

**MINUTES**

**Decision Meeting**

Zoning Board of Appeals Meeting – July 28, 2020  
115 Pleasant Street, Via Zoom.  
Gardner, MA 01440

Sitting in on Meeting:

In Attendance:

Raymond LaFond  
Randy Heglin  
Michael Gerry

Roland Jean  
Rachel Taylor  
Keith Glenny- Attorney

Chris Paquet- Rep of Keith  
Mel Cornett  
Andy Woodford-Applicant

Meeting Called to Order by Chairman Raymond LaFond at 10AM. Mr. LaFond went over the ground rules for Zoom meeting and how the proceeding where to take place, stating “In pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Gardner Zoning Board of Appeals will be conducted via remote participation and on the City’s YouTube Channel. The audio or video recording, transcript, or other comprehensive record of proceedings will be posted on the City’s website as soon as possible after the meeting. Since this meeting is being conducted via Zoom, all votes taken will be by roll call and all participants to raise their hands to be recognized”. Mr. LaFond explained and the requirements that must be addressed for a variance or special permit. He then noted that the meeting was being streamed live to YouTube, and requested if anyone objected. There were no objections.

Sitting on today’s decision meeting is Mr. Raymond LaFond, Chair, Mr. Mike Gerry, Clerk and Mr. Randall Heglin, Member.

Mr. Lafond explained that this is a decision meeting and will not be open to communication from the applicant and the Board members present. Questions may be asked of the applicant but that is all.

<u>Case No.</u>	<u>Case Type</u>	<u>Case Description</u>
2020-04-01	Variance	96 Acadia Rd / Frontage, Build single family home
2020-06-01	Variance	74 Sand St / Contractors Yard.

Motion to move forward with case decision made by Mr. Gerry seconded by Mr. Heglin.

Mr. LaFond opened the first case # 2020-04-01 Mr. Keith Paquet/96 Acadia Rd, Frontage.

Mr. LaFond stated the members of the Board had conducted a site visit of the parcel in question and that the lot was cleared and no structure was present. The plot has 75ft of frontage and approx. 176ft in depth. 100ft of frontage is required by the zoning code. This lot would be classed as a grandfathered lot as the lot existed prior to Zoning and all other lots in the area has the same 75ft frontage, this is an open lot and there is no additional land available for purchase in order to give it the frontage needed.

Any questions from the Board?

Mr. Heglin informed the board members that there was once a trailer on this parcel of land previous to it being purchased by Mr. Paquet from the City. He believes the trailer was Tax titled, but for the record, a dwelling was once on that lot.

Mr. Gerry had no further questions.

Mr. LaFond confirmed that the lot has connection to city water and the only thing needed moving forward would be the frontage. This lot will conform, to mirror the surrounding properties, the lot does derogate from the code, but through no fault or alteration of the applicant. This is a rectangular lot and cannot be amended in any way to fit the frontage.

Any comments contrary to this statement?

Mr. Heglin raised the question that he had noted at the site visit, there is a relatively short site distance from the north, uphill on Acadia Rd. The applicant had stated at the site visit that he planned for the driveway to be on the Glen Rd side of the property. This may be an issue as should it become slippery with weather conditions or lighting it may cause a hazard for road users. The applicant should stipulate, clearly where the driveway will be and have it approved through engineering. Site distance from up and over the hill will be a factor and engineering will need to approve placement of the driveway.

Mr. LaFond proposed the Board should consider a condition of this case be that the applicant should submit a detailed plan of the property including, the driveway to the building commissioner with proof of approval before any construction or site work can be done.

Any further questions?

No further questions.

Motion to move on a vote to grant Variance, with the conditions that plans be submitted and approved before construction.

All members voted unanimously.

Variance Granted to Mr. Keith Paquet for 96 Acadia Rd.

Case 2020-6-1 Andy Woodford 74 Sand St/Contractors yard.

Motion to move forward with case decision made by Mr. Heglin seconded by Mr. Gerry.

Mr. LaFond spoke of the site visit conducted last week on July 22<sup>nd</sup>, stating that the property was a former furniture manufacturer and was approx. 16,000sqft to 18,000sqft in size. This is a large building and currently has large dust collection system built into the building, there is a sprinkler system on the property but it is in a state of dis-repair. Ample land and parking is available. Mr. Woodford had stated in the last meeting that he will be removing the dust collection system and upgrading the sprinklers to meet code. A plan had been submitted since the site visit showing where the dumpster placement will be on the property and it shows to be on the side where the employee parking would be.

Mr. Heglin requested that the dumpster be enclosed in a fence so as not to be unsightly from the roadside and public view. He questioned if the site location of the dumpster could be a problem for employees to having transport trash to the far side of the property or even parking close to it. Could this be a problem for trash collection as far as maneuverability of equipment?

Mr. Gerry confirmed that he also had concerns about the dumpster placement and the need for a fence.

Mr. LaFond asked Mr. Woodford if he would be willing to review his plan for the dumpster with Mr. Jean and comply with the request for a fence, also asking to maintain the surrounding area of the dumpster to be free from trash.

Mr. Woodford confirmed he would be happy to.

Any further questions from the Board?

Mr. LaFond would like to make some condition should this case be granted. Firstly being that the dumpster area be fenced in, with a substantial fence not chain link. The goal to keep the dumpster from public view and safety of employee parking. Secondly the sprinkler system needs to be repaired and brought up to current code. Thirdly the company work hours will be 7.30am to 4pm Monday through Friday with the exception of emergencies.

Mr. Woodford stated he is fine with the work week hours but asked for a further exception that work may be done on the property itself by himself on the weekends so he can get the building repaired and painted etc.. This business will be built with his own sweat, equity, and labor.

The fourth condition stipulated by Mr. LaFond would be to place a time limit on the time Mr. Woodford would have to remove the dust collection system, should the time limit pass Mr. Woodford would need to come back before the Board to ask for an extension of time.

Any comments from the Board?

Mr. LaFond clarified that the time limit suggested for the removal of the dust collection, should be for a 12month period of time.

Mr. Gerry and Mr. Woodford agreed that this was a sufficient time limit.

Mr. LaFond revised the statement of business hours, to make the amendment that weekend emergencies were permitted and that it would consist of employees collecting all needed supplies from the site and going to another job site. Also exclude maintenance and repairs to the property by Mr. Woodford on the weekends.

Mr. Heglin would like to further amend the business hours condition, by making the weekday hours 7am to 5pm to allow Mr. Woodford and his employees time to load, unload, and prep for business.

Mr. Gerry thinks the longer hours for the work week is a better time frame. There are no issues for him in regards to weekend emergency work or repair work.

Mr. Woodford thanked the Board for extending the work day time frame as it will be very beneficial to his business to have that extra time in the day.

Mr. LaFond had some further question about lighting of the property, stating it had been discussed at the site visit that Mr. Woodford had planned on downwards angled lighting in the parking area and surrounding the property. Mr. LaFond asked that these lights not be angled towards the public road or to interfere with surrounding abutters.

Mr. Woodford informed the Board that he was in the process of planning with a vendor right now for the light system, taking into consideration the biometrics and land plan via google earth.

Mr. LaFond asked if there were any questions from the City building department.

Mr. Jean had no questions but stated to the Board that everything looked good and Mr. Woodford would do a great job.

Mr. LaFond reissued the conditions.

- A lighting plan must be submitted to Mr. Jean for approval
- Dumpster will be fenced in from view of street and abutters, area to be kept clear of trash.
- Dust collection system must be removed with 12 months. Re-appeal needed if time runs out.
- Sprinkler system will be repaired and bought up to code.
- Work hours will be 7am to 5pm, Mon to Fri. No weekend work with the exception of emergencies, building maintenance and repairs.

Any questions on the conditions?

No questions.

Motion to move on vote for Variance

All in favor say aye.

All Board members voted unanimously in favor of Variance with conditions.

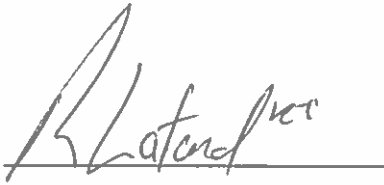
Variance Granted.

No further business.

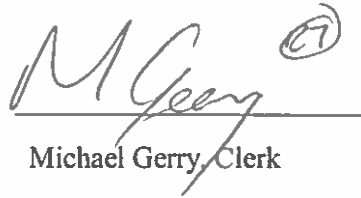
Mr. LaFond made a motion to adjourn the meeting.

Mr. Heglin seconded.

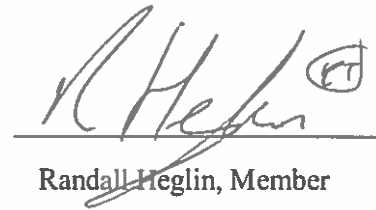
Meeting adjourned 10.28am.



Raymond LaFond, Chair



Michael Gerry, Clerk



Randall Heglin, Member