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

July 30, 2014

Certificate of Granting a Special Permit

A Special Permit was granted to Powell Stone & Gravel Co., Inc., 131 Leominster-Shirley Road, Lunenburg, MA 01462 under the Lunenburg Protective By- Law Section 4.6.3.1.(j).

Powell Stone & Gravel Co., Inc. was seeking a Special Permit for the outdoor display products. The property which is the subject of this case is located at 131 Leominster-Shirley Road, Lunenburg, MA 01462.

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, Alfred Gravelle, James Besarkarski, Hans Wentrup and Paul Doherty.

A Special Permit has been issued Powell Stone & Gravel Co., Inc., 131 Leominster-Shirley Road, Lunenburg, MA 01462 and affecting the rights of the owner with respect to land and buildings at 131 Leominster-Shirley Road, Lunenburg, MA 01462. Book 7801, Page 187, and dated December 20, 2012. The plans were submitted with the petition. Assessors Map 146, Lot 4.

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 Steven Powell is the owner of the business located at 131 Leominster-Shirley Road, Lunenburg known as Powell Stone & Gravel, Co., Inc. Mr. Powell is seeking Special Permit authorization to display seasonal items outside of his new store as outlined on a plan submitted with the petition. Mr. Powell indicated that it is important to his business to display their products in public view for retail sales.

Chairman Bowen complimented Mr. Powell on the new store and what a great job he did cleaning up the area. Mr. Bowen asked how far from the street the display items would be. Mr. Powell indicated that the display area is approximately thirty feet back from the front property line.

Alfred Gravelle indicated that he visited the site and said that there was granite curbing about six inches high that bordered the area intended for display. Mr. Powell said that he wanted to display seasonal items there such as bagged bark mulch and other bagged items. Mr. Gravelle also asked Mr. Powell if he intended to display items under the covered area outside of the front of the building. Mr. Powell wanted to display lawn mowers and other items on the sidewalk as well which he failed to put on the plan. The Chairman wanted the area defined and said that it can be included in the request.

Paul Doherty asked if there would be any additional lighting for the display areas. Mr. Powell said that the lighting would not increase and that the items in the covered area would be brought inside when the store was closed.

There was no one present in the audience to add to the discussion.

MOTION

After due deliberation Alfred Gravelle 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 and the additional display area would be located in front of the building on either side of the front door not to extend more than two feet. James Besarkarski 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 Powell Stone and Gravel, Co., Inc. 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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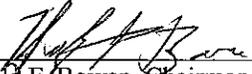
VOTE

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


Donald F. Bowen, Chairman 7/31/2014
Date

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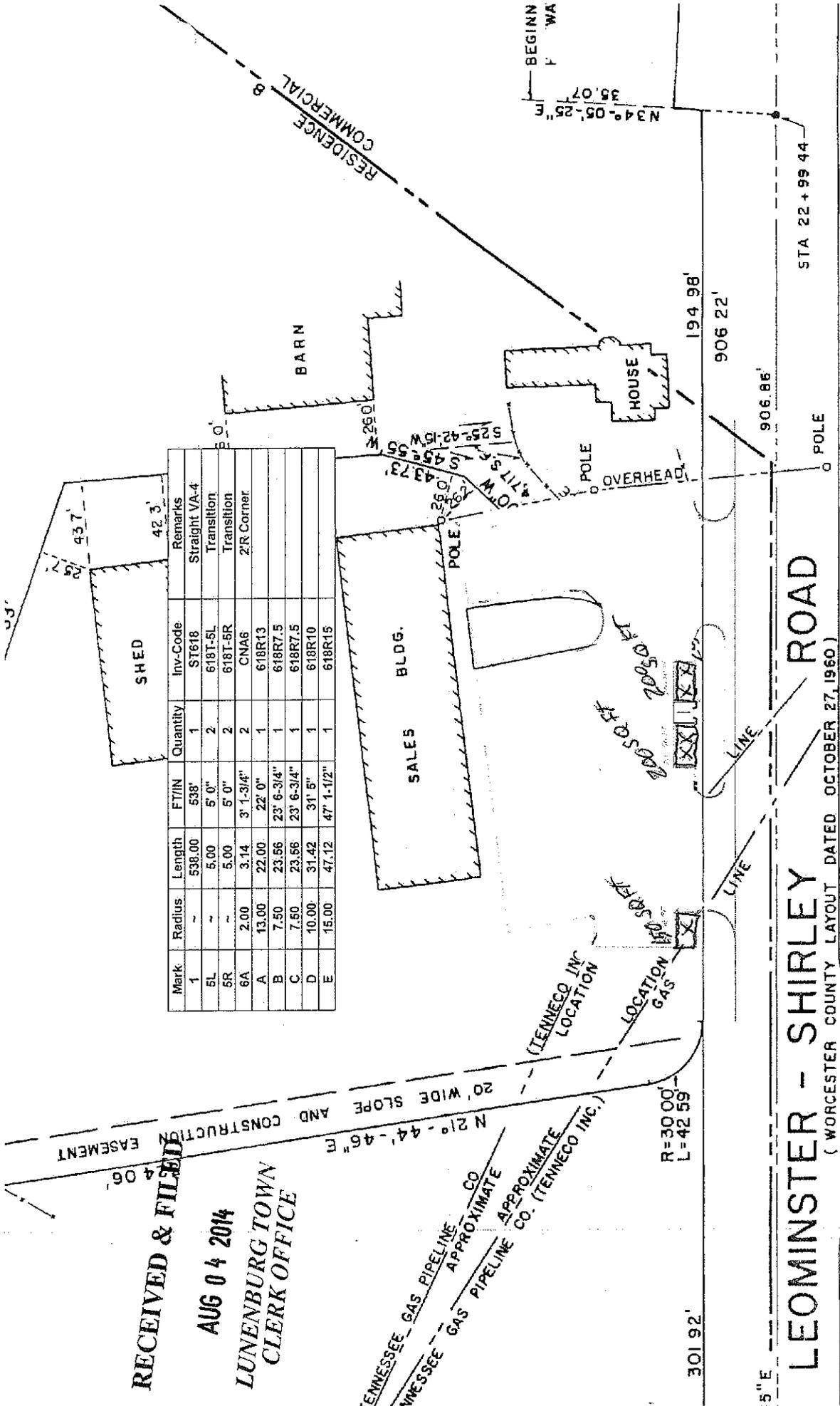
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Mark	Radius	Length	FT/IN	Quantity	Inv-Code	Remarks
1	-	538.00	538'	1	S1818	Straight VA-4
5L	-	5.00	5' 0"	2	618T-5L	Transition
5R	-	5.00	5' 0"	2	618T-5R	Transition
6A	2.00	3.14	3' 1-3/4"	2	CNA6	2'R Corner
A	13.00	22.00	22' 0"	1	618R13	
B	7.50	23.56	23' 6-3/4"	1	618R7.5	
C	7.50	23.56	23' 6-3/4"	1	618R7.5	
D	10.00	31.42	31' 5"	1	618R10	
E	15.00	47.12	47' 1-1/2"	1	618R15	



LEOMINSTER - SHIRLEY ROAD
(WORCESTER COUNTY LAYOUT DATED OCTOBER 27, 1960)

CONFORMS WITH THE
OF THE REGISTERS

NOTE.