

FILE COPY

COMMONWEALTH OF MASSACHUSETTS  
CITY OF GARDNER  
ZONING BOARD OF APPEALS  
**DECISION**

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2014 JAN 29 PM 12 40  
CITY CLERK'S OFFICE  
GARDNER MA

NAME: Donald R. LaPrise  
ADDRESS: 42 James Street, Gardner, MA 01440

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

**42 James Street**

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

**BOOK 48008 PAGE 346**

ON APPLICATION DATED November 21, 2013 FOR A **Special Permit** TO:  
Construct a construct a porch at 42 James Street, Gardner, MA (Parcel ID R27-13-8), owned by Alyx E. LaPrise, 495 New Sherborn Road , Athol, MA. (Denied a Building Permit by the Building Commissioner because it does not comply with Section 6, Table 620 Table of Lot, Area, Frontage, Yard, and Height Requirements in Single Family I zoning district of the Gardner Zoning Ordinance.)

The Gardner Zoning Board of Appeals at its January 21, 2014 meeting voted unanimously to grant a Special Permit to Donald R. LaPrise to construct porch at 42 James Street, Gardner, MA.

The Public Hearing held on January 21, 2014. The Owner of the property through explanation at the hearing and through submittals adequately explained the proposed project. The Board being familiar with the area combined with the information provided and presentation made before the Board, determined that a site visit was not necessary and moved immediately to a decision on the application.

The Applicant proposes to construct a covered porch at the front of the existing home at 42 James Street. The Porch is to provide access to the garage granted a Variance by the Board. The porch to be located approximately 20.3 feet from the front property line and is proposed to be approximately 4' wide by 11 feet long. The front of the porch will be no closer to the road than the rest of the existing house.

At the Public Hearing the Applicant addressed the Special Permit criteria as outlined in Section 1182 of the Ordinance, and is summarized below:

1. The construction of a covered porch on a residential house is consistent with and compatible with the existing character of the neighborhood. The porch is proposed to be constructed to be consistent with the construction of the house. Construction will not violate the existing lines of the house.

2. The covered porch is intended to provide safe passage to the proposed garage. Its use is primarily for occupants of the house.
3. The construction of a covered porch and its increase in nonconformance to the Ordinance relative to providing adequate space for off-street parking, loading and unloading of goods and other incidental movements is not applicable.
4. The provision for adequate sanitary facilities is not applicable to this application.
5. The construction of a covered porch will not constitute a nuisance due to air or water pollution, erosion, flood, noise, etc.
6. The construction of a covered porch will not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians.
7. The construction of a covered porch with the intent of improving a residential property is in harmony with the general intent to the Ordinance.
8. The construction of a covered porch will not have a detrimental impact on City services.
9. The improvement of one's property 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 29th DAY OF January, 2014

Raymond F. LaFond      Randall W. Heglin      Michael D. Gerry *dk*  
Raymond F. LaFond, Chairman *dk*      Randall W. Heglin, Clerk      *dk* 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 January 29, 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.

February 19, 2014  
Dated

Alan L. Agnelli  
Alan L. Agnelli, City Clerk