



ZONING BOARD OF APPEALS MINUTES

November 12, 2014

The Lunenburg Zoning Board of Appeals held a public hearing on Wednesday, November 12, 2014 at 7:00 PM. The hearing was held at the Lunenburg Town Hall, 2nd Floor Conference Room, 17 Main Street, Lunenburg, MA. This was a continuance of the meeting held on October 8, 2014 and previously on September 10, 2014.

The petitioner Gary Archer, 70 Main Street, Ayer, MA 01432 was seeking a special permit to construct a gasoline service station with convenience store, drive thru and car wash. He also requested an increase of the sign sizes for the proposed site. The property is owned by Marcia K. Luoma, personal representative for the estate of Edward Riley. The property is located at 790 Massachusetts Avenue, Lunenburg, MA 01462

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

Others Present: Attorney Robert Cirillo, 73 Sawyer Street, So. Lancaster, MA, Gary Archer, 70 Main Street, Ayer, MA, representatives from MHP Engineering and Greenman Pederson, Attorney Amanda Risch, Fletcher Tilton and many members of the general public were in attendance.

7:00 PM the public hearing was opened by Chairman Donald Bowen. He acknowledged that nine letters were received from abutters prior to the meeting and given the fact that the public discussion was cut off they were not read at the meeting, he did however mention that all letters received were in opposition to the project. The letters were received from Linda Gurney, 37 Riley Road, Wendy Blatt, 44 Riley Road, Carol McShane, 39 Riley Road, Louise Boyle, 29 Riley Road, Kevin & Sonia LeBlanc, 818 Massachusetts Avenue, Sharon Donahue-35 Riley Road, Euclid J. Joyal III, 779 Massachusetts Avenue, Donald G. Gurney, 37 Riley Road, David H. King, 40 Riley Road and Attorney Amanda Risch of Fletcher Tilton, attorney for Stone Farm residents. (Letters attached). Mr. Bowen also acknowledged a letter received from Larry Marshall regarding the FHA loan. It was brought up at a previous meeting that that potential homeowners would not to be able to obtain mortgages if the properties were within 300 feet of a gas station. Mr. Marshalls letter to the Board put the issue at rest as this was not the case. (Letter attached).

Mr. Bowen indicated that a motion was made and seconded at the October 8, 2014 meeting for approval of the project. The open issues were lighting and signage and the Board ended that meeting due to the late hour and continued to November 12, 2014 at 7:00 PM.

Attorney Cirillo spoke for the applicant and said that the open issues have been addressed. A new lighting plan was submitted and the sign was significantly reduced. Huseyin Sevincgil, of MHF Engineering outlined quickly the changes that were made including: providing a proposed landscape plan that increases the buffer to the Riley Road area and a proposed lighting plan. The lighting plans provided that showed that there would be no light spillover onto abutting property and would not project into the street. He explained the sign was reduced from 93 square feet to 52 square feet, and now would be 17.5 feet tall.

David Blatt asked how the sign compares to the two other establishments owned by Mr. Archer. The Littleton facility had a sign that was 10.5 feet tall and Mr. Blatt felt that a sign 17 feet high would be a beacon to the abutters across the street. The Board discussed in detail moving the sign to the opposite side of the property (across from the church) so as not to be on the Riley Road side. Mr. Blatt felt that the sign was still very large and tall and felt that it was not necessary as the other businesses owned by Mr. Archer had significantly smaller signs.

Mr. Luoma submitted photos that were taken this evening. The photos show a light that is currently on the church property that illuminates one of the houses across the street. Paul Doherty asked the engineer if the pylon sign would face east to west. Huseyin Sevincgil, of MHF Engineering explained that the sign is significantly less than what is allowed. Paul Doherty said the abutters would only see the side of the sign. Mr. Bowen indicated that the sign could be moved to the limited business/residential portion of the project. This issue was discussed at length. Mr. Sevincgil said it was up to his client as to where the sign would be placed.

Paul Doherty felt satisfied with the lighting plan and the reduced hours and felt that they did their best with regard to the sign.

Donald Bowen went into great detail with regard to the by-law and the criteria that must be met in order to satisfy it.

Hans Wentrup felt that the two residential properties across the street would be adversely affected. He explained that the applicant has done a good job working with the Board but would not be favorable to the motion based on the applicant's inability to satisfying the by-law and the criteria that must be met specifically outlined in 8.3.2.1. a) **Standards** "the granting of the special permit will not adversely affect the neighborhood" and Section 8.3.3.2.b) of the by-law states "Will not have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood" and 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"

Alfred Gravelle agreed with Mr. Wentrup and reiterated the fact that the applicants cannot satisfy the by-law with regard to the criteria that must be met, specifically and noted that Section 8.3.3.2.b) of the by-law states "Will not have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood".

Paul Doherty explained his position and felt that the lighting has been resolved and the hours amended, he acknowledged the fact that it is a commercial piece of real estate and the Town is trying to encourage businesses. He did not feel that the building site devalued area properties any more than the way the property is standing now, vacant and abandoned and the proposed project would be an opportunity to bring business to Town.

Donald Bowen explained the rights of the applicant with regard to the request. He spoke about the permitted rights in relationship to the zoning district that it is located. He explained that the vote would require 4 out of 5 members voting in the affirmative to grant the request. He also said that he sensed that there were mixed emotions of the Board members. He outlined the criteria with regard to findings, he was satisfied with the traffic study as it was done by a professional engineer and indicated that the abutting properties on Riley Road would not be affected. He acknowledged that the business does not create a great deal of noise and is a relatively quiet business. He could not say whether or not the value would be impacted as that it's subjective and not definitive, it could increase the commercial property values across the street.

David Blatt said that the zoning was not changed after the prior business was closed and said that it is located in a commercial zone. His concern was noise mitigation but felt it could be done with shrubbery. He is still not satisfied with the height of the sign but is willing to grant if the sign was moved further to the left and reduced to twelve feet and felt we could put additional conditions on the motion to make it less detrimental. Dave Blatt added that if there was a proposed speaker at the drive thru there must be additional noise mitigation.

Paul Doherty felt that the Board was divided and agreed that the Planning Board could deal with the sign size and location issue in the development plan review. He explained that the Board has a track record of granting special permits and each request is dealt with on a case by case basis.

Paul Doherty made a motion to grant the Special Permit for the gas station, drive thru and sign with the condition that the sign location and height be determined by the Planning Board in the Development plan review process. The motion was based on the finding that it would meet the criteria outlined in Section 8.3.3.2 of the Lunenburg Protective by-law. David Blatt seconded the motion.

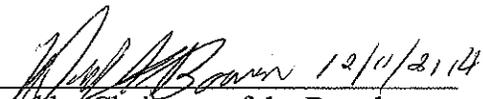
Vote

Paul Doherty voted in favor of granting the Special Permit.
David Blatt voted in favor of granting the Special Permit.
Donald Bowen voted in favor of granting the Special Permit.

Hans Wentrup voted to **deny** the Special Permit.
Alfred Gravelle voted to **deny** the Special Permit.

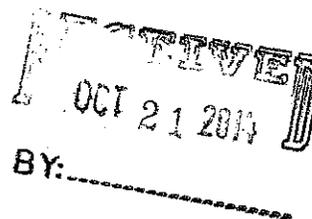
Hearing Adjourned at 8:30 P.M.

Minutes submitted by Lisa A. Normandin, Board Secretary


Approved by Chairman of the Board

Linda Marble Gurney
37 Riley Road
Lunenburg, MA 01462
October 20, 2014

Zoning Board of Appeals
Donald Bowen, Chairman
Ritter Building
960 Massachusetts Avenue
Lunenburg, MA 01462



Dear Mr. Bowen and Board Members:

At your continued hearing on October 8, 2014, regarding the Archer proposed gas station complex at 790 Massachusetts Avenue, new points were raised, specifically regarding pedestrian safety, substantial increased traffic as the professional study showed, the "mistakes" of past planning decisions, the certain decline in property values of nearby single family homes, and others. You have heard a substantial amount of reasonable (as opposed to emotional) and legal testimony in opposition to the project. Some compromises were requested by you and agreed, specifically shortening the business hours from 24/7 to 18/7, smaller signage, better defining buffers of sound and light. The board's efforts in this direction and the applicant's voluntary downsizing of the store, elimination of the car wash, plus his willingness to try to satisfy some objections are appreciated.

The Riley family deserves credit for maintaining the property and grounds. The antique barn, listed on the assessor data card as built in 1730, stands straight and true, thanks to their stewardship.

The proposed gas station/convenience store/ DunkinDonuts drive-up window is not a use complementary to the neighborhood. The Memo of Opposition prepared by Fletcher-Tilton thoroughly addresses reasons this special permit should be denied, and the impossibility of the applicant's ability to meet the criteria for the ZBA to grant a special permit under Lunenburg's Protective By-Law.

As evidence that the Property values of 779, 785, 810 and probably 818 Mass Ave, WILL suffer, I submit the history of 236 North Street, Leominster, which abuts the Cumberland Farms gas station and convenience store in King's Corner. (Data from the Multiple Listing Service, map, before/after photos attached). Additional information was obtained from listing agents and researching records of the North Worcester County Registry of Deeds.

- On 8/1/2003, the 6 room 3 bedroom 2 bath Cape was purchased as a primary residence for \$210,000 by the owner of the abutting, small convenience store/gas station on the corner of North and Main Streets. The new owner improved the home throughout and added an above-ground pool.

- Due to relocation of his business and the Cumberland Farms takeover of the store/2-pump gas station, he listed the house for sale a year later for \$274,900 in a strong market; reduced the price to \$269,900—it did not sell; it was rented.
- The house was listed again in 2005 for \$264,500; reduced to \$248,500; expired unsold in July of 2006; and was leased again.
- In June of 2007, the house was once more listed for sale, in very good condition, at \$234,900, reduced to \$229,900; it expired in October, 2007, abandoned by the owner.
- **The house was foreclosed in 7/2008 for its first mortgage amount of \$148,487, and became a FannieMae asset. An equity line of credit in the amount \$46,600 was written off by another creditor.**
- It was listed in January of 2009 for \$189,900; reduced in February to \$149,900. **The listing was canceled unsold in March of 2009 and remains vacant.**
- In 2012, Cumberland Farms purchased the adjacent drugstore lot, demolished the small convenience store and drug store, and built the present 5-pump-island gas station with a 3500 square foot convenience store. 236 North Street's value has plummeted further.

Agents involved attribute the former small Cumberland Farms gas station as a detriment to buyers. The house, off the market since 2009, has fallen into disrepair. Shrubbery is over grown, some windows are boarded. It is a "nonperforming asset" of FannieMae. The attachments show the listings with photos, and end with photos of the house in October 2014.

A similar fate may be in store for the present abutters/neighbors if the gas station complex at 790 Mass. Ave. is built. Selling, even at depressed values, may be impossible. Refinancing may not be an option to them. Should you, the Lunenburg ZBA, approve this application, you are instantly slashing the equity of the nearest residential properties.

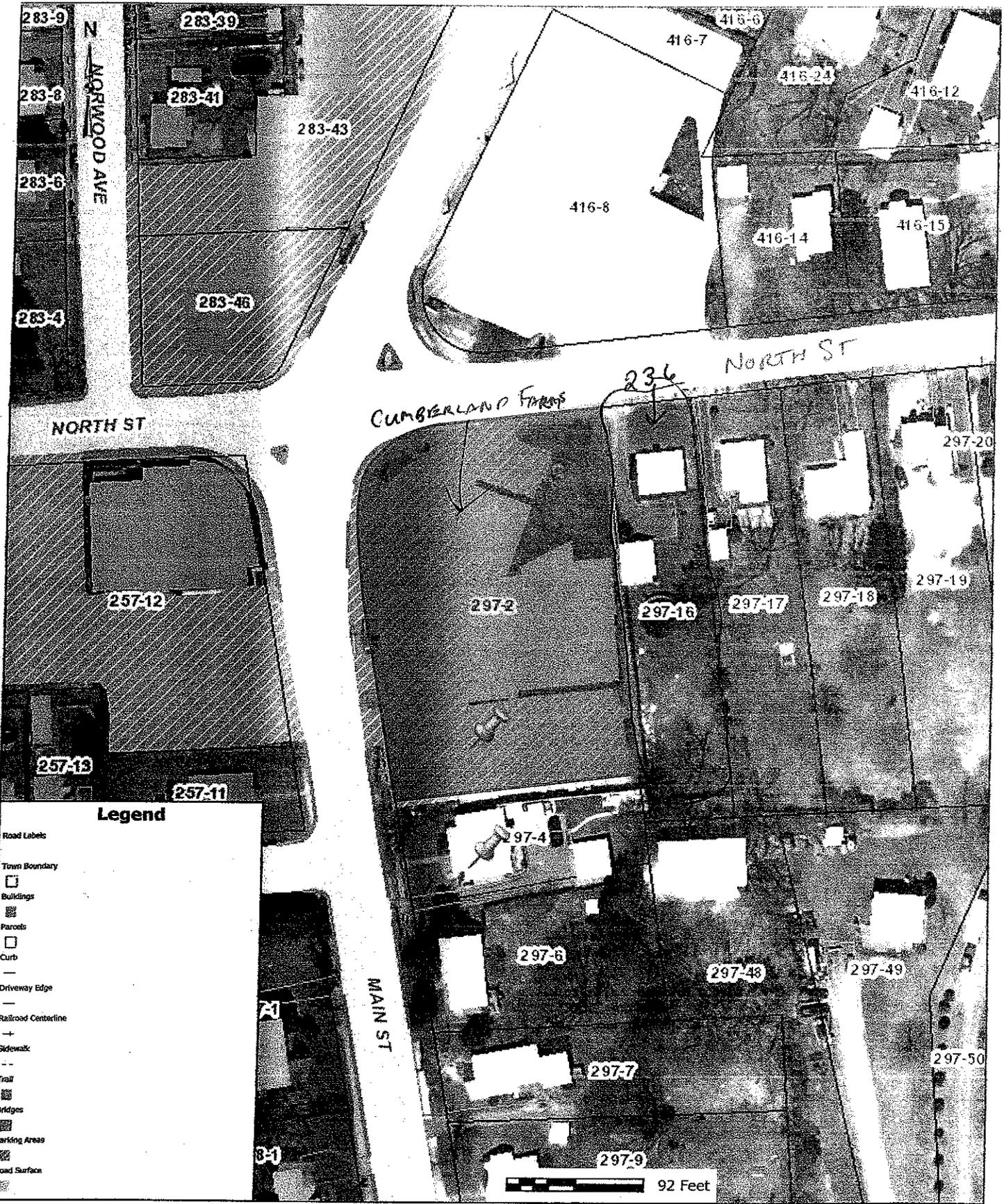
779 and 785 Mass. Ave. residents will not only be affected by unavoidable noise (car doors slamming day and night, music from car radios, orders on the drive-through intercom, traffic acceleration, dumpster activity), but also by headlights in their windows early and late as cars exit the station. They and others will be impacted by lighting, starting at 5:00 AM until 11:00 PM all year, as well as significantly increased traffic. **They WILL lose quiet enjoyment, the desirability, the marketability, and substantial equity of their homes. This directly violates Section 8.3.2.1 of the By-law, condition (iii) "the granting of the special permit will not adversely affect the neighborhood." IT WILL.**

The protection of neighbors' rights should prevail over the right to establish a business which will FOREVER ALTER THOSE PRESENT RESIDENTS' LIVES AND FORTUNES.

Sincerely,



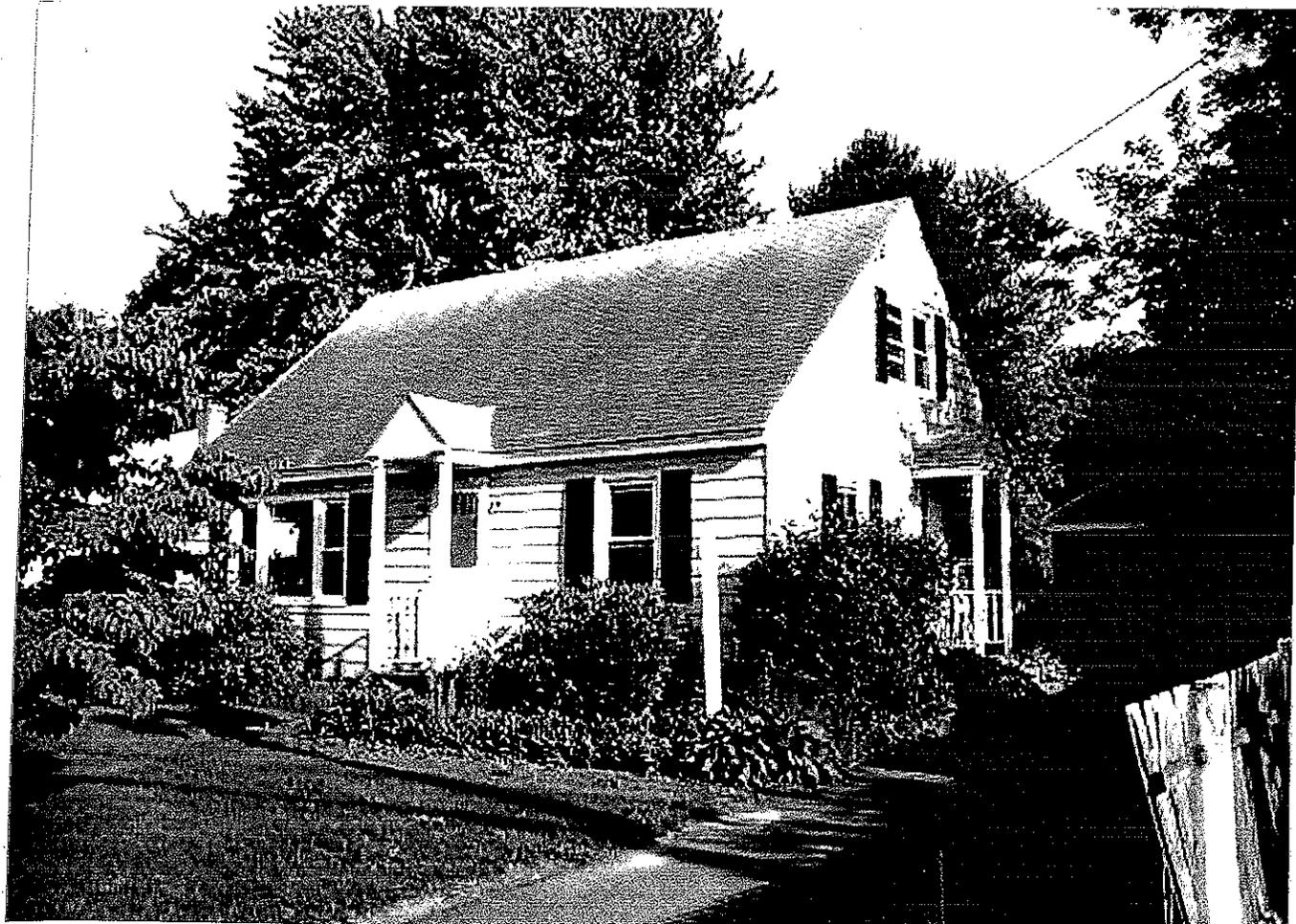
Linda Marble Gurney



**City of
Leominster,
Massachusetts**

Cumberland Farms/236 North St.

This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.



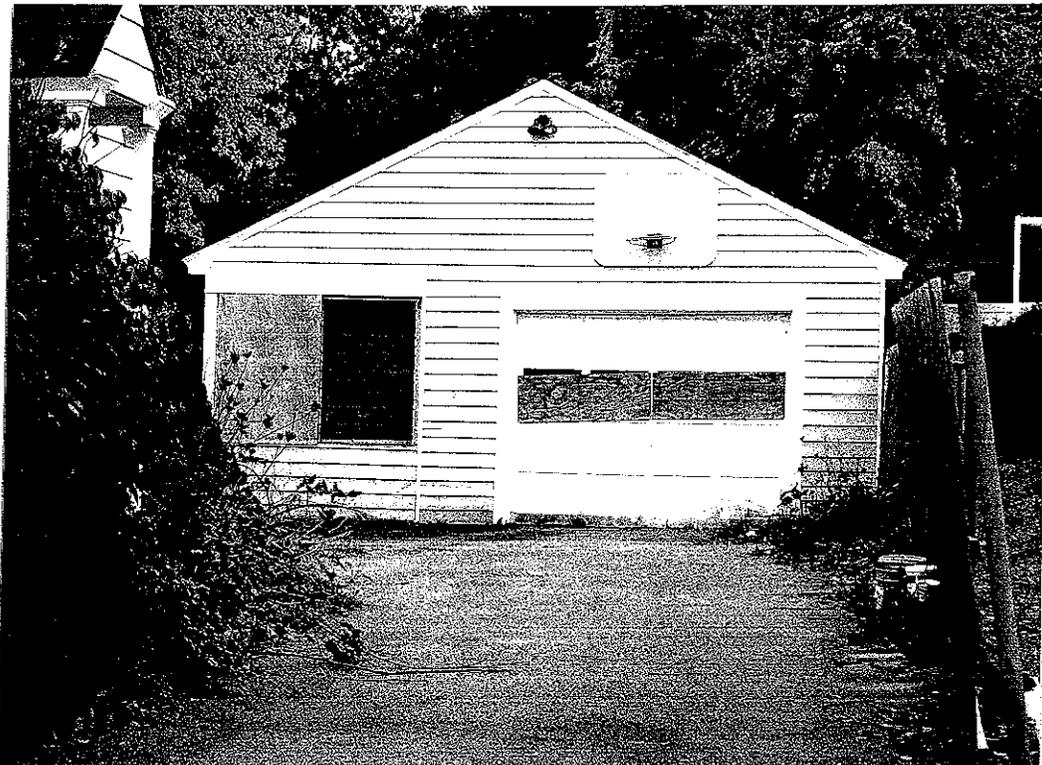
House in 2004 (top) House in 2014 (bottom)



Garage in 2004



Garage in 2014





View of house and new Cumberland Farms Complex



Last Sale 8/1/2003



MLS # 30732243 - Sold
Single Family - Detached
236 NORTH ST
Leominster, MA 01453
Worcester County
Style: Cape
Color:
Grade School:
Middle School:
High School:
Handicap Access/Features:
Directions:

List Price: \$209,000
Sale Price: \$210,000

Total Rooms: 6
Bedrooms: 3
Bathrooms: 2f 0h
Master Bath: No
Fireplaces: 0

Remarks

VERY CHARMING CAPE IN EXCELENT CONDITION, 6RMS 3BRS 1ST FLR FULL BATH, AND ANOTHER FULL BATH ON 2ND FLR NEWLY FINISHED FAMILY ROOM IN BASEMENT. VERY LARGE FENCED IN BACK YARD WITH LARGE 1 CAR GARAGE AND PORCH ATTACHED

Property Information

Approx. Living Area: 1248 sq. ft. Approx. Acres: 0.37 (16505 sq. ft.) Garage Spaces: 1 Detached
Living Area Includes: Heat Zones: 1 Forced Air Parking Spaces: 4 Off-Street
Living Area Source: Public Record Cool Zones: 0 None Approx. Street Frontage: 0 ft
Living Area Disclosures:
Disclosures:

Room Levels, Dimensions and Features

Room	Level	Size	Features
Living Room:	1	14x12	Flooring - Hardwood
Dining Room:	1	12x10	Flooring - Hardwood
Family Room:	B	14x12	--
Kitchen:	1	12x11	Flooring - Hardwood
Master Bedroom:	1	12x11	Flooring - Hardwood
Bedroom 2:	2	12x10	Flooring - Hardwood
Bedroom 3:	2	11x10	Flooring - Hardwood

Features

Basement: Yes Full
Beach: No
Flooring: Wood
Foundation Size: 00
Foundation Description: Poured Concrete
Hot Water: Natural Gas
Lot Description: Paved Drive
Sewer Utilities: City/Town Sewer
Sewage District: LMNS
Water Utilities: City/Town Water
Waterfront: No

Other Property Info

Disclosure Declaration: Yes
Exclusions:
Home Own Assn: NOA Fee : \$0
Lead Paint: Unknown
UFFI: Unknown Warranty Features:
Year Built: 1951 Source: Public Record
Year Built Description: Actual
Year Round:
Short Sale w/Lndr.App.Req: Unknown
Lender Owned: Undisclosed

Tax Information

Pin #:
Assessed: \$161,800
Tax: \$2103.4 Tax Year: 2003
Book: 42012 Page: 11
Cert:
Zoning Code: SINGLE FAM
Map: 0297 Block: 016 Lot: 000

Market Information

Listing Date: 6/9/2003 Listing Market Time: MLS# has been on for 53 day(s)
Days on Market: Property has been on the market for a total of 53 day(s) Office Market Time: Office has listed this property for 53 day(s)
Expiration Date:
Original Price: \$209,000 Cash Paid for Upgrades:
Off Market Date: 8/1/2003 Seller Concessions at Closing:
Financing: Conv. Fixed

Listed after improvements 9/14/2004

STRONG MARKET



MLS # 70090345 - Expired
Single Family - Detached

236 North Street
Leominster, MA 01453
Worcester County

List Price: \$269,900

Style: Cape
Color: Tan
Grade School:
Middle School:
High School:
Handicap Access/Features:
Directions:

Total Rooms: 6
Bedrooms: 3
Bathrooms: 2f 0h
Master Bath: Yes
Fireplaces: 0

Remarks

Great North Leominster Cape featuring 3 bedrooms, 2 full baths. Beautiful wood floors throughout. Large private flat yard with in-ground pool, enclosed porch and 1 car garage. Great commuter location.

Property Information

Approx. Living Area: 1248 sq. ft.
Living Area Includes:
Living Area Source: Public Record
Living Area Disclosures:
Disclosures:

Approx. Acres: 0.37 (16505 sq. ft.)
Heat Zones: 1 Forced Air, Gas
Cool Zones: 1 Central Air

Garage Spaces: 1 Detached
Parking Spaces: 4 Off-Street
Approx. Street Frontage:

Room Levels, Dimensions and Features

Room	Level	Size	Features
Living Room:	1	15x13	Flooring - Hardwood
Dining Room:	1	12x11	Flooring - Hardwood
Family Room:	B		Flooring - Stone/Ceramic Tile
Kitchen:	1		Flooring - Hardwood
Master Bedroom:	1	12x12	Flooring - Hardwood
Bedroom 2:	2	13x12	Flooring - Hardwood
Bedroom 3:	2	10x12	Flooring - Hardwood
Bath 1:	1		Bathroom - Full
Bath 2:	1		Bathroom - Full
Laundry:	B		--

Features

Appliances: Range, Refrigerator
Area Amenities: Public Transportation, Shopping
Basement: Yes Full, Partially Finished
Beach: No
Construction: Frame
Electric: Circuit Breakers, 100 Amps
Energy Features: Insulated Windows, Insulated Doors, Storm Doors
Exterior: Aluminum
Flooring: Wood, Vinyl
Foundation Size: Irreg
Foundation Description: Concrete Block
Hot Water: Natural Gas, Separate Booster
Insulation: Full
Interior Features: Security System, Cable Available
Lot Description: Paved Drive
Road Type: Public, Publicly Maint.
Roof Material: Asphalt/Fiberglass Shingles
Sewer Utilities: City/Town Sewer
Utility Connections: for Gas Range, for Gas Dryer, Washer Hookup
Water Utilities: City/Town Water
Waterfront: No

Other Property Info

Disclosure Declaration: Yes
Exclusions:
Home Own Assn:
Lead Paint: Unknown
UFFI: No Warranty Features: No
Year Built: 1951 Source: Public Record
Year Built Description: Approximate
Year Round: Yes
Short Sale w/Lndr.App.Reg: Unknown
Lender Owned: Undisclosed

Tax Information

Pin #:
Assessed: \$166,200
Tax: \$2104.09 Tax Year: 2004
Book: 4873 Page: 62
Cert:
Zoning Code: Res
Map: Block: Lot:

Firm Remarks

Ready for immediate occupancy.

Market Information

Listing Date: **9/14/2004**

Days on Market: Property has been on the market for a total of **92 day(s)**

Expiration Date:

Original Price: **\$274,900**

Off Market Date: **12/14/2004**

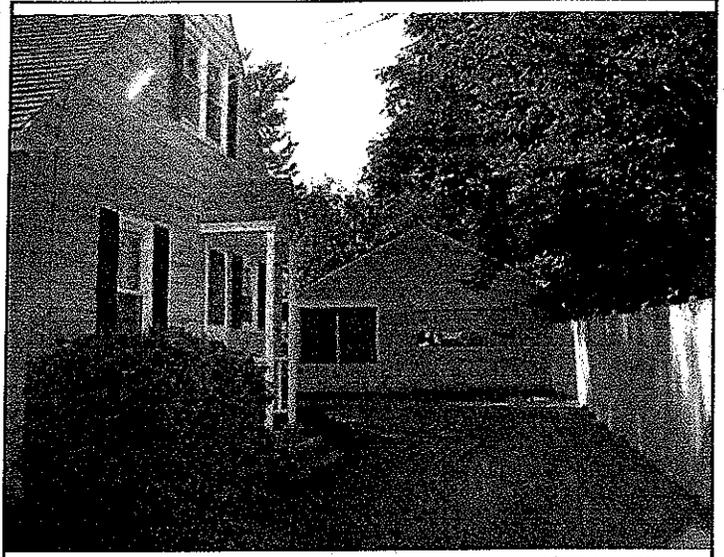
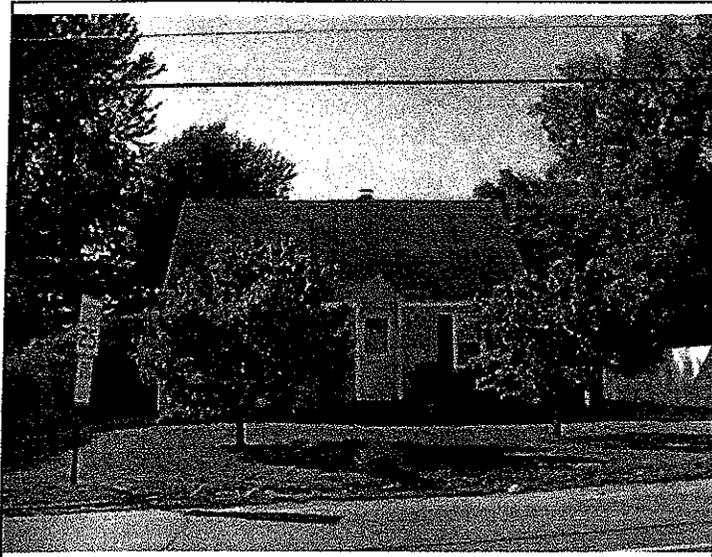
Sale Date:

Listing Market Time: MLS# has been on for **92 day(s)**

Office Market Time: Office has listed this property for **92 day(s)**

Cash Paid for Upgrades:

Seller Concessions at Closing:



Re-listed 12/5/2005 Still strong market



**MLS # 70301604 - Expired
Single Family - Detached**

**236 North Street
Leominster, MA 01453
Worcester County**

List Price: **\$248,500**

Style: **Cape**
Color: **Tan**
Grade School:
Middle School:
High School:
Handicap Access/Features:

Total Rooms: **7**
Bedrooms: **3**
Bathrooms: **2f 0h**
Master Bath: **No**
Fireplaces: **0**

Directions: **Rte 13 North - Right on North St.**

Remarks

Nice cape on large level lot! Detached garage! Updated kitchen! Hardwood floors! Two bathrooms! Central Air! Finished room in basement! Quick closing possible!

Property Information

Approx. Living Area: **1373 sq. ft.**

Approx. Acres: **0.37 (16505 sq. ft.)**

Garage Spaces: **1 Detached**

Living Area Includes:

Heat Zones: **1 Forced Air, Gas**

Parking Spaces: **4 Off-Street**

Living Area Source: **Public Record**

Cool Zones: **1 Central Air**

Approx. Street Frontage: **60 ft**

Living Area Disclosures:

Disclosures: **Room sizes are approx.**

Room Levels, Dimensions and Features

Room	Level	Size	Features
Living Room:	1	15x13	Flooring - Hardwood
Dining Room:	1	12x11	Flooring - Hardwood
Family Room:	B		Flooring - Stone/Ceramic Tile
Kitchen:	1		Flooring - Hardwood
Master Bedroom:	1	12x12	Flooring - Hardwood
Bedroom 2:	2	13x12	Flooring - Hardwood
Bedroom 3:	2	10x12	Flooring - Hardwood
Bath 1:	1		Bathroom - Full
Bath 2:	1		Bathroom - Full
Laundry:	B		--

Features

Appliances: **Range, Dishwasher**
Basement: **Yes Full, Partially Finished**
Beach: **No**
Construction: **Frame**
Electric: **Circuit Breakers, 100 Amps**
Energy Features: **Insulated Windows, Insulated Doors**
Exterior: **Aluminum**
Flooring: **Wood, Tile, Vinyl**
Foundation Size: **26x36**
Foundation Description: **Concrete Block**
Hot Water: **Natural Gas, Tank**
Interior Features: **Security System, Cable Available**
Lot Description: **Paved Drive**
Road Type: **Public, Paved, Publicly Maint.**
Roof Material: **Asphalt/Fiberglass Shingles**
Sewer Utilities: **City/Town Sewer**
Utility Connections: **for Gas Range, for Gas Dryer, Washer Hookup**
Water Utilities: **City/Town Water**
Waterfront: **No**

Other Property Info

Disclosure Declaration: **Yes**
Exclusions:
Home Own Assn:
Lead Paint: **Unknown**
UFFI: **Unknown** Warranty Features: **No**
Year Built: **1951** Source: **Public Record**
Year Built Description: **Approximate**
Year Round: **Yes**
Short Sale w/Lndr.App.Req: **Unknown**
Lender Owned: **Undisclosed**

Tax Information

Pin #:
Assessed: **\$210,800**
Tax: **\$2274.53** Tax Year: **2006**
Book: **4873** Page: **62**
Cert:
Zoning Code: **RA**
Map: **297** Block: **16** Lot:

Firm Remarks

Ready for immediate occupancy.

Market Information

Listing Date: **12/5/2005**

Days on Market: Property has been on the market for a total of **184 day(s)**

Expiration Date:

Original Price: **\$264,500**

Off Market Date: **6/10/2006**

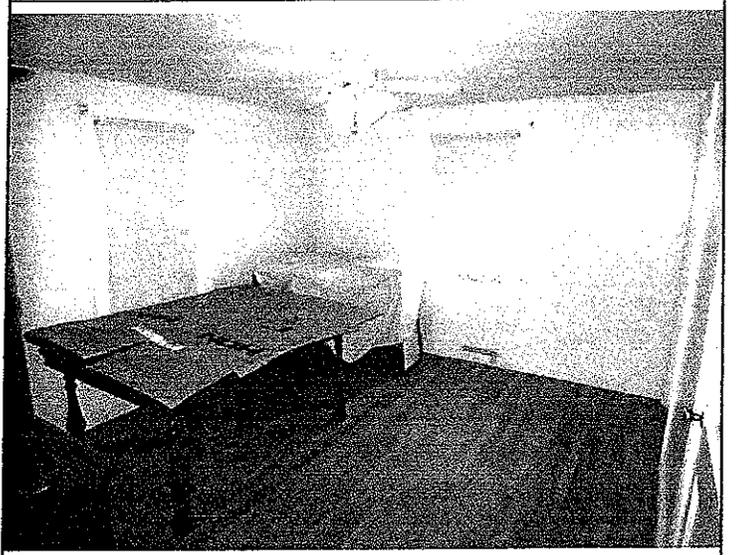
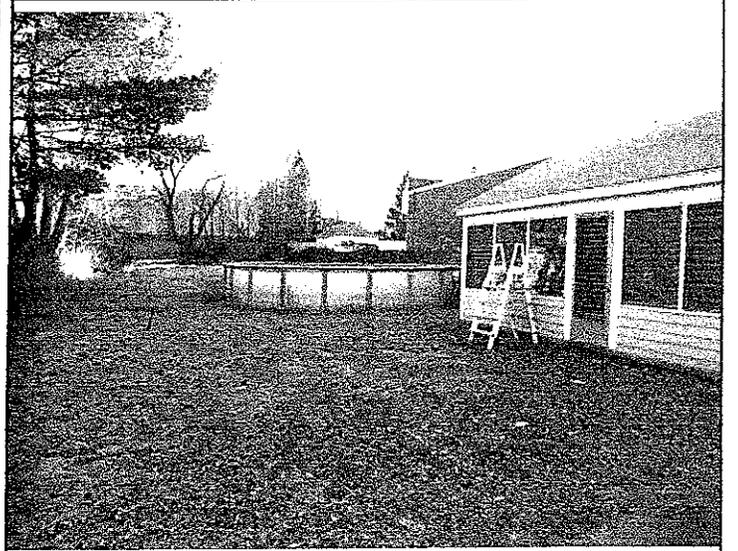
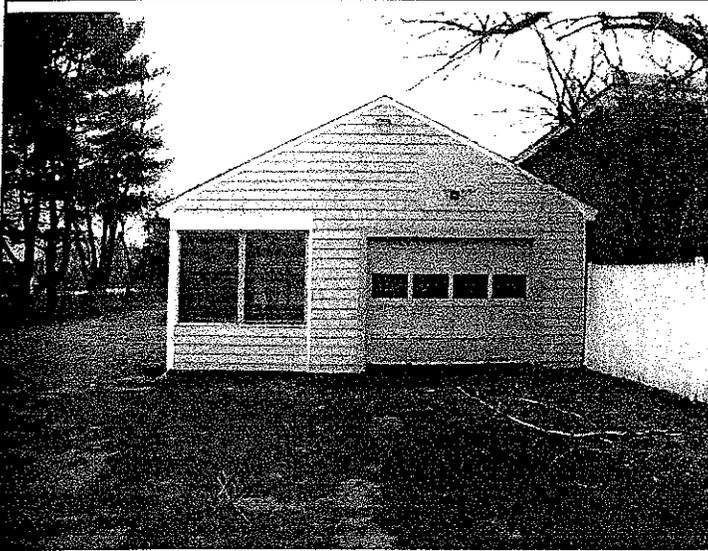
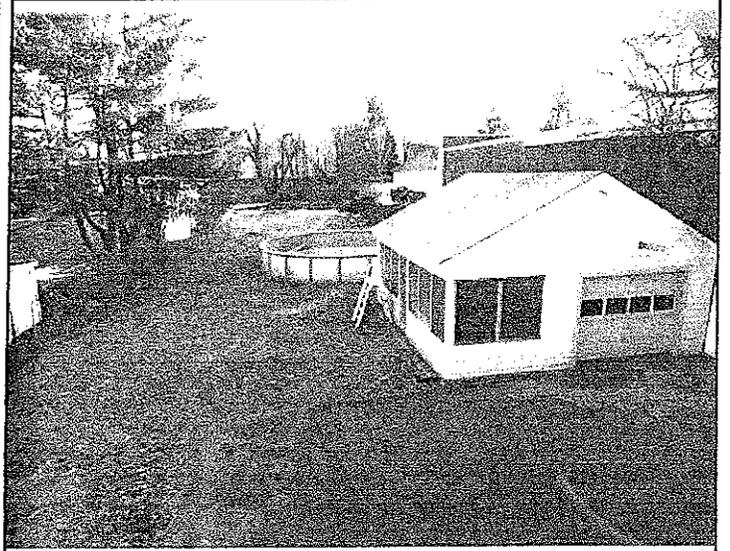
Sale Date:

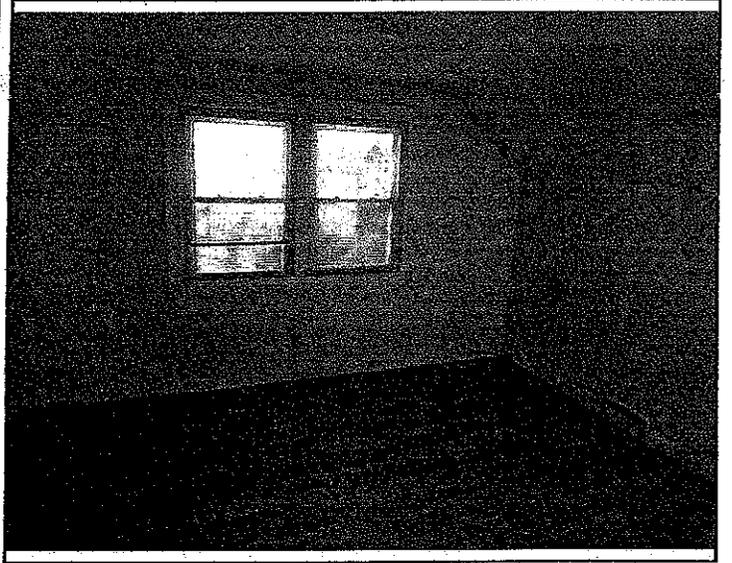
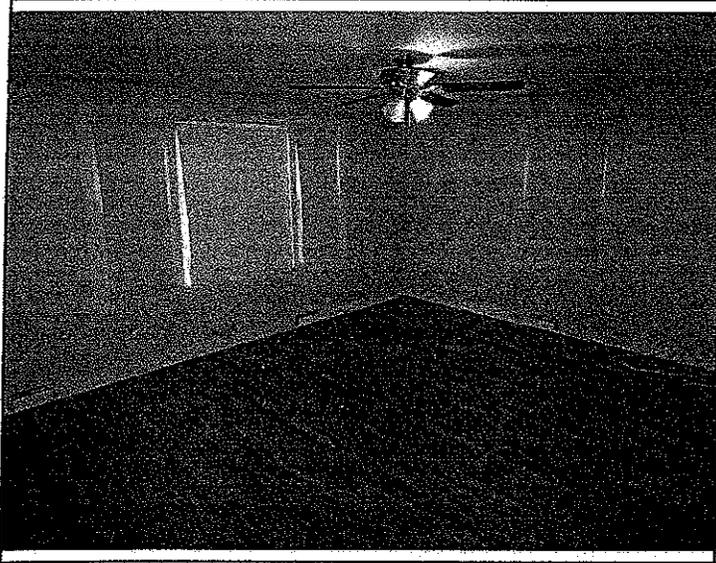
Listing Market Time: MLS# has been on for **184 day(s)**

Office Market Time: Office has listed this property for **184 day(s)**

Cash Paid for Upgrades:

Seller Concessions at Closing:





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Linda Marble Gurney, CRB, EXIT New Options RE, 978-345-3948 x 103

Rehst 6/26/2007



**MLS # 70605679 - Expired
Single Family - Detached**

**236 North St.
Leominster, MA 01453
Worcester County**

List Price: \$229,900

Style: **Cape**
Color: **Tan**
Grade School: **Johnny Applesee**
Middle School:
High School: **Leominster High**
Handicap Access/Features:

Total Rooms: **6**
Bedrooms: **3**
Bathrooms: **2f 0h**
Master Bath: **No**
Fireplaces: **0**

Neighborhood/Sub-Division: **North Leominster, King's Corner**
Directions: **Rte 13 to King's Corner ,house behind Cumberland Farms, on North St.**

Remarks

No. Leominster Cape features 3 bedroom, cabinet kitchen, frmi dining, LR & bath w/jet tub on first level. 2 bedrooms & 2nd bath with shower on second floor. Spacious yard for children to play & above ground pool for summer enjoyment. Detached garage with attached enclosed screened in porch. HW floors, replacement windows thruout. Seller will consider rent w/option, or rental @ \$1,400. per mo.

Property Information

Approx. Living Area: **1082 sq. ft.**
Living Area Includes:
Living Area Source: **Public Record**
Living Area Disclosures:
Disclosures:

Approx. Acres: **0.37 (16505 sq. ft.)**
Heat Zones: **1 Forced Air, Gas**
Cool Zones: **0 None**

Garage Spaces: **1 Detached**
Parking Spaces: **6 Off-Street**
Approx. Street Frontage:

Room Levels, Dimensions and Features

Room	Level	Size	Features
Living Room:	1	14x12	Flooring - Hardwood
Dining Room:	1	12x10	Flooring - Hardwood
Kitchen:	1	12x11	--
Master Bedroom:	1	12x12	Flooring - Hardwood
Bedroom 2:	2	12x12	--
Bedroom 3:	2	12x12	--
Bath 1:	1	--	--
Bath 2:	2	--	--
Laundry:	B	--	--

Features

Appliances: **Range, Refrigerator**
Basement: **Yes**
Beach: **No**
Construction: **Frame**
Electric: **220 Volts**
Energy Features: **Insulated Windows**
Exterior: **Aluminum**
Flooring: **Wood**
Foundation Size: **00x00**
Foundation Description: **Poured Concrete**
Hot Water: **Natural Gas**
Insulation: **Unknown**
Interior Features: **Cable Available**
Lot Description: **Paved Drive**
Road Type: **Public, Publicly Maint.**
Roof Material: **Asphalt/Fiberglass Shingles**
Sewer Utilities: **City/Town Sewer**

Other Property Info

Adult Community: **No**
Disclosure Declaration: **No**
Exclusions:
Home Own Assn: **No**
Lead Paint: **Unknown**
UFFI: **Unknown** Warranty Features: **No**
Year Built: **1951** Source: **Public Record**
Year Built Description: **Approximate**
Year Round: **Yes**
Short Sale w/Lndr.App Req: **Unknown**
Lender Owned: **Undisclosed**

Tax Information

Pin #:
Assessed: **\$212,200**
Tax: **\$2308.74** Tax Year: **2007**
Book: **4873** Page: **62**
Cert:
Zoning Code: **Res B**
Map: **0297** Block: **0016** Lot: **0000**

Utility Connections: **for Gas Range, for Electric Dryer, Washer Hookup**
Water Utilities: **City/Town Water**
Waterfront: **No**

Market Information

Listing Date: **6/26/2007**

Days on Market: Property has been on the market for a total of **123** day(s)

Expiration Date:

Original Price: **\$234,900**

Off Market Date: **10/26/2007**

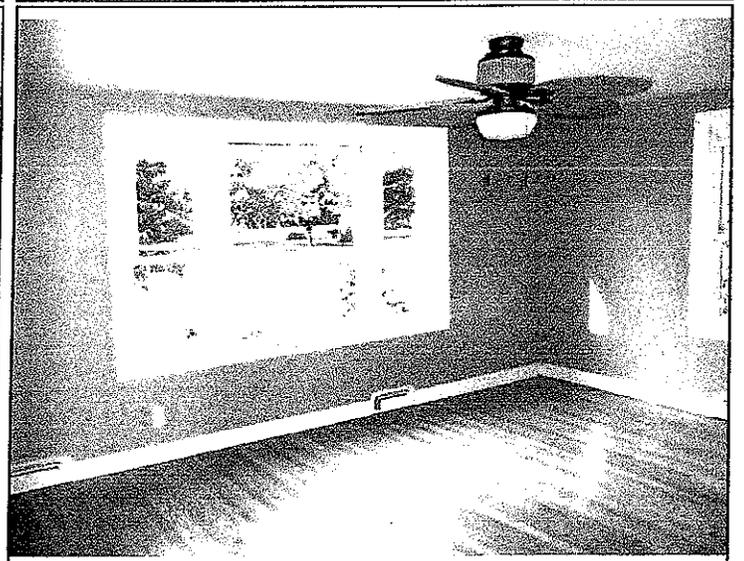
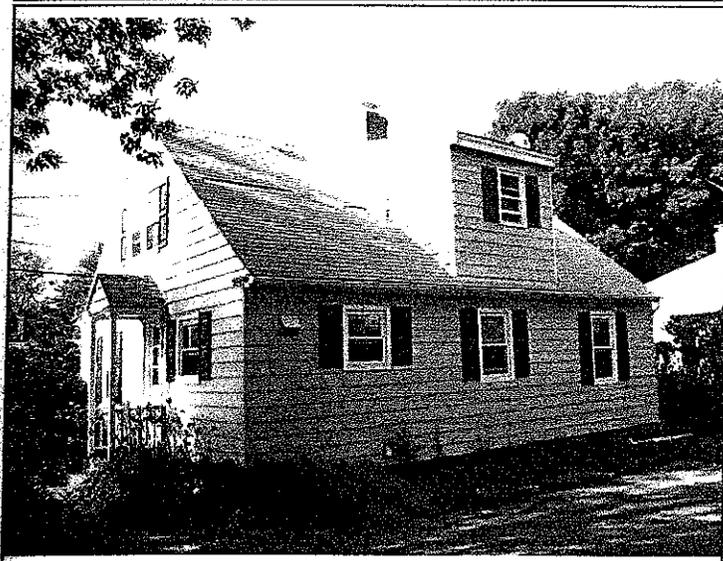
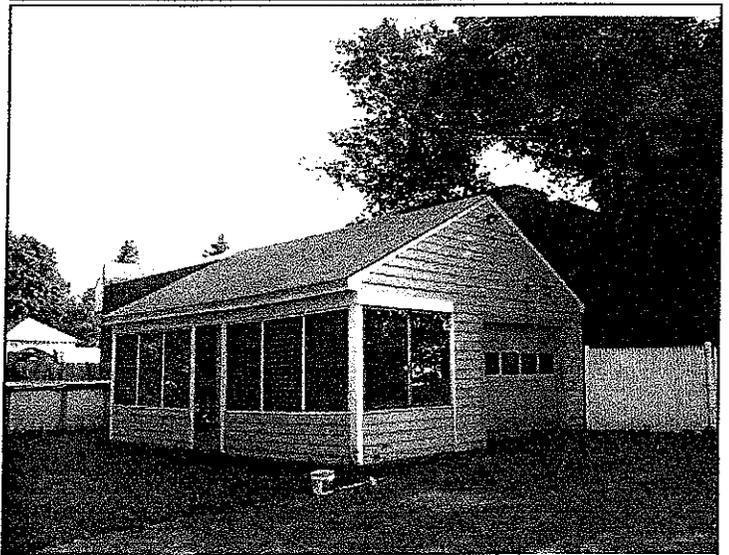
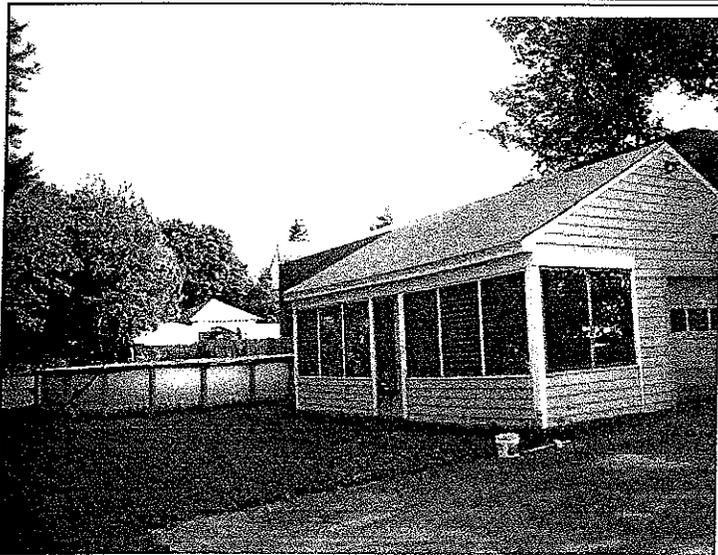
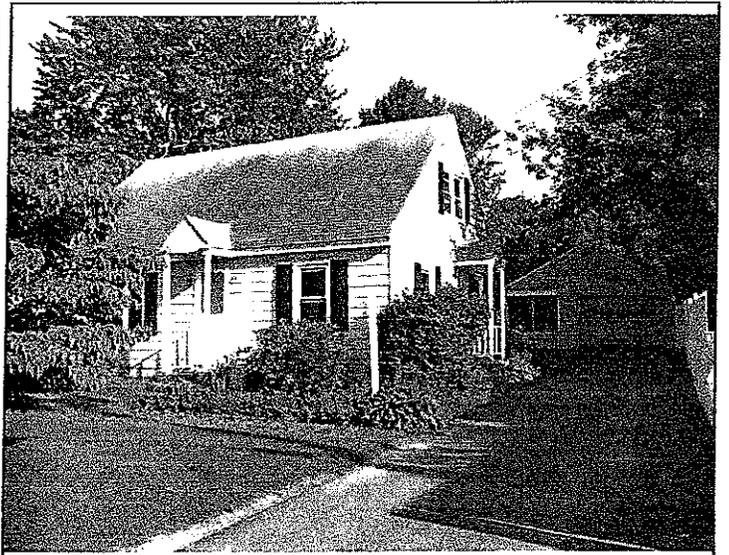
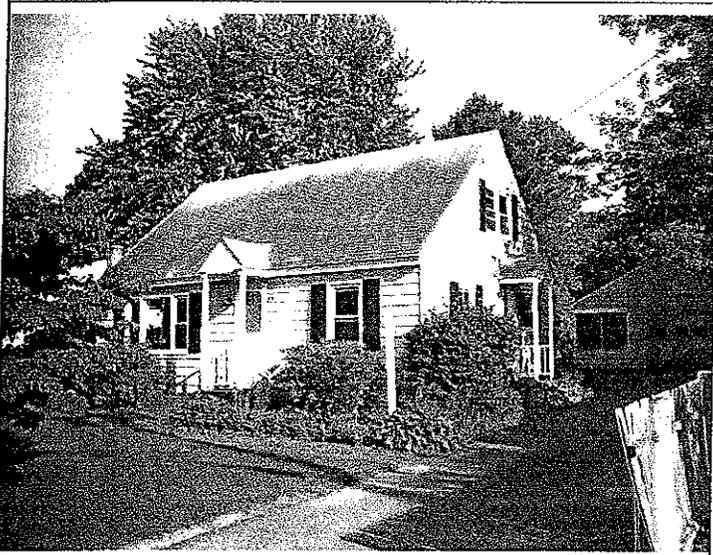
Sale Date:

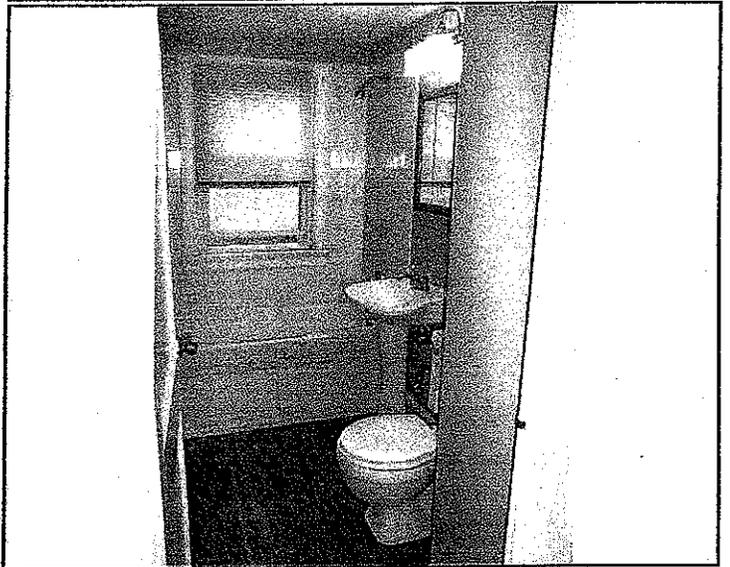
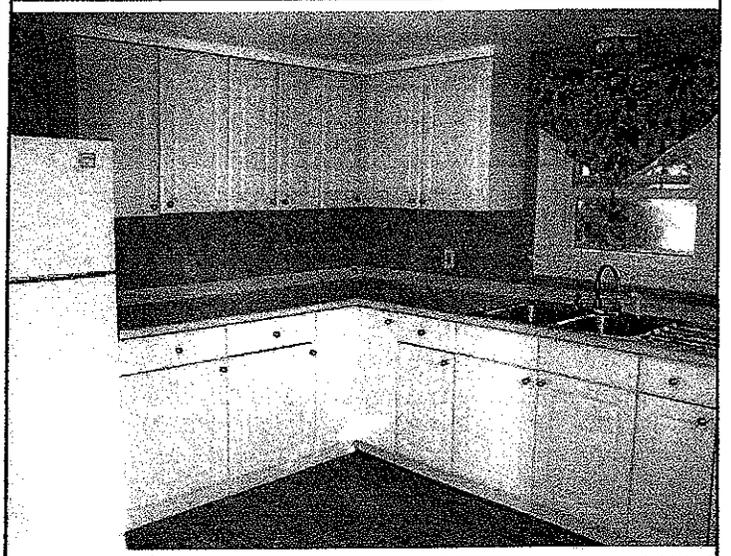
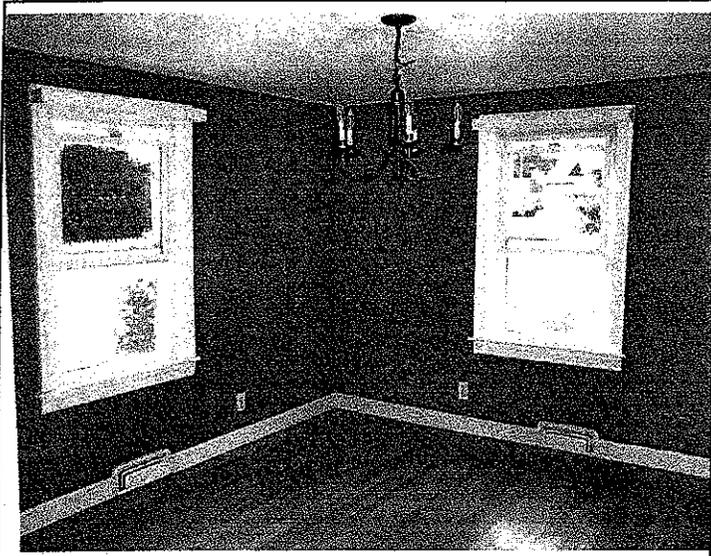
Listing Market Time: MLS# has been on for **123** day(s)

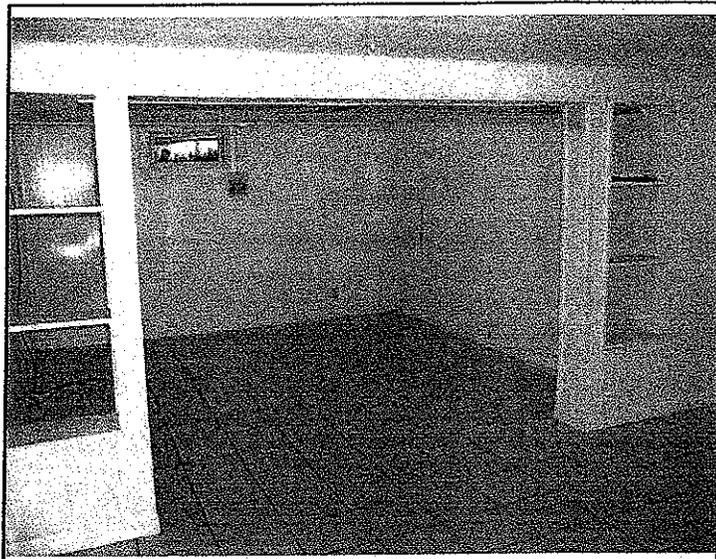
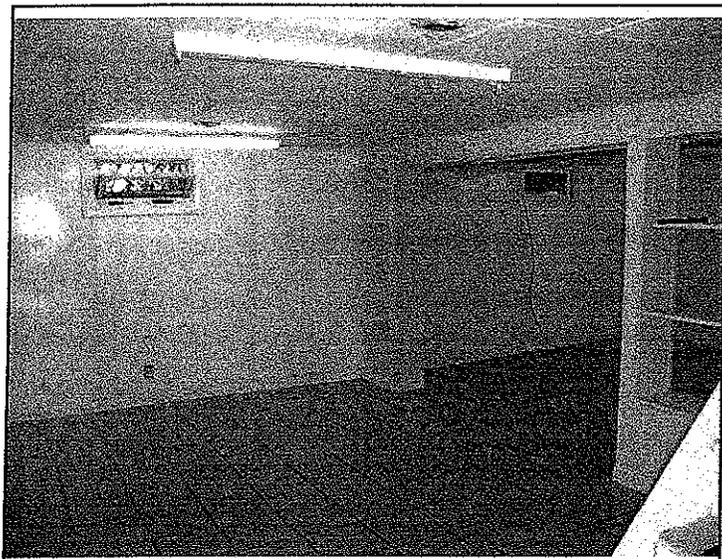
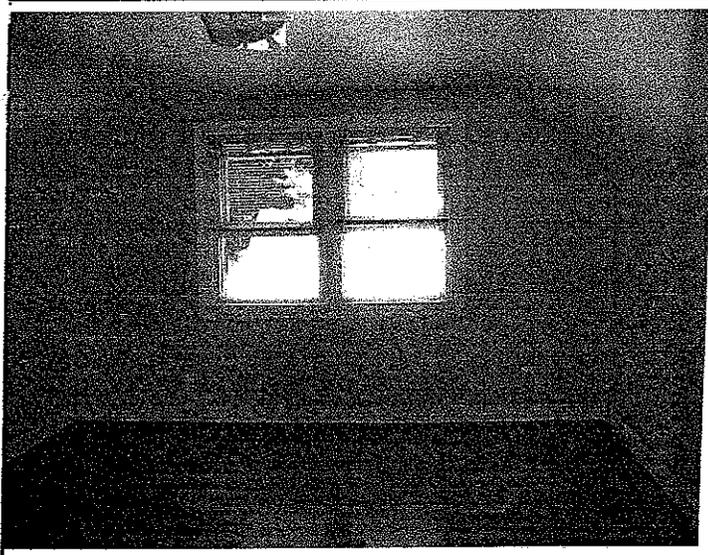
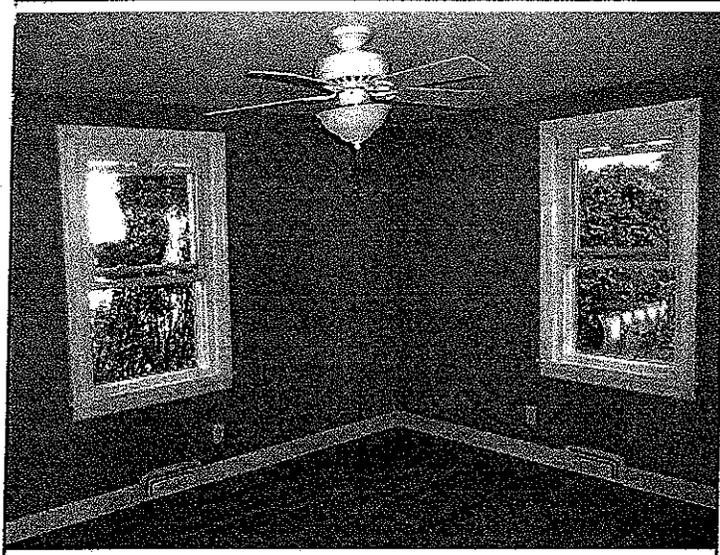
Office Market Time: Office has listed this property for **123** day(s)

Cash Paid for Upgrades:

Seller Concessions at Closing:







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Linda Marble Gurney, CRB, EXIT New Options RE, 978-345-3948 x 103

Post Foreclosure listing 1/9/2009

Cancelled 3/6/2009
UNSOLD



MLS # 70862338 - Canceled
Single Family - Detached

236 North St
Leominster, MA 01453-6819
Worcester County

List Price: \$149,900

Style: Cape
Color: white
Grade School:
Middle School:
High School:
Handicap Access/Features:
Directions: easy to show Lock box

Total Rooms: 7
Bedrooms: 3
Bathrooms: 2f 0h
Master Bath:
Fireplaces: 0

Remarks

NOT A SHORT SALE!!!! Leominster cape convenient to everything. Partially finished basement. Detached garage. Property is being sold "as is". Buyer is responsible to verify all information since it was obtained from 3rd party sources. Any betterments shall be at the buyer's expense. Special forms and prequal required with all offers.

Property Information

Approx. Living Area: 1082 sq. ft. Approx. Acres: 0.38 (16505 sq. ft.) Garage Spaces: 1 Detached
Living Area Includes: Heat Zones: Forced Air, Gas Parking Spaces: 3 Off-Street
Living Area Source: Public Record Cool Zones: None Approx. Street Frontage:
Living Area Disclosures:
Disclosures: Property sold "as is". Special forms and prequal required.

Room Levels, Dimensions and Features

Room	Level	Size	Features
------	-------	------	----------

Features

Area Amenities: Public Transportation, Shopping, Park, Walk/Jog Trails, Medical Facility, Laundromat
Basement: Yes Partially Finished
Beach: No
Construction: Frame
Exterior: Aluminum
Foundation Size: unknown
Foundation Description: Other (See Remarks)
Lot Description: Paved Drive
Road Type: Paved, Publicly Maint.
Roof Material: Asphalt/Fiberglass Shingles
Sewer Utilities: City/Town Sewer
Terms: Contract for Deed
Water Utilities: City/Town Water
Waterfront: No

Other Property Info

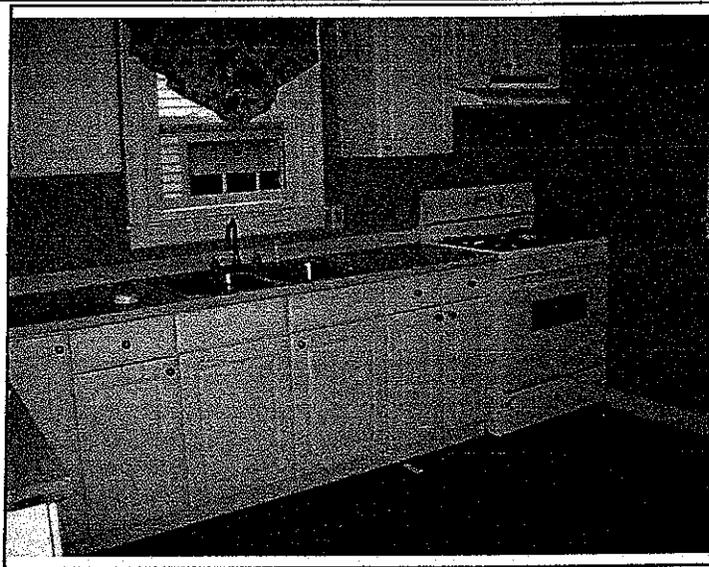
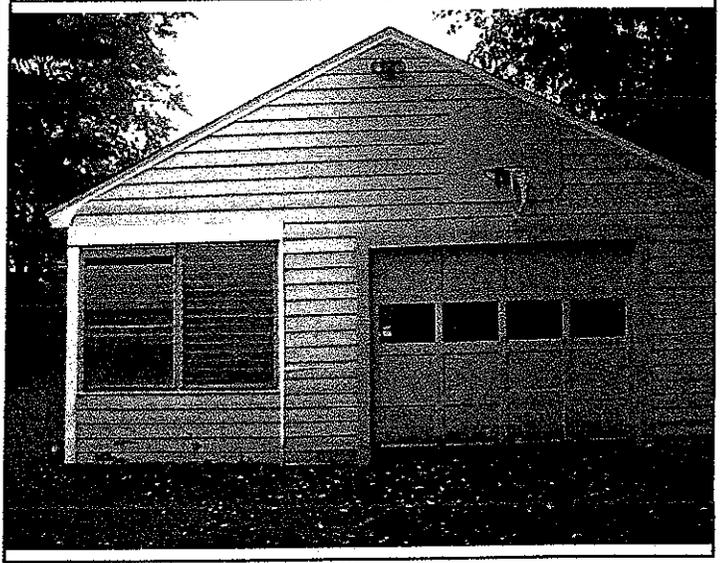
Adult Community: No
Disclosure Declaration: No
Exclusions:
Home Own Assn: No
Lead Paint: Unknown
UFFI: Unknown Warranty Features: No
Year Built: 1951 Source: Public Record
Year Built Description: Approximate
Year Round: No
Short Sale
w/Lndr.App.Req: Unknown
Lender Owned: Undisclosed

Tax Information

Pin #: M:0297 B:0016 L:0000
Assessed: \$211,000
Tax: \$2374 Tax Year: 2008
Book: 6756 Page: 369
Cert: 11662
Zoning Code: unknown
Map: Block: Lot:

Market Information

Listing Date: 1/9/2009 Listing Market Time: MLS# has been on for 56 day(s)
Days on Market: Property has been on the market for a total of 56 day(s) Office Market Time: Office has listed this property for 56 day(s)
Expiration Date: Cash Paid for Upgrades:
Original Price: \$184,900 Seller Concessions at Closing:
Off Market Date: 3/6/2009
Sale Date:



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Linda Marble Gurney, CRB, EXIT New Options RE, 978-345-3948 x 103

October 19, 2014

RECEIVED
OCT 21 2014

Dear Zoning Board,

I have a few NEW points for the public record regarding 790 Mass Ave for your consideration:

1. In Mr. Bowen's summation of his thought process at the end of the last meeting, he dismissed the FHA requirement rather handily and I think in doing so missed the essence of the issue. If a potential buyer is qualified for an FHA loan and the property fails to meet the property requirements, they can't just simply go to another bank. Sometimes they are *only* qualified for an FHA loan. Going to another bank may mean a higher interest rate or other "*material adverse affects*". Often an FHA loan allows for a smaller down payment. Therefore, the buyer pool for an undesirable house abutting a gas station is shrunk even more, making a difficult sale even more difficult.
2. I appreciate Mr. Bowen's sympathy for the police officer across the street from the site, but please keep in mind that the reduced station hours and any partially mediated sound and light issues will not change the fact that she will still live across from a gas station. Regardless of the physical negatives, her property values are forever materially diminished -- same as the other nearby abutters. Even the condominiums values are at risk in a smaller way. Before I chose Stone Farm Estates, I considered Blue Heron Condominiums in Lancaster. One of the major negatives for me was the street that it was off of. It was a little rough around the edges and not appealing. Those condominiums' values are somewhat reduced by my decision just due to basic supply and demand. Eventually, less buyers equal lower prices.
3. Regarding the traffic study report, they mention "vehicles", but my observations in other similar gas stations showed that trucks are a significant percentage of the customer base. Does their study address that? Trucks exacerbate the noise and traffic issues quite a lot. Additionally, they stated that their study goes until 2021. Did we hear the current values or the future values? In either case, why are we only looking out 6 years? That is a very short-sighted view. I would hope that town planners are a little more far-sighted than that in looking out for the public good. Did their traffic study take into account the aging population at the condominiums?
4. Regarding the traffic study's conclusion of 1 to 3 cars per minute exiting and entering at peak commuter times, I strongly disagree with those estimates. My previous monitoring of a comparable site did not use peak commuter times in an effort to be conservative. But because *they* used peak times, I have since conducted additional traffic monitoring at peak times at the Mobil station on Leominster-Shirley Rd. At peak commuter times, I observed an average of 5.2 cars per minute. Because Route 2A is a more travelled road and the Mass Ave site has more uses, I conclude that 6-7 cars per minute is a realistic estimate at peak. This is easy for you to observe and corroborate and does not come out of a traffic handbook. Just go to the station at 5:30pm and watch -- it is like Grand Central Station: Good for business for Mr. Archer, but horrible for our neighborhood's safety.

5. The site plan states that 13.8% of the area is wetlands compared to the required 10% maximum. There is a notation of *existing non-conforming*, but because it is a different building in a different spot on the lot, it doesn't make sense why the 13.8% would now be acceptable. Please explain this.
6. Could the applicant state if there are any plans to recycle the historic barn in an environmentally sensitive manner?
7. The site plan (Rev 3) does not include the mentioned sandwich shop nor the ATM as proposed uses. Should they be included? Are there any other uses the applicant plans on adding that are not listed on the site plan? In the past, the applicant applied for a Beer & Wine license in Littleton. Is that request coming soon here too? Pretty soon, this will be a full-fledged shopping center. The more uses are added, the greater the traffic issues. Should the traffic study include all the mentioned uses?

In conclusion, I am greatly troubled in the direction this Application and Public Hearing is going. The overwhelming public opposition to the project is clear, yet the facts and arguments presented do not appear to be any part of the decision process. Of course, we haven't heard all members opinions yet and the vote is not in, but most of what I've seen indicates that the public is not being heard. The opposition arguments -- and a little common sense -- clearly substantiate Section 8.3.3.2, yet it does not seem to be enough. The applicable section states "the board...shall assure...". However, a vote to approve will contradict that obligation. It does not say it is optional or a matter of personal preference. No doubt, some of the uses are attractive to many. But the gas station puts it over the top. As a newcomer to Lunenburg, I am saddened that the village atmosphere is at risk. Please seriously consider your obligations to protect the safety and interests of the townspeople.

Regards,



Wendy Blatt
44 Riley Rd.
Lunenburg, MA

39 Riley Road
Lunenburg, MA 01462
October 21, 2014

Mr. Donald Bowen
Zoning Board of Adjustment
Town Hall
Lunenburg, MA 01462

Re: Proposed gas station on MA Avenue

Dear Mr. Bowen,

In a letter I wrote you in September, I mentioned that residents of Stone Farm Estates can hear the numbers called by Conrad's Restaurant. After my letter was read into the record at your October meeting, an acquaintance told me she can hear that, also, and she lives on West Street. Amazing that such a small sound can travel that distance!

I mentioned Conrad's call system, not to complain, because it is fairly innocuous. I wanted to make the point at how far sounds travel in a quiet neighborhood. I was pleased to hear you say at the October meeting that you were concerned about the gas station lights and sounds impact upon the lady who lives directly across the street from the property. I hope your concern extends to the hundreds of neighbors who live in the area bounded by MA Avenue, Sunnyhill Road, and West Street.

Sincerely,

Carol McShane
Carol McShane

OCT 21 2014
BY:.....

Oct. 23, 2014

RECEIVED
OCT 27 2014

Town Of Lunenburg Zoning Board of Appeals

Re: Continuation of hearing for Special Permit at 790 Mass Avenue for the construction and use of the site for a gasoline station and convenience store with a drive thru window and larger sign.

I would again like to express my opposition for the above request for a Special Permit. I still feel that traffic will be an issue for residents exiting Riley Road. Residents exiting Riley Road and turning right will immediately encounter traffic entering and exiting the proposed site at two curb cuts. Exiting left is already an issue because of the ~~cutb~~ ^{CURVE} in the road and the speed of oncoming cars.

The other issue concerns the residents on the North side of Mass Avenue directly across from the proposed gas station. These residents will have no relief from the lights and noise of the business. These residents will see the lights from the site along with vehicle headlights entering and exiting the site. The applicant has stated that the hours of operation would be 5 AM – 11 PM. Would this mean that there would be no illumination of the site when the business is closed? Or does the site remain illuminated all night long. These residents will also be subjected to the noise from car doors. They will also hear the ordering process from the drive up window.

I would urge the Zoning Board to consider these issues and the inappropriate use at this location as it is not in keeping with the character of the neighborhood. If the Board feels they want to grant this Special Permit, I would urge the Board to **NOT GRANT** the request for a drive thru window.

Thank you for your thoughtful consideration.

Louise Boyle

29 Riley Road

Lunenburg, MA 01462

October 19, 2014

RECEIVED
OCT 27 2014

Lunenburg Zoning Board of Appeals
Ritter Memorial Building
960 Massachusetts Ave.
Lunenburg MA 01462

BT:.....

Dear Board Members,

We have lived at 818 Massachusetts Ave for almost 10 years and abut the property at 790 Massachusetts Ave currently being petitioned for a Special Permit for a Gasoline Service Station & Convenience Store w/drive thru window for coffee.

We have been to the two meetings held and agree with all of the concerns that have been brought up and will not rehash them in this letter. We would like to bring up a few items that have not been brought up.

First, the Fire/Police Station is not too far from the site. Have you thought about a 9 second wait with traffic on both sides and a fire truck or police car comes around the corner and there is nowhere for them to go. A 9 second wait for them to get by could be life or death for someone. After living on this road for almost 10 years we can attest to the fact that they go by often enough to warrant concern.

Second, we are relieved that operating hours of 24/7 is now off the table but still feel that 11:00pm is late for closing. The majority of Gas Station or Convenience stores in the vicinity are closed by 10:00pm.

Third, there was talk of the lighting not being disruptive to neighbors. Where we would have to deal with the lighting while the facility is open, our concerns are whether the sign and most of the lighting around the building will stay on upon closing.

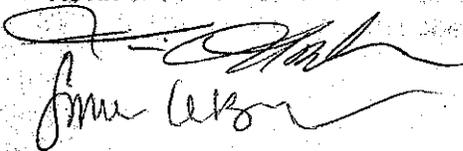
We urge you to consider whether you have protected us as residents of Lunenburg as detailed in the town By-Laws Section 8.3.3.2 below:

In granting any Special Permit, the Board of Appeals shall assure 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, if an open use.
- 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.

Thank you all for your time to be members of this Board. We all have families, jobs and such and this takes you away from them. We appreciate your time.

Respectfully,
Kevin & Sonia LeBlanc



Sharon Donahue

35 Riley Road Lunenburg, MA 01462 USA

October 27, 2014

Donald F. Bowen, Chairman
Zoning Board of Appeals
Ritter Memorial Building
960 Massachusetts Avenue
Lunenburg, MA 01462

Dear Chairman Bowen;

Re: Gary Archer Proposal

Having attended the last two meetings of the Lunenburg Zoning Board of Appeals and carefully reviewing the Traffic Impact and Access Study (TECH) prepared by GPI concerning the proposed Mobil station at 790 Mass Avenue, I still have serious concerns about safety for drivers, cyclists and pedestrians.

The TECH study states that the proposed development will result in increases in traffic on the study area roadways especially during peak hours, which are listed at 7:00 to 8:00 am and 4:00 to 5:00 pm. Let's compare this to the existing traffic. The Bonjour School at 742 Mass Avenue has 50 children. The drop-off times are exacting the same 7:00 to 8:00 am and the pick-up times are 4:00 to 5:30pm. The Director of The Bonjour School, Linda Smith, tells me her parents already have an issue with traffic safety. The St. Boniface Early Education School at 817 Mass Avenue services 30 families that will also have to deal with the increase in traffic caused by the proposed gas station across the street. According to the Lunenburg Bus Route Schedule for 2014-2014 public school buses are picking up and stopping for students along Mass Avenue between 7:00 and 8:00 am.

Once development is complete Stone Farm Estate will have 58 units with at least 80 cars that exit and enter Riley Road on a daily basis. Many of our residents still commute to work especially at the peak morning times. According to the TECH study the proposed development is expected to generate 98 new trips during the weekday AM peak hour and 93 new trips during weekday PM peak hour. Residents and visitors at Stone Farm will **definitely** be impacted by this increased traffic.

Consider for a moment the statistics concerning the difference between a multi-use development with and without a drive through. On Saturdays without a drive through the TECH study estimates a total of 452 trips. With a drive-through the numbers jump to 774 – more than 300 cars coming and going onto Mass Avenue. People attending the 4:00 pm Mass at St Boniface Parish will be forced to deal with this additional traffic.

It's interesting that the TECH study predicts 0 conflict with pedestrians. Yes, there is a pedestrian walkway across Mass Avenue, however, there are no sidewalks traveling east and the Archer's plans do not consider the dangers presented for both pedestrians and cyclists trying to pass in front of the proposed busy gas station. In contrast the Mobil gas station in Ayer that Mr. Archer owns has an existing sidewalk making it possible for pedestrians to cross in front of the station safely.

For these three reasons as well as many other objections, I strongly urge the Zoning Board to vote "No" on this proposal.

Thank you for reading this letter at the November 12th meeting for all participants to consider.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sharon Donahue', written over a horizontal line.

Sharon Donahue

Dear Mr. Bowen and members of the Board of Appeals,

RECEIVED
NOV 4 2014

BY: _____

I am the owner of 779 Massachusetts Avenue which is the property directly across the street from the gas station project that has been proposed by Mr. Archer at 790 Massachusetts Avenue. I would just like to stress my strong objection to this project one last time before next weeks meeting in the hopes that you and your colleagues minds are still trying to make a decision on whether or not to approve it.

I understand that you must follow the laws and local regulations but in my opinion Mr. Archer's team has not shown that that this project will not seriously affect the current local residents surrounding the property in question. The following are some reasons why I don't believe he has met the criteria required for this project.

1. The adverse affect this project would have on my property value and it's potential desirability for sale would be severely harmful to me. I have done some research online with similar situations and have seen that an abutting gas station's negative impact on residential property values can range from 10-30%. I make a modest wage at the factory I work at and with the current value of my property even a loss of 10% is equivalent to half a year's salary to me. On the high end it's approximately 1.5 years salary. This home is basically my retirement plan as I don't make enough to fund a nice retirement plan and afford day to day living expenses. I know this is no one's business but my own but I want you to understand where I'm coming from when I object to this project. It may seem like small potatoes to some but to me it is very important. As far as desirability goes, if this project goes through, do you know anyone who'd be interested in purchasing a nice little ranch with a lovely gas station view?
2. Yes the traffic study has been done and according to his person who conducted it, it meets the bare minimum criteria to be considered safe. As anyone who lives on this stretch of road knows, common sense would completely contradict that statement. For example, when I am stopped on the eastbound side of the road waiting to make a left turn into my driveway I have vehicles flying by me on the right hand side of my car almost on the curb of the road doing at least 40mph. According to where the proposed entrance will be (almost directly across from my driveway) how is this not an unsafe situation? Who will there be to blame when the accidents start happening and what will be done to fix the problem? Will we then be putting in traffic lights in front of my house so I can safely enter and exit my property? This just seems like a project that will get worse and worse for the abutting property owners.
3. The lighting and noise issues that have been raised in the meetings, mostly from my neighbors in the condo community, have not been addressed to those of us who live on Mass Ave. Fencing and landscaping have been discussed between the proposed station and Riley Road but what would be done for those of us across the street and just to the east of 790 Mass Ave? We are far closer to where the concentration of both the lighting and noise would be coming from. I at 779 and my neighbor at 785 will both be having their customers headlights pointing through our living room windows while their customers are getting gas. Then there are the canopy lights that will surely be plenty bright enough to light up our yards a mere 50 feet across the street from them. There will be nothing to deaden the sounds of the radios from the younger people's cars that will be filling up with their windows down in the warmer months who always have them cranked up. And what of the sound of the delivery vehicles with their pumps and air brakes?
4. When the condos went in and the trees were cleared out to make room for them it created a massive wind tunnel that currently funnels through my property. My neighbors in the condos probably won't notice it, but without question the hazardous fumes from the cars filling up and especially from the delivery vehicles is going to be sent straight through the properties at 779 and 785 Mass Ave. Another issue with this tunnel effect is the trash that will be collecting in our yards that will be blowing across the street that people always seem to drop on the ground at businesses like this. Cigarette wrappers and boxes, napkins and brown bags from the donut shop, losing lottery tickets and scratch tickets, etc....

Like I had said in the beginning, I understand you all must follow the laws and regulations. I also believe it is your duty as Board of Appeals members to protect the local residents from these very issues is it not? I strongly urge you all to truly consider the impact a business like this will have on the lives of current local residents and their ability to enjoy them in this beautiful little town we call home.

Best Regards,

A handwritten signature in black ink, appearing to read "Euclide J. Joyal III". The signature is written in a cursive style with a horizontal line at the end.

Euclide J. Joyal III
779 Massachusetts Avenue

Donald G. Gurney
37 Riley Road
Lunenburg, Massachusetts 01462-1358

NOV 5 2014
BY.....

October 31, 2014

Zoning Board of Appeals
Town of Lunenburg
Ritter Memorial Building
970 Massachusetts Avenue
Lunenburg, Massachusetts 01462

Dear Chairman and Members of
the Zoning Board of Appeals,

Application of Gary Archer for Special Permit

I am enclosing for inclusion in the minutes of the meeting and public hearing of the Zoning Board of Appeals of the Town of Lunenburg held at Town Hall on Wednesday, October 8, 2014, a copy of the remarks I made at the meeting and public hearing.

In my opinion the application of Mr. Archer for a Special Permit relating to 790 Massachusetts Avenue, Lunenburg, Massachusetts is incomplete and accordingly is not properly before the Zoning Board of Appeals for consideration at this time because the requirements of Section 8.3.3.2.b) of the Protective Bylaw of the Town of Lunenburg have not been met. That provision states that "In granting any Special Permit, the Board of Appeals shall assure that the proposed use:... 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."

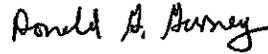
In his application, Mr. Archer has stated that "B. A well run convenience store and gas station will positively affect the neighboring area with a look and fit that will complement the community. The applicant intends to have a drive through for a Coffee shop as well as a sandwich offering. The applicant does not wish to restrict his hours of operation and would like to point out that the proposed site is isolated from the surrounding neighbors by non-buildable/land and/or roadways on all sides. Therefore, any potential negative affect of noise and sight are diminished over the area and the potential for vegetative buffer trees exists."

This language in Mr. Archer's application, while it may purport to satisfy the requirements of Section 8.3.3.2.b) of the Protective Bylaw, is not supported by any independent evidence and as it stands is a mere *ipse dixit* (i.e., an assertion without proof). In my opinion, the Board of Zoning Appeals would be well advised to require Mr. Archer, in order to complete his application, to submit to the Zoning Board of Appeals an appraisal prepared by a licensed M.A.I. appraiser with expertise in the

Lunenburg, Fitchburg and Leominster area and stating that the use of 790 Massachusetts Avenue proposed by Mr. Archer "will not have a material adverse effect on the value of land and buildings in the neighborhood".

Thank you for your attention to the foregoing.

Very truly yours,



Donald G. Gurney

REMARKS OF DONALD G. GURNEY AT PUBLIC HEARING OF LUNENBURG ZONING BOARD OF APPEALS – OCTOBER 8, 2014 AT 7:00 P.M.

Mr. Chairman and Members of the Zoning Board of Appeals.

My name is Donald Gurney. I live at 37 Riley Road in the Town of Lunenburg.

I appreciate having had the opportunity to speak at the public hearing held on September 10, 2014 and to submit a written copy of my earlier remarks to the Board for inclusion in the minutes of that public hearing.

First, I would like to comment on the characterization of the Stone Farm Estates as a “retirement community”. I would like to point out that Stone Farm Estates is more accurately described as a “55 and over community” rather than as a “retirement community”. At present sixteen of the forty-seven (or more than one-third) of the condominiums at Stone Farm are occupied by one or more residents who are not retired but rather are working full time, myself and my wife Linda being included among those in the workforce and not retired.

Second, I would like to respond to one of the questions raised at the September 10, 2014 public hearing, to wit, whether the residents of Stone Farm were advised of the possible commercial use of the former Riley Package store site at the time they purchased their condominiums. In response to that question, my wife Linda and I purchased our condominium at Stone Farm in 2008 from JCJ LLC, the original developer of Stone Farm Estates. We were not advised of the possible commercial use of the former Riley Package store site at the time we made our purchase. However, had we been so advised, I think we would have contemplated that the commercial use would have been another package store or similar retail business allowed in a commercial zone without a special permit from the Zoning Board of Appeals, rather than a 24/7 gasoline station with ten gasoline pumps, a convenience store with a drive-through window and a carwash, which are clearly inappropriate for our residential neighborhood.

Third, in the interest of saving time, I would ask you to take into account in your deliberations the considerations more fully addressed in the Memorandum in Opposition submitted to you by FletcherTilton PC, on behalf of Stone Farm, LLC and Stone Farm Estates Condominium Trust, and in the correspondence submitted to you by Elaine Mroz of 64 Chestnut Street, by Carol and John McShane of 39 Riley Road, by my wife Linda Marble Gurney and by others.

In closing, once again I urge you to deny the Special Permit requested by Mr. Archer.

Thank you.

40 Riley Road
Lunenburg, Massachusetts 01462

November 7, 2014

*Received
in hand
11-12-14
6:55 pm*

Mr. Donald F. Bowen, Chairman
Lunenburg Zoning Board of Appeals
Ritter Memorial Building
960 Massachusetts Avenue
Lunenburg, MA 01462

Dear Mr. Bowen:

The purpose of this letter is to strongly oppose the Appeal for Special Permit pertaining to Mr. Gary Archer and the property located at 790 Massachusetts Avenue, Lunenburg, MA 01462. This project clearly does not meet the standards set forth in your By-Laws. It is not an appropriate location, it is not compatible with the existing neighborhood, and it will adversely affect the neighborhood.

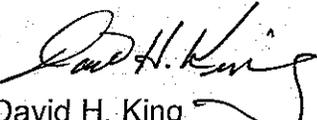
You have already received expert testimony regarding the issue of diminished property values of the abutting residential dwellers. In addition, we heard you make a passionate case regarding the lighting and how it would affect the neighbor across the street, and you stated specifically that you would not vote in favor of granting the appeal unless hours of operation were curtailed. So, hours were curtailed. In my mind, a larger issue than the lighting is the issue of diminished property values, and this issue cannot be remedied as easily as you remedied the issue of lighting and hours.

If this project is approved and built, it will change the neighborhood irrevocably. The neighbor across the street for whom you made the passionate plea regarding lighting will not, should she ever decide to sell her property, be able to recover her cost, and she may never be able to find a buyer.

One final point, although I recognize that this may not play into your deliberations, is that you already have one dead gas station in the center of Lunenburg. What will you do, should the occasion ever arise, with two of them.

Please do not grant this Special Permit.

Respectfully submitted,


David H. King
40 Riley Road

Fwd: FHA Requirement re Gas Station

bow

From : bowdon@comcast.net
Subject : Fwd: FHA Requirement re Gas Station
To : IISA NORMANDIN <Inormandin1@comcast.net>

Wed, Nov 05, 2014 02:36 PM

 1 attachment

From: "Larry Marshall" <larry@marshalls.us.com>
To: "bowdon" <BOWDON@comcast.net>
Sent: Wednesday, November 5, 2014 1:57:19 PM
Subject: FHA Requirement re Gas Station

Dear Mr. Bowen,

Attached is an excerpt from FHA's Homebuyer Disclosures – Frequently Asked Questions regarding the issue we discussed. Question 25 at the top of the page deals directly with this issue. It has been my experience that a lender might require a water test on a property within 300 feet of a gas station that has a well as the water supply, but that a property connected to a public water system would typically have no added requirements.

I hope this helps to clarify the matter.

Lawrence W. Marshall
Certified General Real Estate Appraiser ~ Massachusetts 1909; New Hampshire NHCG-789
P.O. Box 122; Lunenburg, MA 01462
(978) 343-500 ~ Larry@Marshalls.us.com

 HUD Homebuyer Disclosure - Excerpt re Gas Station Proximity.pdf
22 KB

Homebuyer Protection Plan - Frequently Asked Questions

25. Please address the eligibility of properties located within 300 feet of a gas station.
This would not necessarily render the property unacceptable. The DE Underwriter is required to provide a written disclosure to the borrower that the property is located within 300 feet of a gas station.

26. Please clarify VC6 Private Road - "show evidence access is protected by a permanent recorded easement". Will the ALTA policy suffice?
The title search should reveal recorded easements. However, it is the DE Underwriter's responsibility to determine if the title policy shows sufficient evidence of a permanent recorded easement.

27. Is there a requirement for smoke detectors?
Although FHA strongly recommends them, smoke detectors are not a nationwide HUD requirement at this time. The 203(k) rehabilitation program requires that smoke detectors be installed adjacent to sleeping areas.

28. Page 2-1-C of the Handbook states that, if a dwelling is less than 2 years old, the appraiser must indicate the year and month the home was completed. Please define the term "completed" and explain why this information is necessary.
The purpose of this provision is for the application of the Cost Approach. The Handbook requirement will be reduced from two years to "less than one (1) year old." "Complete" is defined as 100 percent complete and nothing needs to be done.

29. Many properties will be ineligible for FHA financing under the guideline for overhead high-voltage transmission lines because they are located within the fall distance of a radio or TV cable tower or satellite dish. Is there anything the lender can do to render these properties eligible for insurance?
The DE Underwriter may obtain a certification from the appropriate utility company or local regulatory agency that the property conforms to local standards and is safe.

30. Page 2-10 of the Handbook states that low voltage power lines may not pass over any structure on the property. Please define the term "structure."
"Structure" is limited to the primary living unit. Should the appraiser indicate that the lines pass the structures, the lender can mitigate the adverse condition. If this situation arises, the power lines can be removed or repositioned if there is a safety issue.

31. Are appraisers competent to assess whether offensive noises and odors threaten the health and safety of the occupants of a property?
Section 2-2K will be modified to reflect that the appraiser should review any nuisance and take it into consideration in the market analysis, making adjustments if appropriate. The appraiser should document the appraisal report, as necessary.

32. Regarding Section 3-1 of the Handbook, are black and white photographs acceptable?
Yes, black and white laser printed copies of photographs as well as photographs produced by digitized cameras which are of adequate size and clarity are acceptable.

33. If the appraiser is unable to take the required photographs to show the front, rear and sides of the property because of shrubbery, topography, etc., what should he do?
The appraiser should make every attempt to take the required photographs. If not possible, the appraiser should so state on the appraisal report.

34. Please explain Section 3-3B, Basement Bedrooms/Basement Apartments.
The information reflected in this section has been provided to assist the appraiser in determining whether or not the lower level of a dwelling should be considered as "above grade" or "below grade." If the lower level does not substantially meet the standards set forth in this paragraph, the lower level is considered below grade and cannot be counted as habitable space. However, it may be considered

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The Guaranty Building
370 Main Street, 12th Floor
Worcester, MA 01608-1779
TEL 508.459.8000
FAX 508.459.8300

The Meadows
161 Worcester Road, Suite 501
Framingham, MA 01701-5315
TEL 508.532.3500
FAX 508.532.3100

Cape Cod
171 Main Street
Hyannis, MA 02601
TEL 508.815.2500
FAX 508.459.8300

FletcherTilton.com

November 12, 2014

VIA EMAIL AND HAND DELIVERY

Donald F. Bowen, Chairman
Lunenburg Zoning Board of Appeals
Ritter Memorial Building
960 Massachusetts Avenue
Lunenburg, MA 01462

RE: G.W. Archer, Inc.
Application for a Special Permit Application for Proposed
Retail Fuel Facility
790 Massachusetts Avenue
Lunenburg, MA 01462 (the "Site")

Dear Mr. Bowen and Members of the Board:

On October 8, 2014, the Zoning Board of Appeals (the "Board") approved a motion to continue the public hearing regarding the proposal of G.W. Archer, Inc. and Gary Archer (collectively, the "Applicant") for the construction of a gasoline service station, convenience store, and drive-through until November 12, 2014. In addition to requesting modifications to the size of the proposed freestanding sign, and modifications to the hours of operation, the Board requested that the Applicant address the adverse impact on the neighborhood, potential light spill, and negative sound impacts prior to the November 12th meeting.

On November 4, 2014, the Applicant submitted a revised Site Plan. While such submissions attempt to address the Board's and our clients' concerns for the proposed development, the Applicant continues to fail to address the volume of sound to be generated from the proposed development, as well as the adverse impact on the neighborhood.

In our letter to the Board dated October 2, 2014, we requested that the Board cause the Traffic Impact and Access Study prepared by Greenman-Pedersen,

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Please direct all correspondence to our Worcester office.

(iii) the granting of the special permit will not adversely affect the neighborhood;

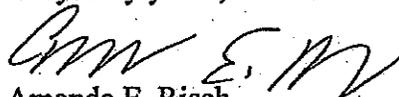
(iv) the granting of the special permit will not unreasonably diminish the available light, air, sunlight, and other amenities; and

(v) there will be no nuisance or serious hazard to vehicles or pedestrians." See Section 8.3.2.1(b)(4) of the Bylaw.

The Applicant has not demonstrated that the proposed development meets the aforementioned criteria. The Applicant asserts that it will comply with whatever restrictions the Board places on the proposed development; however, the proposed development does not satisfy the conditions required for the granting of a special permit at the outset. It is not a development that can meet the criteria for a special permit through conditions. Simply put, the proposed development does not represent a proper reuse of the Site and the special permits requested cannot be granted without substantial determinant to the public good.

We look forward to the opportunity to discuss this matter in more detail at the continuation of the public hearing currently scheduled for November 12, 2014.

Very truly yours,


Amanda E. Risch

Enclosures

Direct Telephone: (508) 459-8209

Direct Facsimile: (508) 459-8409

Email: arisch@fletchertilton.com

