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**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS**

May 7, 2014

Certificate of Granting a Special Permit

A Special Permit was granted to Francis J. Dower, 6 Merrill Street, Fitchburg, MA 01420 under the Lunenburg Protective By- Law Section 4.6.3.1.(j).

Francis J. Dower was seeking a Special Permit for the outdoor display products. The property which is the subject of this case is located at **10 Massachusetts Avenue, Lunenburg, MA 01462 and known as Funstuf Rentals.**

The Board of Appeals of the Town of Lunenburg hereby certifies that a Special Permit has been granted pursuant to the Protective By-Laws of the Town of Lunenburg.

Board Members present: Donald F. Bowen, Chairman, Raymond Beal, Alfred Gravelle, James Besarkarski, Hans Wentrup and David Blatt.

A Special Permit has been issued to Francis J. Dower, 6 Merrill Street, Fitchburg, MA 01420 and affecting the rights of the owner with respect to land and buildings at **10 Massachusetts Avenue, Lunenburg, MA 01462.** Book 7005, Page 354, and dated August 7, 2009 and owned by Lance Rozell, 15 Burnap Street, Fitchburg, MA 01420. The plans were submitted with the petition. Assessors Map 76, Lot 28.

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

Chairman Bowen opened the meeting and Lisa Normandin; Administrative Assistant read the petition into the public record.

The applicant Francis Dower is the owner of the business located at 10 Mass Avenue, Lunenburg known as Funstuf Rentals. Mr. Dower rents various party goods, popcorn machines, snow cone machines and blow up bounce houses for children's parties. His desire is to place a moonwalk/bounce house on the Pleasant Street and Massachusetts Avenue corner of the building and create a small display area in front of the store in order to attract business.

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Mr. Dower said that unless you come in the store or visit the website passersby do not know what items are available to them. Alfred Gravelle asked Mr. Dower how far the bounce house would be setback from the street. Mr. Dower indicated that it would be approximately thirty-five feet back from Massachusetts Avenue and that it would be close to the building because it requires a power source, he said that the approximate size of the bounce house is 15x15. Mr. Dower explained that the moonwalk/bounce house would be more visible to drivers going south towards Fitchburg. Raymond Beal pointed out that Section 5.2.3.1 of the Zoning By-law requires that all items and outdoor displays must be located a minimum of twenty feet back from property lines. Mr. Dower said that setback requirement would not be a problem and did not mind if the Board made it a condition of the Special Permit. Mr. Dower said that he keeps the corner clean and mows the area so that people coming down Pleasant Street have a clear line of sight as they approach Massachusetts Avenue. Alfred Gravelle asked Mr. Dower about the size of the proposed display area in front of the store. Mr. Dower explained that it would be an area approximately four feet by fifteen feet to the left and right of the front door, he would place a banquet table displaying a popcorn machine or locate a lawn mower or roto tiller on the ground. Mr. Dower stated that two display areas approximately 4x15 on either side of the front door would be adequate for displaying his wares.

MOTION

After due deliberation James Besarkarski made a motion to grant the Special Permit as requested and conditioned that all items must be placed a minimum of twenty feet from the front property line. Alfred Gravelle seconded the motion.

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.

FINDINGS

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

- a. 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.
- b. Will not have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood.
- c. Will be operated with reasonable regard for order and sightliness.
- d. 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 petitioner shall abide by all of the requirements of the Department of Public Works of the Town of Lunenburg and the Department of Public Works of the Commonwealth of Massachusetts with respect to ingress and egress at the property, and any other Board or agency.

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.

The granting of the Special Permit shall inure to the benefit of the applicant Francis J. Dower, dba Funstuf Rentals and shall cease in the event the business is sold or sublet to another party.

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.

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VOTE

Donald Bowen voted in favor of granting the Special Permit.
Raymond Beal 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
Hans Wentrup 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

 5/7/2014

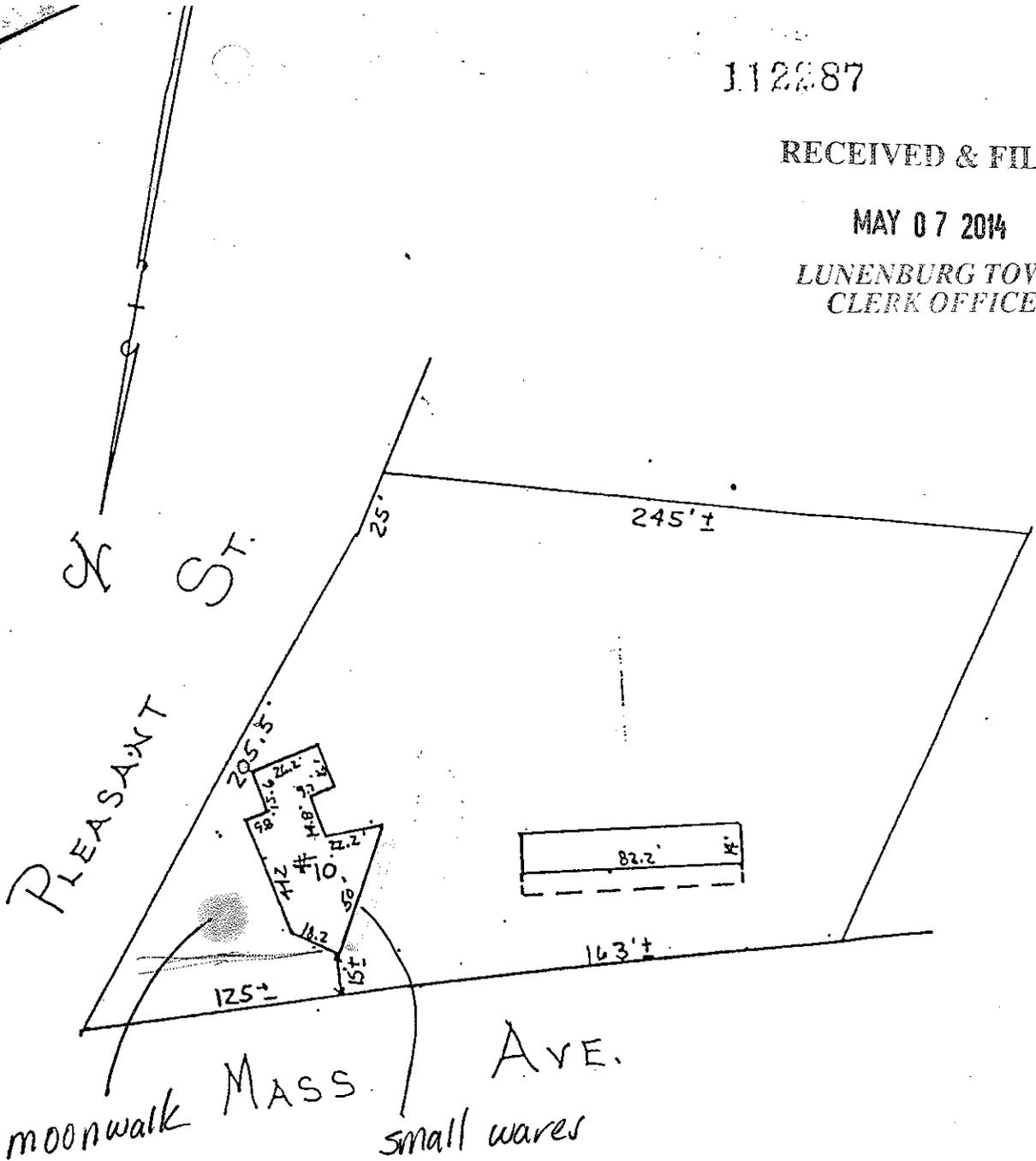
Donald F. Bowen, Chairman Date

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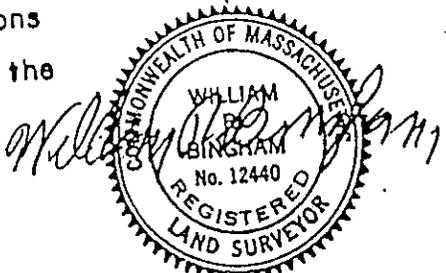
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certify that we examined the premises, that all visible encroachments and easements are shown hereon including poles, wires and pipe lines—there are no known violations of restrictions and building is not in the flood plain.
Do not use for locating property lines.



TAPE SURVEY
FOR MORTGAGE PURPOSES ONLY
LAND IN LUNENBURG MASS
TO BE MORTGAGED BY
PAUL J. CORMIER
SCALE: 1" = 60' - AUG. 23, 198

William R. Bingham & Assoc.-Reg. Engrs. & Survey
24 Columbia St. - Leominster, Mass.