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THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF LUNENBURG  
ZONING BOARD OF APPEALS

June 17, 2015

**Certificate of Granting a Special Permit**

A Special Permit was granted to Hannaford Supermarket, 333 Massachusetts Avenue, Lunenburg, MA 01462 under the Lunenburg Protective By- Law Section 4.6.3.1.(j).

Hannaford Supermarket was seeking a Special Permit for the outdoor display of seasonal products. The property which is the subject of this case 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.**

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

A Special Permit has been issued to Hannaford Supermarket, 333 Massachusetts Avenue, Lunenburg, MA 01462 and affecting the rights of the owner with respect to land and buildings at **333 Massachusetts Avenue, Lunenburg, MA 01462.** Book 7339, Page 358, and dated January 11, 2011 and owned **and owned by Centro GA Lunenburg Crossing, LLC, P.O. Box 4900, Dept. 124, Scottsdale, AZ 85261-4900.** The plans were submitted with the petition. Assessors Map 74, Lot 73.

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 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.

The applicant Hannaford Supermarket was represented by their store manager Marc Bonneau. The Hannaford Supermarket is located at 333 Massachusetts Avenue, Lunenburg. 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.

Mr. Beal allowed public comment. 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 was surprised to see the application before the Board as he frequents the store and thought it did enjoy 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,

After due deliberation Paul Doherty made a motion to grant the Special Permit as requested and to define the outdoor display area as a 35x9 area to the right of the entrance and a 10x9 area to the left entrance and to display only seasonal items of flowers, plants and produce at the Hannaford Supermarket. Alfred Gravelle seconded the motion.

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

## **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 Hannaford Supermarkets 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.

**VOTE**

- Raymond Beal voted in favor of granting the Special Permit.
- Donald Bowen voted in favor of granting the Special Permit.
- Alfred Gravelle voted in favor of granting the Special Permit.
- James Besarkarski voted in favor of granting the Special Permit
- 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,

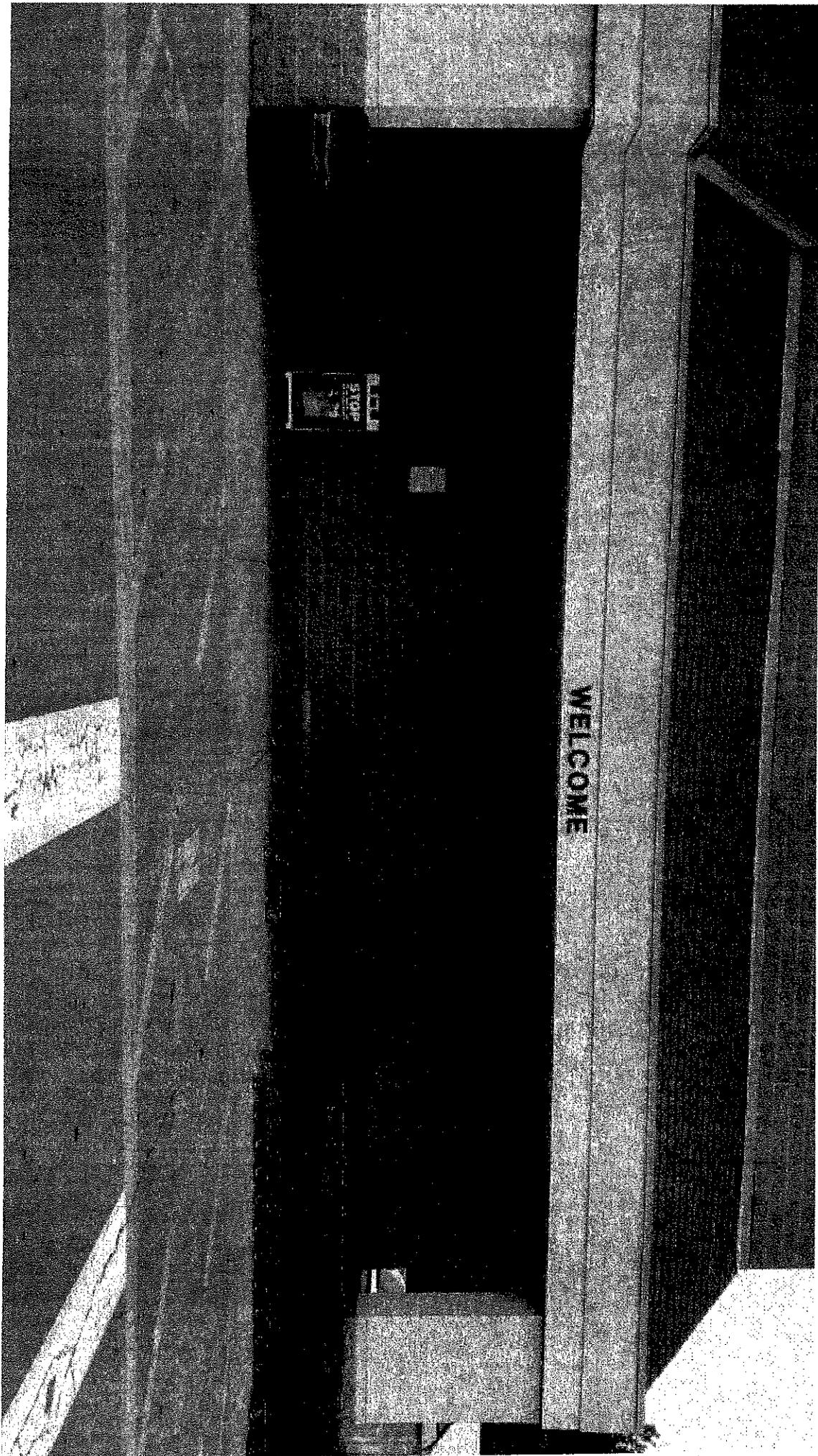
Lunenburg Zoning Board of Appeals  
Special Permit Granting Authority

 6/18/15  
Raymond E. Beal, Chairman                      Date

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WELCOME

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9 ft ↓

1054 →  
↓ 954

