



## ZONING BOARD OF APPEALS MINUTES

June 10, 2015

The Lunenburg Zoning Board of Appeals held a public hearing on Wednesday, June 10, 2015 at 7:00 PM. The hearing was held at the Lunenburg Town Hall, 2nd Floor Conference Room, 17 Main Street, Lunenburg, MA.

The petitioner Hannaford Supermarket was seeking a Special Permit for the outdoor display of seasonal products. The property is located at **333 Massachusetts Avenue, Lunenburg, MA 01462 and owned by Centro GA Lunenburg Crossing, LLC, P.O. Box 4900, Dept. 124, Scottsdale, AZ 85261-4900.**

Board Members present: Raymond Beal, Chairman, Donald F. Bowen, Alfred Gravelle, James Besarkarski and Paul Doherty.

Others present- Marc Bonneau, Lunenburg store manager and two members of the public.

### DISCUSSION

Chairman Beal opened the meeting and Lisa Normandin; Administrative Assistant read the petition into the public record. The Board of Health issued a memo explaining that they had no issues with the request.

Hannaford manager, Mr. Bonneau indicated that the areas that they wanted to utilize for the outdoor display would be located to the right side of the store 35x9 and to the left entrance to the store which is a 10x9 area.

The area to the right is currently used to store the shopping carriages, if an outdoor display was featured; Mr. Bonneau said that the carriages would be stored indoors. The reason for the outdoor display area explained Mr. Bonneau was to stay competitive with other supermarkets such as Market Basket and Shaw's. Mr. Bonneau contends that they are not trying to be a garden center, but to add convenience for elderly people and people riding the MART bus or perhaps a consumer wishing to buy a hanging plant or fresh seasonal produce. Donald Bowen asked what time of year or how many months Hannaford is requesting the outdoor display. Mr. Bonneau would like to have a spring display in May to late June and in the fall months for approximately six weeks and wreaths in the Christmas season, approximately six months of the year. He further explained that there would not be any cash register or employee located in this outdoor display area. Alfred Gravelle asked what the store policy was with regard to keeping an open area near the entrance and exits of the store. Mr. Bonneau indicated that their policy is to keep everything at least ten feet away from the exit doors.

Richard Bursch, 250 Electric Avenue, Lunenburg indicated that he reviewed the development plan review findings, directives and conditions that was issued in 1993. He explained that the intent of the Planning and Zoning Boards at the time was that all display of products would take place indoors and there was no plan or consideration given for outdoor display. Mr. Bursch provided photographs that showed products in front of the Hannaford Supermarket that bordered the fire lane which was clearly a zoning violation and contends that customers would have to actually stand in the fire lane in order to browse and select the products. The next photo Mr. Bursch submitted showed pallets of merchandise to the left side of the Wal-Mart store located in the travel lane which is a violation of the special permit and does not think it should be allowed from a safety perspective. Mr. Bursch contends that it adds to shoplifting and criminal activities and did not think it was the intent of the design of the plaza to have products stored out of doors.

Michelle Harvey, 250 Electric Avenue also felt that the merchandise in the fire lane is a dangerous situation and given the size of the businesses there would be enough room indoors for the products to be kept inside.

Alfred Gravelle asked the store manager why the display area noted in the photograph was near the fire lane in front of the store. Mr. Bonneau told the Board that when the product was delivered, the produce manager approved that area and the products should not have been placed there, he indicated that the submitted plan showing the 35x9 area is area that he requesting on that side of the store.

Chairman Beal said he thought the store already had special permit status for the outdoor display. Mr. Beal also pointed out that the request would require a review before the Planning Board to discuss altering the original special permit, Mr. Bonneau said that he has been in contact with Planning Director Adam Burney on the matter and that if the Zoning Board approved the request then they would move forward to the Planning Board.

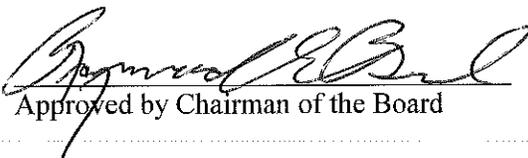
The Board members agreed that parameters must be placed on the area of display and to define the specific products. The Board also wanted to take care and consideration for safety and fire lanes accesses. Mr. Bonneau indicated that he is not dealing with the same consumer as a garden center would but only that the Hannaford Store wants to be competitive with like businesses,

Paul Doherty made a motion to grant the Special Permit and Alfred Gravelle seconded the motion.

All members present voted in favor of granting the Special Permit

Meeting was adjourned @ 7:50 p.m.

Minutes submitted by Lisa A. Normandin, Board Secretary

  
Approved by Chairman of the Board