



# CITY OF GARDNER ZONING BOARD OF APPEALS

CITY HALL ANNEX, ROOM 101  
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CITY CLERK

## GARDNER ZONING BOARD OF APPEALS MEETING NOTICE

**Date:** Wednesday, September 21, 2016

**Time:** 7:00 P.M.

**Location:** Room 103, City Hall Annex  
115 Pleasant Street, Gardner, MA

ANNOUNCEMENT - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All Documents referenced or used during the meeting must be submitted in duplicate to the Clerk. All documents shall become part of the official record of the meeting.

### AGENDA

#### Public Hearings

Case #2016-08-01, Pranavkumar Patel, 208 Lawrence Street, Gardner, MA for a Variance to install two (2) signs, one 32 sq. ft. free standing sign with a front setback of six feet and a side setback of two feet, and one 50 sq. ft. wall mounted sign, for a total signage of 82 sq. ft., at 157 West Street, Gardner, MA Parcel ID #M27-23-28. Denied by Building Commissioner because it does not conform with Chapter 675, Article 9 of City Code of Gardner. Chapter 675-920 G. No sign shall be erected with any part closer than 10 feet to the travel roadway or side or rear yard lot lines. Chapter 675 950 A In residential districts, one sign identifying any other use which is conducted on the premises and is permitted in residential districts. All such signs shall not exceed two square feet of display area and if lit shall use indirect white light only.

Case #2016-08-02, Alexander Lussier, 61 Sylvan Road, Gardner, MA for a Special Permit to conduct earth alteration by regrading rear of property, Gardner, MA Parcel ID # R-17-6-34. Denied by Building Commissioner as it does not comply with Chapter 675-1070: Earthmoving and Earth Alterations of City Code of Gardner. The Table of Uses" #28 refers to 675-1070 which states that the use requested requires a "Special Permit" issued by the Gardner Zoning Board of Appeals.

Case #2016-08-03 Hassan Jaber, Zone Three Inc. f/n/a Hassan Corporation, 20 Eagle Road, Winchendon, MA for property at 16 Pearson Blvd., Gardner, MA Parcel ID # R17-4-15 for a Special Permit to operate/construct a 4,940 sq. ft. building comprising of retail sales (2273 sq. ft.), personal service (1046 sq. ft.) other space (120 sq. ft) and a restaurant with drive through (1,500 sq. ft.) for a coffee shop at 16 Pearson Blvd., Gardner, MA. Denied by Building Commissioner as it does not comply with required 675-410 Attachment 1 "Table of Uses" of City Code of Gardner states that line

#45 – “Restaurant, fast food, including appurtenant structures to provide drive-through or drive-in services requires a Special Permit when located in the Commercial 2 zoning district.

Case #2016-08-04 Hassan Jaber, Zone Three Inc. f/n/a Hassan Corporation, 20 Eagle Road, Winchendon, MA for property at 16 Pearson Blvd., Gardner, MA Parcel ID # R17-4-15 for a Variance to operate/construct a 4,940 sq. ft. building comprising of retail sales (2273 sq. ft.), personal service (1046 sq. ft.) other space (120 sq. ft) and a restaurant with drive through (1,500 sq. ft.) for a coffee shop at 16 Pearson Blvd., Gardner, MA. Denied by Building Commissioner as it does not conform with Chapter 675-620 Attachment 2 Table of Lot, Area, Frontage, Yard and Height, lot contains less than the required 30,000 sq. ft. of area.

Case #2016-08-05 Hassan Jaber, Zone Three Inc. f/n/a Hassan Corporation , 20 Eagle Road, Winchendon, MA for property at 16 Pearson Blvd., Gardner, MA Parcel ID # R17-4-15 for a Variance to operate/construct a 4,940 sq. ft. building comprising of retail sales (2273 sq. ft.), personal service (1046 sq. ft.) other space (120 sq. ft) and a restaurant with drive through (1,500 sq. ft.) for a coffee shop at 16 Pearson Blvd., Gardner, MA.. Denied by Building Commissioner as it does not conform with Chapter 675-770A.(1) Parking located forward of the building.

Case #2016-08-06 Hassan Jaber, Zone Three Inc. f/n/a Hassan Corporation, 20 Eagle Road, Winchendon, MA for property at 16 Pearson Blvd., Gardner, MA Parcel ID # R17-4-15 for a Variance to operate/construct a 4,940 sq. ft. building comprising of retail sales (2273 sq. ft.), personal service (1046 sq. ft.) other space (120 sq. ft) and a restaurant with drive through (1,500 sq. ft.) for a coffee shop at 16 Pearson Blvd., Gardner, MA.. Denied by Building Commissioner as it does not conform with Chapter 675-770A.(2) Parking spaces within 10 foot from any lot line.

Case #2016-08-07 Hassan Jaber, Zone Three Inc. f/n/a Hassan Corporation, 20 Eagle Road, Winchendon, MA for property at 16 Pearson Blvd., Gardner, MA Parcel ID # R17-4-15 for a Variance to operate/construct a 4,940 sq. ft. building comprising of retail sales (2273 sq. ft.), personal service (1046 sq. ft.) other space (120 sq. ft) and a restaurant with drive through (1,500 sq. ft.) for a coffee shop at 16 Pearson Blvd., Gardner, MA.. Denied by Building Commissioner as it does not conform with Chapter 675-77A.(3) More than one driveway with 145 feet of frontage, plus driveways are not separated by the required 200 feet.

Case #2016-08-08 Hassan Jaber, Zone Three Inc. f/n/a Hassan Corporation, 20 Eagle Road, Winchendon, MA for property at 16 Pearson Blvd., Gardner, MA Parcel ID # R17-4-15 for a Variance to operate/construct a 4,940 sq. ft. building comprising of retail sales (2273 sq. ft.), personal service (1046 sq. ft.) other space (120 sq. ft) and a restaurant with drive through (1,500 sq. ft.) for a coffee shop at 16 Pearson Blvd., Gardner, MA.. Denied by Building Commissioner as it does not conform with Chapter 675-770B.(1) No screening provided from adjacent properties.

Case #2016-08-09 Hassan Jaber, Zone Three Inc. f/n/a Hassan Corporation, 20 Eagle Road, Winchendon, MA for property at 16 Pearson Blvd., Gardner, MA Parcel ID # R17-4-15 for a Variance to operate/construct a 4,940 sq. ft. building comprising of retail sales (2273 sq. ft.), personal service (1046 sq. ft.) other space (120 sq. ft) and a restaurant with drive through (1,500 sq. ft.) for a coffee shop at 16 Pearson Blvd., Gardner, MA.. Denied by Building Commissioner as it does not conform with Chapter 675-770B.(3)(a) Reducing of parking lot screening from the required design.

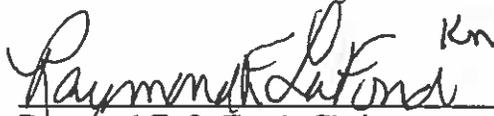
Case #2016-08-10 Hassan Jaber, Zone Three Inc. f/n/a Hassan Corporation, 20 Eagle Road, Winchendon, MA for property at 16 Pearson Blvd., Gardner, MA Parcel ID # R17-4-15 for a Variance to operate/construct a 4,940 sq. ft. building comprising of retail sales (2273 sq. ft.), personal service

(1046 sq. ft.) other space (120 sq. ft) and a restaurant with drive through (1,500 sq. ft.) for a coffee shop at 16 Pearson Blvd., Gardner, MA.. Denied by Building Commissioner as it does not conform with Chapter 675-770D.(3)(b)(2)(f) Building with drive-through services not located along the front lot line to the street edge.

Case #2016-08-11 Hassan Jaber, Zone Three Inc. f/n/a Hassan Corporation, 20 Eagle Road, Winchendon, MA for property at 16 Pearson Blvd., Gardner, MA Parcel ID # R17-4-15 for a Variance to operate/construct a 4, 940 sq. ft. building comprising of retail sales (2273 sq. ft.), personal service (1046 sq. ft.) other space (120 sq. ft) and a restaurant with drive through (1,500 sq. ft.) for a coffee shop at 16 Pearson Blvd., Gardner, MA.. Denied by Building Commissioner as it does not conform with Chapter 675-770D.(3)(b)(2)(g)[iv] Outdoor speakers not directed away from abutting properties.

- Announcements and Correspondence
- Acceptance of and/or Corrections to Minutes of Previous Meeting(s)

*NOTICE: The listing of Agenda items are those reasonably anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*

  
Raymond F. LaFond, Chairman  
Zoning Board of Appeal