

COMMONWEALTH OF MASSACHUSETTS
CITY OF GARDNER
ZONING BOARD OF APPEALS
DECISION

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NAME: New England Wooden Ware Corporation
ADDRESS: 205 School Street, Suite 201, Gardner, MA 01440

CITY CLERK'S OFFICE
GARDNER MA

DECISION OF THE BOARD OF APPEALS REGARDING THE USE OF THE PREMISES LOCATED ON:

188 Sherman Street, Parcel ID #R22-12-48 and R22-7-22

IN THE CITY OF GARDNER, THE PREMISES BEING MORE PARTICULARLY DESCRIBED IN A DEED DULY RECORDED IN WORCESTER DISTRICT REGISTRY OF DEEDS:

BOOK 7708 PAGE 229 (Parcel A)
BOOK 49619 PAGE 376 (Parcel B)

ON APPLICATION DATED April 29, 2013 FOR A Use Variance TO:
Construct and operate a warehouse at 188 Sherman Street, Gardner, MA, Parcel ID #R22-12-48 and R22-7-22 (also known as 75 Logan Street) (split lot General Residential 3 and Industrial 1). Denied zoning approval by the Building Commissioner because it does not comply with Section 4 Use Regulations, 415 Table of Uses, Description of Use #62 Warehouse and storage facilities, in General Residential 3 Zoning District of the Gardner Zoning Ordinance.

The Gardner Zoning Board of Appeals at its July 8, 2013 meeting voted unanimously to grant with conditions a Variance to New England Wooden Ware Corporation to construct and operate a warehouse on Parcel R22-12-48 & R22-7-22 at address now or formerly known as 188 Sherman Street.

The application for a Variance was filed with the office of the City Clerk on April 29, 2013.

Public Hearing held on June 18, 2013. A site visit was held on July 8, 2013. The Plan of Record for this project is by Soren Rono Designs, dated 4/23/2013.

The Applicant proposes to demolish an existing single family dwelling located at 188 Sherman Street and in its place construct an approximately 5,124 square foot warehouse to store paper roll stock for use at the adjoining New England Wooden Ware (NEWW) factory. The proposed structure is to be a stand-alone structure with frontage on Sherman Street. The warehouse is proposed to be located approximately 10 feet from the Sherman Street line, which is set back slightly further than the existing house. The paper roll stock that is planned to be stored in this structure is roll stock that arrives by rail car on a rail spur that abuts the rear of the proposed warehouse. Roll stock would periodically be transferred into and out of the building from either the rail cars or moved to other locations on NEWW property as part of the production process.

The Applicant has proposed the demolition of a single family dwelling. The Applicant indicated that demolished materials would be removed through NEWW property, not over the sidewalk and Sherman Street.

The Applicant also recognized that this section of Sherman Street is residential in nature and is abutted by well-maintained residential properties. In an effort to blend the structure architecturally with the neighborhood, the Applicant's proposed siding and windows as the exterior of the building. The Board,

being sensitive to the aesthetics of the structure further addresses this concern in conditions in the granting of this Variance. At the site visit, the Applicant also indicated that several mature trees along the south side of the property to the greatest extent possible would remain.

At the Public Hearing several abutters also raised concern over noise at the facility. In an effort to be sensitive to the concerns of the abutters, the Board set as a condition for the granting of this Variance hours of operation at the warehouse.

The granting of a Variance for the construction and operation of a warehouse would not create or aggravate a safety hazard. All activity in moving product into and out of the warehouse is to be from the rear of the building. No activity is expected or anticipated on Sherman Street. It is understood that during construction, some work and disruption of Sherman Street will occur but that will be temporary. What exists presently is an abandoned single family dwelling that has fallen into disrepair. The building has been broken into in the past. Removal of the building removes an attractive nuisance from the neighborhood.

The granting of the Variance does derogate from the intent of the Ordinance. This property abuts an existing railroad siding and an existing industrial property. The proposal to construct a warehouse that aesthetically will blend in with the residential character of the abutting properties, and have all activities into and out of the building through the rear of the building will result in minimal impact to the abutting residential properties. The use will be low impact.

A hardship related to shape, topography or soil conditions does not exist. The Applicant seeks a use variance. The Applicant did indicate that another site on property they own would not accommodate the storage warehouse. Relocating the warehouse to another location, likely off site would result in additional truck traffic and additional site noise as planning for the retrieval of paper stock would be more difficult based on factory production.

The Variance is granted with the following conditions:

- Applicant to provide to the ZBA for approval architectural elevations for the north and south side of the building. Plan to include materials of construction. Western elevation to be substantially as shown on plan on file with the Board dated 4/25/13 by Soren Rono Designs.
- Storm Water Drainage – Applicant to provide detailed site drainage plan to City Engineer for approval prior to issuance of Building Permit. Drainage to be directed to NEWW property not abutting residential properties.
- Hours of Construction Activity:
 - M-F 7AM – 5 PM
 - Sat 8AM – 3 PM
 - No work on Sundays, Holidays, or beyond these hours unless approved in advance by the Building Commissioner.
- Construction to include appropriate Best Management Practices to minimize construction and erosion runoff.
- No transfer of inventory into or out of building between 9PM and 7AM.
- Exterior Lighting – Lighting to comply with City Ordinance. Typical residential lighting on Sherman Street side of building. Other building lighting not to be directed toward any abutting properties.

ANY PERSON AGGRIEVED BY A DECISION OF THE BOARD OF APPEALS OR ANY SPECIAL PERMIT/VARIANCE GRANTING AUTHORITY, WHETHER OR NOT PREVIOUSLY A PARTY TO THE PROCEEDING, OR ANY MUNICIPAL OFFICER OR BOARD MAY APPEAL EITHER TO THE SUPERIOR COURT, DISTRICT COURT, OR LAND COURT DEPARTMENT OF THE TRIAL COURT FOR THE COUNTY IN WHICH THE LAND CONCERNED IS SITUATED BY BRINGING AN ACTION WITHIN TWENTY (20) DAYS AFTER THE DECISION HAS BEEN FILED IN THE OFFICE OF THE CITY OR TOWN CLERK. (M.G.L. SECTION 17, CHAPTER 40A)

A COPY OF THIS DECISION HAS THIS DAY BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK, CITY OF GARDNER:

CERTIFIED THIS 22nd DAY OF July, 2013

Raymond F. LaFond^{dd} Randall W. Heglin^{dk} Michael D. Gerry^{dk}
Raymond F. LaFond, Chairman Randall W. Heglin, Clerk Michael D. Gerry, Third Member

I, Alan L. Agnelli, City Clerk, City of Gardner, hereby certify the attached decision by the Zoning Board of Appeals was filed with my office on July 22, 2013 and that twenty days have elapsed since the filing of said decision with my office and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

August 14, 2013
Dated

Alan L. Agnelli
Alan L. Agnelli, City Clerk