

COMMONWEALTH OF MASSACHUSETTS  
CITY OF GARDNER  
ZONING BOARD OF APPEALS  
DECISION

RECEIVED

2014 OCT 27 PM 4 26

NAME: Vilson Camargo  
ADDRESS: 57 Princeton Street  
Gardner, MA 01440

CITY CLERK'S OFFICE  
GARDNER MA

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

57 Princeton Street  
Parcel ID #H27-20-1

IN THE CITY OF GARDNER, THE PREMISES BEING MORE PARTICULARLY DESCRIBED IN A DEED DULY RECORDED IN WORCESTER DISTRICT REGISTRY OF DEEDS Book 39057, Page 15.

ON APPLICATION DATED August 12, 2014 FOR A **Variance TO:** Construct and operate an auto repair shop at 57 Princeton Street, Gardner, MA, Parcel ID # H27-20-1; located in the Single Family I Residential Zoning District (SRFI). A Building Permit was denied by the Building Commissioner because it does not comply with Chapter 675, Article 410(A), of the City Code of Gardner. The zoning code states that the use requested #42 – Motor vehicle general repair, is a “not permitted” use in the SFR1 zoning district.

The Gardner Zoning Board of Appeals at its October 21, 2014 meeting voted unanimously to deny a Variance to Vilson Camargo to construct and operate an auto repair shop at 57 Princeton Street, Gardner, MA.

The Public Hearing was held on September 16, 2014. A site visit was held on September 22, 2014.

The Applicant proposed to construct a 33'x38' two bay garage with vehicle lifts to perform vehicle repairs to support the used car sales business that he has at other locations. The proposal would permit the applicant to perform warranty type repairs on the vehicles he sells. He indicated that all repair activities would be within the proposed building. Old parts would be removed from the property. Hours would be regular business hours. The proposal did meet with opposition from the neighborhood. At the Public Hearing, the Board also read two letters, one from the Deputy Chief of Police and the other from the Director of Public Health with concerns regarding the application. The letter submitted by the director of Public Health stated that the current flow does not meet with current standards of flow (310CMR 15.214) and can not be upgraded due to lot size and surround wells and septic.

In the application, and at the hearing, the Applicant attempted to equate the auto repair business to a typical home occupation as is permissible in the regulations. At the hearing, the applicant attempted to address the conditions for the granting of a Variance, which are;

The Applicant asserted that the granting of a Variance would not create or aggravate a safety hazard. The Board recognized that there would be flat bed tow trucks and other vehicle traffic associated with the application. The Board also noted that there is a day care in the immediate area.

A granting of a Variance would derogate from the intent of the Code. An Auto Repair Facility in a residential neighborhood would be a significant detriment to the neighborhood, as it does not compliment the residential nature of the area.

A hardship related to shape, topography or soil conditions does not exist. Was not supported by the applicant. The applicant presented of this condition being a met condition. This parcel is residential in nature, is improved by a single dwelling and no other visible structures. The lot is fairly level in nature.

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 27 DAY OF October

Raymond F. LaFond  
Raymond F. LaFond, Chairman

Randall W. Heglin  
Randall W. Heglin, Clerk

Michael D. Gerry  
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 OCTOBER 27 2014 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.

NOVEMBER 25 2014  
Dated

Alan L. Agnelli  
Alan L. Agnelli, City Clerk

