health, or unduly hazardous because of traffic congestion, danger of fire or explosion, or other reasons.
2. Will not have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood.
3. Will be operated with reasonable regard for order and sightliness.
4. Will not produce noise, vibration, smoke, dust, odor, heat or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent property.

The Special Authorization is granted with the contingency that Michael Deluca comply with all licenses, regulations, statues and ordinances of any and all applicable state, local and federal board or agencies with jurisdiction over the premises.

The Special Permit is subject to a periodic review by the permit granting authority (Zoning Board) or the Enforcement Officer, to insure compliance with the enumerated conditions. Non-compliance to these conditions may result in revocation of this permit.

After closing the discussion, the Board acting in its capacity as the Special Permit Granting Authority, granted the Special Permit with the above members present and voting as follows with respect to the issuance of the Special Permit.

VOTE

Donald Bowen voted in favor of granting the Special Permit.
Alfred Gravelle voted in favor of granting the Special Permit.
James Besarkarski voted in favor of granting the Special Permit.
David Blatt voted in favor of granting the Special Permit.
Paul Doherty voted in favor of granting the Special Permit

In making this determination, the Board specifically found that the granting of this Special Permit would not contravene the purpose of the Protective Bylaws or the provisions of Chapter 40A of the Massachusetts General Laws.

Voted and executed

Lunenburg Zoning Board of Appeals
Special Permit Granting Authority

 3/6/2014
Donald F. Bowen, Chairman Date

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