

**ORIGINAL**

COMMONWEALTH OF MASSACHUSETTS  
 CITY OF GARDNER  
 ZONING BOARD OF APPEALS  
DECISION

RECEIVED  
 2010 OCT 29 A 9:51  
 CITY CLERKS OFFICE  
 GARDNER, MA

NAME: Frieda Reichsman  
 ADDRESS: 45 Jonathan Street, Gardner, MA 01440

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

45 Jonathan Street

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

BOOK 45988 PAGE 341

ON APPLICATION DATED August 6, 2010 FOR A **Special Permit** TO:  
 Build a 4'x12'-9" porch at 45 Jonathan Street, Gardner MA. (Denied a permit by the Building Commissioner because it does not comply with Section 6, 620 Table of Lot, Area, Frontage, Yard, and Height Requirements in Single Family Residential I Area of the Gardner Zoning Ordinance.)

The Gardner Zoning Board of Appeals at its October 19, 2010 meeting voted unanimously to grant with condition a Special Permit to Frieda Reichsman to construct a 4'x12'-9" porch at 45 Jonathan Street, Gardner, MA.

A Public Hearing on the application was held September 21, 2010. The applicant proposes to construct a covered porch on the right side of the home. This porch is to be at the front of what was at one time a single car garage. Under Section 423 of the Ordinance, A Special Permit is applicable as the proposed porch will extend an existing nonconforming structure; the existing home does not meet the current side setback requirements. This covered porch will improve egress to the home and aesthetically will be similar to a porch on the left side of the front of the house.

The Applicant addressed the nine conditions outlined in Section 1182 of the Ordinance and are summarized below:

The proposed construction is compatible with the use in the neighborhood. The area is strictly residential consisting of single family homes. The porch is an addition on a single family home and is compatible with the neighborhood.

The proposal will provide safe pedestrian access to the home by improving access to the home.

Adequate off street parking exists at the home with a primary driveway on the other side of the house. The side with the proposed porch contains a driveway as well. The porch will have no effect on this driveway.

The issue in whether the proposal will contain adequate facilities for sewerage, refuse and waste products is not applicable to this proposal. The Board recognizes the potential always exists that drainage from structures such as proposed can impact abutters and as such a condition for the granting of this Special Permit addresses this.

The proposed porch will not create a nuisance to abutters. Temporary construction noise may exist when the work is being completed.

The construction of a porch is not an inconvenience or hazard to abutters, vehicles or pedestrians. The improved access to the home through construction of the porch may eliminate hazards.

The construction of a porch on a residential home in a residential neighborhood is in harmony with the general purpose and intent of the Ordinance.

The construction of a porch will not have a detrimental impact on city services, tax base, and employment opportunities.

The construction of a porch should be consistent with a City's Master Plan.

This Special Permit is granted with the following condition:

- Drainage from the porch to be directed to the rear of the property.

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 29th DAY OF October, 2010

Raymond F. LaFond *dk*     Randall Heglin *dk*     Michael Gerry *dk*  
 Raymond F. LaFond, Chairman     Randall Heglin, Clerk     Michael 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 29, 2010 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 18, 2010  
Dated

Alan L. Agnelli  
Alan L. Agnelli, City Clerk

