

COMMONWEALTH OF MASSACHUSETTS
CITY OF GARDNER
ZONING BOARD OF APPEALS
DECISION

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2013 NOV 8 AM 11 31
CITY CLERK'S OFFICE
GARDNER MA

NAME: Southern Worcester County Rehabilitation Center, Inc., DBA Life Skills, Inc.
ADDRESS: 44 Morris Street, Webster, MA 01570-1812

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

246 Suffolk Lane

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

BOOK 44016 PAGE 305

ON APPLICATION DATED September 16, 2013 FOR A **Special Permit** TO:
Operate an Adult Day Care facility at 246 Suffolk Lane, Parcel ID (X32-2-18), Gardner, MA, owned by Kyle N Higgins and Wendy R. Higgins, 105 Eagle Road, Winchendon, MA 01475. Denied zoning approval by the Building Commissioner because it does not comply with Section 4 Use Regulations, 415 Table of Uses, Description of Use #199 Adult social day care facility, in an Industrial 1 Zoning District of the Gardner Zoning Ordinance.

The Gardner Zoning Board of Appeals at its October 30, 2013 meeting voted unanimously to grant a Special Permit to Southern Worcester County Rehabilitation Center, Inc., DBA Life Skills, Inc. to operate an Adult Day Care facility at 246 Suffolk Lane (Parcel X32-2-18), Gardner, MA.

The application for Special Permit was filed with the office of the City Clerk on September 16, 2013.

Public Hearing held on October 22, 2013.

The Applicant (Life Skills) has been operating day habilitation training programs for adults with Developmental Disabilities at 95 Mechanic Street since 2002. The Applicant desires to relocate the services to the Suffolk Lane property that is currently vacant. The interior of the building will be renovated to a configuration that will best suit the needs and requirements of the organization.

The Suffolk Lane location has adequate parking to accommodate staff parking. The program operates from 8AM to 4PM M-F. The individuals are transported to the program by the MART transportation system. Individuals enrolled in the program are not capable of driving themselves, so no parking accommodations are necessary.

At the Public Hearing, the Applicant addressed the nine conditions outlined in Section 1182 of the Ordinance and are summarized below:

The proposal is compatible with the use in the neighborhood. The area is zoned Industrial 1. No exterior changes to the building are proposed. The program times were represented as being between 8AM and

4PM M-F. Staff hours would be 1-2 hours either side of these hours. While not an industrial activity, the building is occupied and employing people which should be the intent of an industrial district.

The proposal will provide convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets, properties and improvements. None of the individuals enrolled in the program are capable of driving. All individuals are shuttled to the site by MART. Pedestrian access is limited to the site and is supervised for safety.

All parking and loading areas associated with the existing building will remain and are adequate for the proposed use.

The existing building is currently connected to the public water and sewer system. Interior renovations will include limited new restrooms. No changes to the exterior of the building are proposed therefore there will be no change to the existing surface water drainage.

The Applicant indicated and the Board concurs that the proposal will not constitute a nuisance due to air or water pollution, erosion, flood, noise, odor, dust, vibrations, lights, or visually offensive structures or site features.

The project shall not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians. The program operates between 8AM and 4PM. Vehicle traffic is via cars and vans.

The use of a former vacant industrial building for a non-industrial productive use in an Industrial 1 zone whereby people are employed in well-paying jobs should be in harmony with the Ordinance. The Applicant demonstrated to the Board efforts were made to market the building as an industrial building for rent/lease or sale. There has been little to no interest in the building.

The operation of an adult day care program in an Industrial 1 zone would not have a detrimental impact on city services, tax base, and employment opportunities.

The improvement or enhancement of businesses should be consistent with the City's Community Development Plan or Master plan.

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 8th DAY OF November, 2013

Randall W. Heglin dx Randall W. Heglin, Acting Chairman
Michael D. Gerry dx Michael D. Gerry, Clerk
Anthony J. Asmar dx Anthony J. Asmar, 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 NOVEMBER 8 2013 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.

DECEMBER 2 2013
Dated

Alan L. Agnelli
Alan L. Agnelli, City Clerk

