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THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF LUNENBURG  
ZONING BOARD OF APPEALS

June 8, 2016

**Certificate of Granting Modification of a Special Permit**

Special Permit approval is granted to Richard & Arlene Breau, 37 Slack Brook Road, Leominster, MA 01453 under the Lunenburg Protective By-Law Section 4.6.3.1 c.) to construct and operate two street hockey rinks in the commercial zoning district. The property which is the subject of this case is located at **691 Chase Road, Lunenburg, MA 01462** and owned by **XQS Corporation, 51A Rocky Neck Avenue, Gloucester, MA 01930**.

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

Board Members present: Raymond Beal, Chairman, Alfred Gravelle, James Besarkarski, Paul Doherty and Hans Wentrup.

Special Permit modification has been granted to Richard & Arlene Breau, 37 Slack Brook Road, Leominster, MA 01453 affecting the rights of the owner with respect to land and buildings at **691 Chase Road, Lunenburg, MA 01462** and owned by **XQS Corporation, 51A Rocky Neck Avenue, Gloucester, MA 01930**, and recorded in Worcester Northern District Book 3627, Pages 313 on August 30, 2000 as described in plans submitted with the petition. Assessors Map 21 Parcel 3.

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**

Raymond E. Beal Chairman opened the public hearing and explained the meeting procedure to the audience. Lisa Normandin, Board secretary read the petition into the public record.

Mr. Breau explained to the Board that he had thirty years of experience playing street hockey including coaching, refereeing and has competed in tournaments all over the world. For the last five years he has worked in Winchendon and built two brand new street hockey rinks at their facility. That rink started out with eight teams and it grew to forty-five teams in five short years he said. Mr. Breau intends to build the rinks himself as he is a carpenter by trade.

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He explained his goals for the Lunenburg project and told the Board that would like to construct one new rink in the fall and get the various leagues started. He indicated that the age groups start at four years old and up including senior leagues, co-ed teams and women's teams, with 10-12 people per team. He said that it is similar to ice hockey without body contact. The games ordinarily start at approximately 6:00 P.M. during the week and each rink would accommodate two teams. Weekend hours would be approximately 9:00 A.M. to 5:00 P.M. Mr. Breau said that if all goes as planned, a new rink will be built in the spring and then in the fall of 2017 construct another rink. In addition they would host a weekend long tournament. He explained that the rinks would measure 160'x80' and would have two benches and a penalty box, the anticipated cost for building a rink similar to Leominster and Winchendon is \$150,000 to \$180,000.00 dollars. The surface of the rink is a textured nonslip plastic surface; the surface alone costs \$35,000 thirty-five thousand dollars. In addition the applicant plans to construct a small pro shop to sell various hockey equipment, drinks and snacks.

Alfred Gravelle asked Mr. Breau if he planned on renting or purchasing the property. Mr. Breau said he is in the process or purchasing the entire 4.76 acre property. This would be a family oriented facility; he and his family members would run the business. Mr. Breau plans on being on the site daily to handle all maintenance and cleaning issues. Mr. Breau would like to run free street hockey clinics to get the kids more involved, and teaching children the skills.

Alfred Gravelle went over the plan and mentioned that the offsets to property lines were within the proper parameters for the proposed rinks and asked how many cars the property would accommodate? Mr. Breau was unsure how many it could accommodate but said that there would be approximately forty cars at a time during games and then the crossover time when the next two teams would show up for play, and at that point, up to about eighty cars. He said that he tried to place the rinks so that they were on the outskirts of the property in order to provide maximum parking.

Mr. Breau said that under the plastic surface the rink is tapered asphalt so that water drains out and explained that the game was formerly played on tar. This plastic surface is slip free and all kids are required to have protective gloves, shin guards, elbow pads and helmets with cages. Alfred Gravelle asked where the bathroom facilities would be located. Mr. Breau previously discussed this matter with Board of Health agent and was advised that if the facility provided a three sided shed type building with a roof to accommodate porta potties he could operate the business with the portable toilets. If there was a permanent building a septic system would need to be installed. Mr. Breau mentioned that there is currently a well on site and four to five years down the road as money allows he will put in a septic system and construct permanent rest rooms. He is unsure of the well location and it was not shown on the engineered plan.

James Besarkarski asked the applicant if he was planning to pave the parking area. Mr. Breau said that he was told he may have to pave the first 100-150 feet but was not entirely sure. He explained that the plan was originally drawn up for the current owner who previous proposed a self-storage facility back in 2000, however the fire department required a costly sprinkler system and the owner changed his mind regarding the project. Mr. Breau indicated that the lot was cleared in 2000 and the largest tree is currently only six feet tall. Mr. Breau while he would like to pave the whole parking area he would have to wait until he got the project off the ground.

Mr. Breau intended to call the engineer to have the well located on the plan and Mr. Beal thought that would be in his best interest to do so prior to approaching the Planning Board.

Alfred Gravelle asked if there would be any additional lighting on the property. Mr. Breau indicated that there would be four lights per rink with a remote controlled scoreboard. Mr. Breau said that he would hopefully add additional lighting in the spring. Mr. Gravelle asked about ingress and egress to the property. Mr. Breau said it would remain as it is on the existing plan and it was preapproved with prior project by Mass Highway as Chase Road is state highway.

James Besarkarski asked the applicant what the street hockey season was. Mr. Breau said it was typically March-June and September to late November. In Winchendon, he previously operated a summer league as well. The season is typically twelve weeks. Ordinarily the business closes from December to February and starts holding registrations online and through the school system. Mr. Breau intends to offer more games for the players and offer a reduced rate. He is hoping to draw more people and allow unlimited practice time. In Winchendon they held a yearly Jamboree with a cookout for families to raise funds for tournament play. The potential players he hopes to target will be from the Townsend, Ashby, Rindge, NH & Nashua area.

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Hans Wentrup had questions about traffic and parking but he was satisfied that the state highway would provide smooth flow and the size of the lot could handle a great deal of parking. Mr. Breau said he could only see an issue in increased traffic congested during tournaments and finals and if it became an issue would provide a police detail. He further stated that the Mylec facility in Leominster was built in 1972 and currently has one hundred and twenty teams, the traffic congestion is awful coming off of Route 2 and the parking is terribly limited.

Paul Doherty asked if he would be amenable to moving rink #2 further back on the property to increase parking. Mr. Breau said he was amenable to that.

The Board discussed the hours of operation with Mr. Breau and he felt that Monday through Friday 3:00 P.M. to 10 P.M. and Saturdays and Sundays 7:30 A.M. to 9:00 PM would be more than sufficient. Alfred Gravelle also offered that there is a gate currently located at the property. Mr. Breau said the will be locked at night.

Mr. Gravelle asked if there were any plans for a buffer i.e. plantings or fencing? Mr. Breau indicated that there were no plans currently however there is an existing fence on the Chase Road side of the property.

**MOTION**

After due deliberation James Besarkarski made a motion to approve the Special Permit as requested subject to the conditions outlined below. Paul Doherty seconded the motion.

**CONDITIONS**

The hours of operation will be as follows: Monday through Friday 3:00 P.M. to 10 P.M. and Saturdays and Sundays 7:30 A.M. to 9:00 PM.

The Special Authorization is granted with the contingency that Richard and Arlene Breau comply with all licenses, regulations, statues and ordinances of any and all applicable state, local and federal board or agencies with jurisdiction over the premises.

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.

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.

**VOTE**

Raymond Beal voted in favor of granting the Special Permit  
Alfred Gravelle voted in favor of granting the Special Permit.  
James Besarkarski voted in favor of granting the Special Permit.  
Hans Wentrup voted in favor of granting the Special Permit.  
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

  
Raymond E. Beal, Chairman      Date