

**ORIGINAL****RECEIVED**

COMMONWEALTH OF MASSACHUSETTS  
 CITY OF GARDNER  
 ZONING BOARD OF APPEALS  
DECISION

2010 JUL -1 P 12: 35  
 CITY CLERKS OFFICE  
 GARDNER, MA

NAME: Henry Heywood Memorial Hospital  
 ADDRESS: 242 Green Street, Gardner, MA 01440

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

242 Green Street, Gardner, MA

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

BY DEEDS DULY RECORDED IN THE WORCESTER DISTRICT REGISTRY OF DEEDS IN:  
 Book 2112, Page 106; Book 19750, page 159; Book 22028, Page 256; Book 16783, Page 47; Book 4904, Page 142; and Book 4869, Page 185 (hereinafter the "Property").

ON APPLICATION DATED May 7, 2010 FOR A **Variance** TO:  
 Lower the existing average grade at the base of the new building addition, and increase the ceiling height of the uppermost floor as the original plans dated November 20, 2008 described at Heywood Hospital, 242 Green Street, Gardner, MA 01440. (Denied a building permit by the Building Commissioner because it does not comply with Section 6, Density and Dimensional Regulations, 620 Table of Lot, Area, Frontage, Yard and Height Requirements and page 3 Building Height (definitions), in Rural Residential II area of the Gardner Zoning Ordinance.)

The Gardner Zoning Board of Appeals at its June 24, 2010 meeting voted unanimously to grant with no conditions a Variance to Henry Heywood Memorial Hospital lower the existing average grade at the base of the new building addition, and increase the ceiling height of the uppermost floor as the original plans dated November 20, 2008 described at Heywood Hospital, 242 Green Street, Gardner, MA.

The Public Hearing was held on May 18, 2010. The Applicant presented to the Board the necessity to lower the outside grade and to raise the interior ceiling height to accommodate uses at the hospital. Since the project was originally presented to the Board, the decision has been made to complete the upper floors of the addition at this time. An increase in the ceiling height is required for the adequate function of the space planned for the floor. The elevation of the finished roof remains unchanged.

The granting of the Variance does not create or aggravate a safety hazard. The Applicant indicated that the exterior grade changes will have no effect on the drainage of the property. The raising of the interior ceiling height is contained within the building.

The granting of the Variance does not derogate from the intent of the Zoning Ordinance in that the raising of an interior ceiling has no effect on the outside appearance on the height of the building. A literal enforcement of the Ordinance would be a hardship to the applicant.

There exists a hardship related to shape, topography or soil conditions of the property. The lot upon which hospital is located is generally ledge. A literal enforcement of the Ordinance would be a substantial hardship to the applicant as excavation to reduce the overall height of the addition would be prohibitively expensive due to the ledge located under the footprint of the addition. Also, the reduced interior ceiling height of the top story of the addition unduly restricts its use and functional utility.

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 1st DAY OF July, 2010

*Randall W. Heglin (d)* *Michael Gerry (d)* *Wayne Gallant (d)*  
Randall W. Heglin, Chairman Pro Tem Michael Gerry, Clerk Wayne Gallant, 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 1, 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.

July 29, 2010  
Dated

*Alan L. Agnelli*  
Alan L. Agnelli, City Clerk

