

COMMONWEALTH OF MASSACHUSETTS
CITY OF GARDNER
ZONING BOARD OF APPEALS
DECISION

RECEIVED

2015 SEP 17 AM 10 03

CITY CLERK'S OFFICE
GARDNER, MA

NAME: Glenn Maki
Specialty Warehouse Supply Co
ADDRESS: 101 Linus Allain Avenue
Gardner, MA 01440

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

Linus Allain Avenue
Parcel ID #W17-10-28

IN THE CITY OF GARDNER, THE PREMISES BEING MORE PARTICULARLY DESCRIBED IN A DEED DULY RECORDED IN WORCESTER DISTRICT REGISTRY OF DEEDS Book 4473, Page 388.

ON APPLICATION DATED June 19, 2015 FOR A Variance TO: Operate an earth removal operation for a duration of 10 years on Parcel ID W17-10-28, located in the Industrial 2 Zoning District. Activity was denied by the Building Commissioner because it does not comply with Chapter 675-1070, Earthmoving and earth alteration, Item F of the City Code of Gardner. Chapter 675-107, Item F states that the use is limited to one year with the ability to apply for yearly extensions.

The Gardner Zoning Board of Appeals at its September 15, 2015 meeting voted unanimously to grant with conditions a Variance to Glenn Maki, Specialty Wholesale Supply Company to operate a gravel removal operation for a period of 5 years, at parcel W17-10-28, Linus Allain Avenue, Gardner, MA.

The Public Hearing was held on July 21, 2015 and continued to the August and September meetings of the Board. A site visit was held on July 25, 2015.

The Applicant proposes a gravel removal operation on property owned by the Applicant. The removal is necessary to prepare the land for the proposed construction of a new building to house a manufacturing facility. The Applicant proposes a long term phased removal of the material from the property. Providing an extension will permit the controlled and gradual removal to prepare the lot for construction.

The Applicant has also applied for a Special Permit from the Board for this activity.

At the Hearing, the Applicant addressed the conditions for a Variance.

The Applicant asserted that the granting of a Variance would not create or aggravate a safety hazard. The gradual and controlled removal of the material will be less of an impact on abutters with few trucks hauling the material off-site. The Board recognized the proximity of the property to the school bus depot, and addressed this as a condition.

A granting of a Variance would derogate from the intent of the Code. The removal of the material over the timeline requested, is a violation of the Code. The Board in its decision recognized the rationale of removing the material over time.

A hardship related to shape, topography or soil conditions does exist. The removal is necessary for the construction of a new building for the manufacturing and fabrication of trusses at the business. The business

cannot effectively expand on their current property and denying the Variance would create a financial hardship on the Applicant and add stress to the company as they try to build and expand the business.

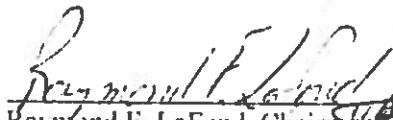
The Variance is granted with the following conditions:

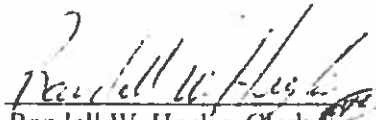
- The granted term is for 5 years. Should the Applicant require additional time to continue removing the material from the site, the Applicant shall apply for an extension. The request for extension should be submitted to the Board at least 6 months prior to the expiration of this term.
- The Applicant to submit a report annually, no later than January 31 for the preceding year detailing activities at the site. Report to include amount of material removed from the site summarized by month, number of days in each month the removal operations were undertaken, and a summary status of the site in general including inspection and maintenance of erosion protection, etc.
- The Applicant shall consult with the bus company, and relevant school officials to coordinate hauling times from the site so as not to conflict with those times that the school busses are leaving
- Hours of Operation for hauling
 - M-F 7AM to 6PM
 - Sat 7AM to noon
 - No work performed on Sundays and legal holidays

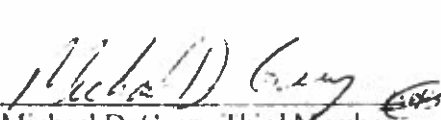
ANY PERSON AGGRIEVED BY A DECISION OF THE BOARD OF APPEALS OR ANY SPECIAL PERMIT/VARIANCE GRANTING AUTHORITY, WHETHER OR NOT PREVIOUSLY A PARTY TO THE PROCEEDING, OR ANY MUNICIPAL OFFICER OR BOARD MAY APPEAL EITHER TO THE SUPERIOR COURT, DISTRICT COURT, OR LAND COURT DEPARTMENT OF THE TRIAL COURT FOR 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:

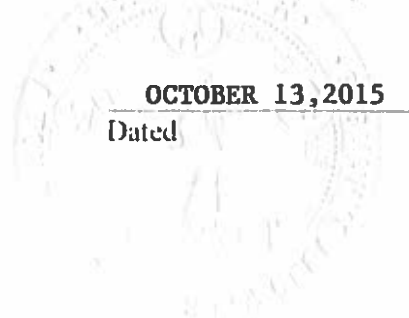
CERTIFIED THIS 17 DAY OF SEPTEMBER, 2015

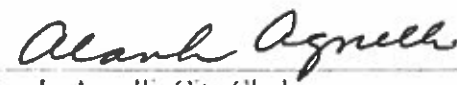

Raymond F. LaFond, Chairman


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 SEPTEMBER 17, 2015 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.


OCTOBER 13, 2015
Dated


Alan L. Agnelli, City Clerk