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

October 28, 2015

Certificate of Granting a Special Permit

A Special Permit was granted to Tanner Cole, Gatsby Grounds Company, Inc., 995 Sterling Road, Lancaster, MA 01523 under the Lunenburg Protective Zoning by-law Section 4.6.3.1.j.

The petitioner was seeking a Special Permit for a contractors plant to be located at 545 Massachusetts Avenue, 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: Chairman Raymond Beal, Donald F. Bowen, Alfred Gravelle, James Besarkarski and David Blatt.

Special Permit granted to Tanner Cole, d/b/a Gatsby Grounds Company, Inc. 995 Sterling Road, Lancaster, MA 01523 and affecting the rights of the owner with respect to land and buildings located at 545 Massachusetts Avenue, Lunenburg, MA recorded in Worcester Northern District Registry of Deeds, Book 8274, Page 16 and dated February 18, 2015 as described in plans submitted with the petition. Assessors Map 58/16.

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

The public hearing was opened on October 14, 2015 at 7:00 P.M. and Chairman Raymond Beal explained the meeting procedure. Lisa Normandin, Board Secretary read the petition into the public record and a memo from Board of Health Agent, James Garreffi.

Mr. Cole explained that he has a locally owned and operated family business with many ties to the Lunenburg community. He indicated that he purchased the former Szocik property in February of 2015 and has invested significant time and money cleaning up the property and improving the curb appeal. His plan is to continue making improvements at the site and to bring the business to Lunenburg from its current location in Lancaster when the season ends in November. The primary business is lawn maintenance and typically the season begins in March and ends in November. Henry Miller an abutter residing at 32 Skylark Lane had questions regarding noise and lighting issues and sited many by-law references. Mr. Cole explained that the sodium light on the property is the only light that he has currently to light up the yard and said that he would be happy to redirect the light and is working with Unitil to upgrade all of the lighting at the property indoors and out in order to keep the property safe and secure. Mr. Miller was concerned that Mr. Cole would be rock crushing and that the noise would be offensive, Mr. Cole indicated that it is not the nature of his business. Mr. Cole and his family have relocated to 563 Massachusetts Avenue (next door) and he has been improving his property and explained that he has been using his equipment at that site. Alfred Gravelle asked Mr. Cole to explain the equipment that he currently has and what would be placed onsite. Mr. Cole said that he has ten trucks, one CDL truck for hydro seeding, three equipment trailers, tractors and a mini excavator, spreaders with various attachments. Mr. Gravelle asked if there would be any onsite repairs. Mr. Cole explained that there would only be minor repairs conducted onsite. Mr. Cole is maintaining the fuel storage permit issued by the fire department however he does not currently store any fuel at the location. Mr. Gravelle asked about the significant pile of firewood located at the site and Mr. Cole said that he uses it to heat the building and his own home next door, the wood is not for sale.

Mr. Gravelle asked the applicant if he does snowplowing. Mr. Cole indicates that he does and that snow removal vehicles would be stored indoors so they would be ready to go when needed. The Board discussed the hours of operation, Mr. Cole indicated he wanted to maintain the same business hours as his current facility located in Lancaster which is 6:30 A.M. to 4:00 P.M. weekdays and 8:00 a.m. to noon on Saturday, and he stated that the hours would only change during snowstorms.

Donald Bowen asked about the parking, Mr. Cole said that this site is over three acres would have no problem placing the vehicles twenty feet from the front property line. David Blatt asked about signage on the property, Mr. Cole indicated that he found a large piece of granite on the property and his only plan was to have it sandblasted and have the company logo put on it, no additional signage. Alfred Gravelle asked if the gate in front would be replaced, Mr. Cole said that the gate was removed because it was difficult for snow removal. Mr. Cole said that he planted arborvitaes on the left side of the prior gate and planned to put them on the other side with a split rail fence to have an aesthetically pleasing look for the abutters and his family as they live next door. The Board was satisfied that all inquiries were answered by the applicant.

MOTION

After due deliberation Alfred Gravelle made a motion to grant the Special Permit for a contractors plant as requested and subject to the conditions detailed below. Donald F. Bowen 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.

CONDITIONS

1. The operation at this location cannot create dust, odors or noise in violation of the Air Pollution Control regulations 310CMR7.00.

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2. The storage of hazardous materials (pesticides, herbicides, fertilizers, and oil based fuels) must be handled in accordance with Local, State and Federal laws and regulations and the owner must have the appropriate licenses and permits to handle and store the materials.
3. The use of the site shall not cause run off onto abutting properties.
4. There shall be no storage of organic materials (leaves, grass, and stumps) without prior approval from the Lunenburg Board of Health.
5. All fertilizer shall be stored to minimize discharge onto this property.
6. There shall be no vehicle idling in violation of 310CMR7.00.
7. If mechanical work is proposed for the site the petitioner must be approved by the Massachusetts Department of Environmental Protection (MDEP) as a hazardous waste generator to insure proper handling and disposal of materials generated at this location.
8. No tires shall be stored at the site.
9. Vehicles must be maintained in a condition so that fluids do not leak onto the ground.
10. In buildings used for storage and repair of vehicles, no floor drains are allowed unless in compliance with the Plumbing Code and regulations of the MDEP.
11. All vehicles must be placed twenty (20) feet from the street.
12. All loading and unloading of vehicles to be done off-street for safety purposes
13. No parts, materials or tools shall be displayed or stored out of doors.
14. No junk (as that term is hereinafter defined) shall be stored or maintained out of doors. As used herein, the term "junk" shall mean any work out, castoff or discarded articles or material which are ready for destruction or which have been collected or stored for salvage or conversion to some use.
15. The business hours will be 6:30 A.M. to 4:00 P.M. Monday through Friday and Saturday 8:00 A.M. to noon.
16. The petitioner shall conduct the business at all times in a manner so as not to be offensive to the residential abutters.
17. The granting of this special authorization shall inure to the benefit of the applicant, and shall cease in the event the business is sold or sublet to another party.

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18. The permit will be subject to a periodic review by this Board or the Zoning Enforcement Officer. If the restrictions noted as part of this granting of this permit are not adhered to, or if operated in any way offensive or detrimental to the neighborhood, this Board would ask the enforcement officer to begin the procedure to rescind this permit.
19. The petitioners shall abide by all requirements of the Department of public works in the Town of Lunenburg and the State of Massachusetts with respect to ingress and egress at the property.
20. The petitioners must comply with the Town of Lunenburg By-law regarding signage.
21. Any lighting shall not be offensive to the abutting properties.
22. No storage trailers allowed onsite.

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:

- 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.
- Will not have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood.
- Will be operated with reasonable regard for order and sightliness.
- 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 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 Tanner Cole, d/b/a Gatsby Grounds Company Inc. 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 below members present and voting as follows with respect to the issuance of the Special Permit.

VOTE

Raymond Beal voted in favor of granting the Special Permit.
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

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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,

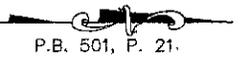


Raymond E. Beal, Chairman
Lunenburg Zoning Board of Appeals
Special Permit Granting Authority

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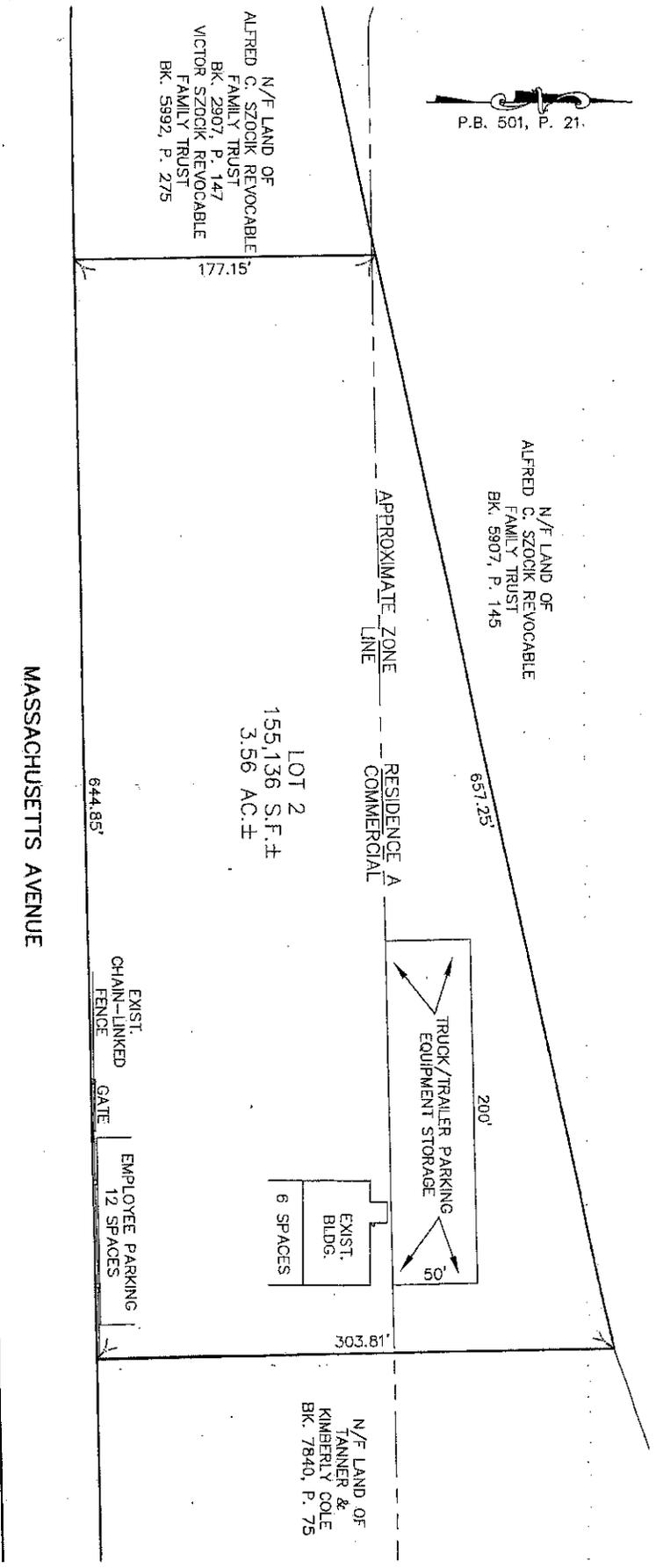
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N/F LAND OF
ALFRED C. SZOCK REVOCABLE
FAMILY TRUST
BK. 5907, P. 145

N/F LAND OF
ALFRED C. SZOCK REVOCABLE
FAMILY TRUST
BK. 2907, P. 147
VICTOR SZOCK REVOCABLE
FAMILY TRUST
BK. 5992, P. 275



NOTES:

- DEED REFERENCE: PATENCE REALTY, LLC BK. 8274, P. 16
- PLAN REFERENCE: P.B. 501, P. 21
- THE SUBJECT PREMISES IS GRAPHICALLY SITUATED IN THE RESIDENCE A AND COMMERCIAL ZONING DISTRICT WITH THE FOLLOWING DIMENSIONAL REQUIREMENTS:

	RES A	COM
MINIMUM LOT FRONTAGE:	100 FT.	100 FT.
MINIMUM LOT AREA:	40,000 S.F.	40,000 S.F.
MINIMUM FRONT SETBACK:	40 FT.	40 FT.
MINIMUM SIDE SETBACK:	15 FT.	20 FT.
MINIMUM REAR SETBACK:	20 FT.	20 FT.
MINIMUM LOT WIDTH:	175 FT.	150 FT.
- THE SUBJECT PREMISES IS NOT GRAPHICALLY SITUATED IN THE 100-YEAR FLOOD HAZARD ZONE PER FLOOD INSURANCE RATE MAP 250315 0004 B DATED JUNE 15, 1982.



WHITMAN & BINGHAM ASSOCIATES, LLC
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
510 MICHIGAN STREET - LEDMINSTER, MASSACHUSETTS 01453



PARKING PLAN
IN LUNENBURG, MA
PREPARED FOR
PATENCE REALTY, LLC
MARCH 31, 2015

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