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THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS

June 12, 2014

Certificate of Granting a Special Permit

A Special Permit was granted to Joshua B. Brianas, 230 Great Road, Shirley, MA 01464 under the Lunenburg Protective By- Law Section 4.6.3.1.(j)., 4.1.1, 4.6.2.1.(b), 7.4.2. and 5.1.

Joshua b. Brianas was seeking a Special Permit for a contractor's plant (landscaping business, to allow for more than one principal use (medical offices), outside storage of products and to change/extend a nonconforming lot due to lack of proper frontage. The property which is the subject of this case is located at **1259 Massachusetts Avenue, Lunenburg, MA 01462 and currently owned by Duane A. Glow.**

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

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

A Special Permit has been issued to Joshua B. Brianas, 230 Great Road, Shirley, MA 01464 and affecting the rights of the owner with respect to land and buildings at **1259 Massachusetts Avenue, Lunenburg, MA 01462**. Book 2527, Page 296, and dated February 7, 1994 and owned by Duane A. Glow, 619 Northfield Road, Lunenburg, MA 01462. The plans were submitted with the petition. Assessors Map 61, Lot 26.

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said decision, and all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering.

DISCUSSION
Chairman Bowen opened the meeting and Lisa Normandin; Administrative Assistant read the petition into the public record and a letter from Board of Health agent, James Garreffi.

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Attorney Sherrill Gould of Littleton was representing the petitioner Joshua Brianas. Chairman Bowen complimented the attorney for a well-executed application. Attorney Gould indicated that this is a multi-step process for her client, they first are seeking relief from the Zoning Board to allow Mr. Brianas the zoning approval to have more than one principal use on the property on a parcel that is currently nonconforming due to lack of frontage. Mr. Brianas also intends to construct a large 36x72 Morton building for landscaping supplies and vehicles. The proposed building will include a compacted gravel turn around and parking area for 1 or 2 employees. Currently there is a medical building on the property and the petitioner wants the business to remain. Mr. Brianas has a purchase and sale agreement with Mr. Glow to purchase the property and the intent is to keep the current medical office building. Attorney Gould is aware that if the Zoning Board grants the requested special permits her client would still need to apply to the Lunenburg Planning Board for site plan review for the large scale Morton building and address the improvement to the sewage disposal system with the Board of Health. Ms. Gould also stated that an environmental impact study was performed by Jonathan Markey, PE of Markey & Rubin, Inc. of Acton, MA. and was previously submitted to both the Zoning Board and the Planning Board. In his environmental impact statement Mr. Markey indicated that the storm water drainage paths will remain the same in post development conditions and additional drainage infrastructure has been proposed for the impervious surfaces from the roof of the building. Attorney Gould addressed the Board of Health concerns outlined in Mr. Garreffi letter and indicated that the proposed use will generate minimal sanitary waste and it may be possible that the existing leaching facility will handle the negligible increase in flow. The proposal is to replace the existing septic tank for the medical office building with a new H-20 strength tank for vehicular traffic and install an additional tank for the new facility. Attorney Gould said that currently there are ten parking spaces for the current medical building with an additional 2 spaces for the new landscaping employees use. The building will connect to the municipal water system with a new service and the proposed use will not use a large amount of water. The applicant also indicated that there will be no organic materials on site no stockpiling or compost materials and all fertilizer products will be stored in bags. The applicant is more than willing to contact the fire department to seek approval for any materials stored in the building.

Duane Glow (current owner) 619 Northfield Road, Lunenburg spoke in favor of the petition and felt it was a good use of the property and had no objections.

Paul Doherty asked the petitioner if he does snowplowing services, Mr. Brianas indicated that he did not. Alfred Gravelle asked if there would be any repairs of equipment conducted on the site and what were the plans for the existing medical office? Mr. Brianas indicated that all repairs will be done indoors and all seed, fertilizers and equipment would also be stored indoors, as for the medical office, Mr. Brianas would lease the building back to the current owner. David Blatt asked the petitioner if he felt he had adequate room to maneuver the trailer into the building without compromising the medical building parking area. Mr., Brianas replied that that radius was taken into consideration by the engineer when the plans were drawn up and he felt that he had sufficient room to pull the truck and trailer up to the side of the building and then have the ability to back the trailer in without a problem. Alfred Gravelle asked Mr. Brianas how long he has been in business. He replied that he been in business since 2002 and is currently renting space in Ayer, the opportunity arose to purchase this commercial parcel and the intention is to remain in the area and continue working in the surrounding towns.

David Blatt asked Mr. Brianas if he intended to erect a sign for the business. He replied that he probably would not have a sign, however if he changed his mind he has no problem abiding by the parameters set forth in the sign by-law. Attorney Gould also informed the Board that her client has every intention of moving forward with the site plan review with the Planning Board and any and all Board of Health requirements.

MOTION

After due deliberation Paul Doherty made a motion to grant the Special Permits as requested with the condition that a Development Plan Review is sought through the Planning Board office. James Besarkarski seconded the motion.

Donald Bowen moved that the Board strike the request for variance and supplement the request as a Special Permit for dimensional variation. The motion was seconded by Alfred Gravelle. All Board members voted in favor.

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FINDINGS

In granting a Special Permit, the Board of Appeals found that the proposed use:

a. Will not be injurious or dangerous to the public health, or unduly hazardous because of traffic congestion, danger of fire or explosion, or other reasons.

b. Will not have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood.

c. Will be operated with reasonable regard for order and sightliness.

d. Will not produce noise, vibration, smoke, dust, odor, heat or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent property.

The petitioner shall abide by all of the requirements of the Department of Public Works of the Town of Lunenburg and the Department of Public Works of the Commonwealth of Massachusetts with respect to ingress and egress at the property, and any other Board or agency.

The Special Permit is subject to a periodic review by the permit granting authority (Zoning Board) or the Enforcement Officer, to insure compliance with the enumerated conditions. Non-compliance to these conditions may result in revocation of this permit.

The granting of the Special Permit shall inure to the benefit of the applicant Joshua B. Brianas and shall cease in the event the business is sold or sublet to another party.

After closing the discussion, the Board acting in its capacity as the Special Permit Granting Authority, granted the Special Permit with the above members present and voting as follows with respect to the issuance of the Special Permit.

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.

VOTE

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

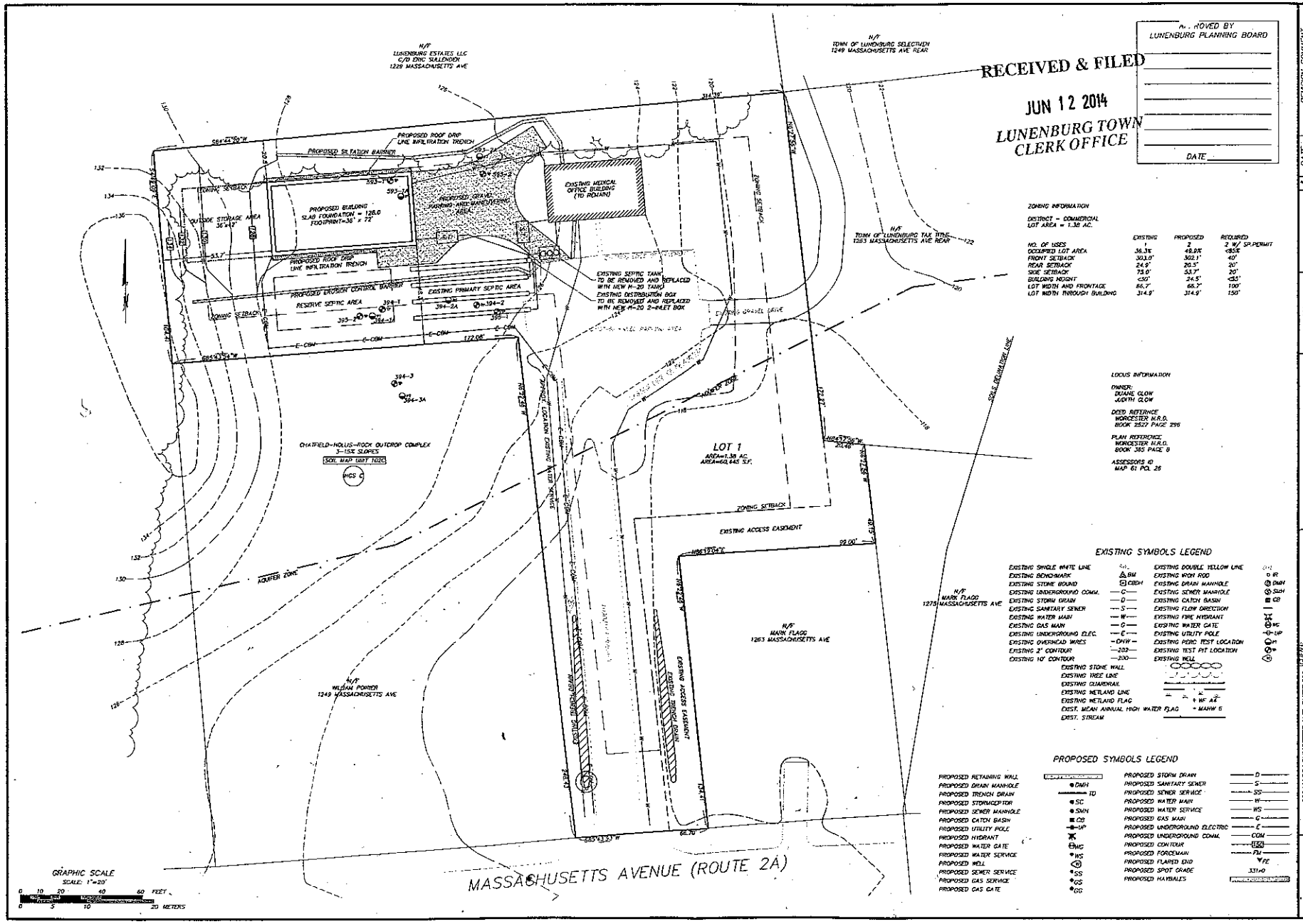
In making this determination, the Board specifically found that the granting of this Special Permit would not contravene the purpose of the Protective Bylaws or the provisions of Chapter 40A of the Massachusetts General Laws.

Voted and executed,

Lunenburg Zoning Board of Appeals
Special Permit Granting Authority

D. Bowen 6/12/2014

Donald F. Bowen, Chairman Date



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APPROVED BY LUNENBURG PLANNING BOARD

DATE

ZONING INFORMATION

DISTRICT - COMMERCIAL
LOT AREA = 1.38 AC.

	EXISTING	PROPOSED	REQUIRED
NO. OF USES	1	2	2 W/ SP.PERMIT
OCCUPIED LOT AREA	36.3%	48.0%	<85%
FRONT SETBACK	303.0'	302.1'	40'
REAR SETBACK	24.9'	20.5'	20'
SIDE SETBACK	73.0'	53.7'	20'
BUILDING HEIGHT	<30'	24.5'	<35'
LOT WIDTH AND FRONTAGE	86.7'	68.7'	100'
LOT WIDTH THROUGH BUILDING	314.9'	314.9'	150'

LOCUS INFORMATION

OWNER:
DUANE GLOW
JUDITH GLOW

DEED REFERNCE
WORCESTER N.R.D.
BOOK 2527 PAGE 296

PLAN REFERNCE
WORCESTER N.R.D.
BOOK 365 PAGE 8

ASSESSORS ID
MAP 61 POL 26

EXISTING SYMBOLS LEGEND

EXISTING SINGLE WHITE LINE		EXISTING DOUBLE YELLOW LINE	
EXISTING BENCHMARK	BM	EXISTING IRON ROD	IR
EXISTING STONE BOUND	CBSH	EXISTING DRAIN MANHOLE	DMH
EXISTING UNDERGROUND COMM.	C	EXISTING SEWER MANHOLE	SMH
EXISTING STORM DRAIN	D	EXISTING CATCH BASIN	CB
EXISTING SANITARY SEWER	S	EXISTING FLOW DIRECTION	
EXISTING WATER MAIN	W	EXISTING FIRE HYDRANT	
EXISTING GAS MAIN	G	EXISTING WATER GATE	WG
EXISTING UNDERGROUND ELEC.	E	EXISTING UTILITY POLE	UP
EXISTING OVERHEAD WIRES	OHW	EXISTING PERC TEST LOCATION	PT
EXISTING 2' CONTOUR	202	EXISTING TEST PIT LOCATION	TP
EXISTING 10' CONTOUR	200	EXISTING WELL	
EXISTING STONE WALL			
EXISTING TREE LINE			
EXISTING GUARDRAIL			
EXISTING WETLAND LINE			
EXISTING WETLAND FLAG		WF A4	
EXIST. MEAN ANNUAL HIGH WATER FLAG		MAHW 6	
EXIST. STREAM			

PROPOSED SYMBOLS LEGEND

PROPOSED RETAINING WALL		PROPOSED STORM DRAIN	D
PROPOSED DRAIN MANHOLE	DMH	PROPOSED SANITARY SEWER	S
PROPOSED TRENCH DRAIN	TD	PROPOSED SEWER SERVICE	SS
PROPOSED STORMCEPTOR	SC	PROPOSED WATER MAIN	W
PROPOSED SEWER MANHOLE	SMH	PROPOSED WATER SERVICE	WS
PROPOSED CATCH BASIN	CB	PROPOSED GAS MAIN	G
PROPOSED UTILITY POLE	UP	PROPOSED UNDERGROUND ELECTRIC	E
PROPOSED HYDRANT		PROPOSED UNDERGROUND COMM.	COM
PROPOSED WATER GATE	WG	PROPOSED CONTOUR	150
PROPOSED WATER SERVICE	WS	PROPOSED FORCEMAIN	FM
PROPOSED WELL	W	PROPOSED FLARED END	FE
PROPOSED SEWER SERVICE	SS	PROPOSED SPOT GRADE	331.40
PROPOSED GAS SERVICE	GS	PROPOSED HAYBALES	
PROPOSED GAS GATE	GG		

#	DATE	REVISION COMMENT

DATE: 5/12/14

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UTILITY AND GRADING PLAN

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LUNENBURG, MASSACHUSETTS

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