



**CITY OF GARDNER
ZONING BOARD OF APPEALS
CITY HALL ANNEX, ROOM 101
GARDNER, MA 01440
(978) 630-4007 • Fax (978) 632-3313**

GARDNER ZONING BOARD OF APPEALS

DECISION MEETING

DATE: Monday, October 3, 2016

TIME: 6:00 p.m.

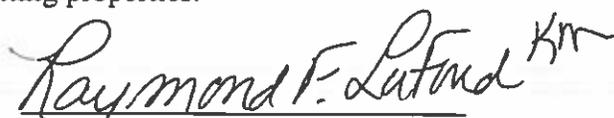
**PLACE: Room 103, City Hall Annex
115 Pleasant Street
Gardner, MA**

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CITY CLERK'S OFFICE
GARDNER, MA

Decision for:

- 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.


 Raymond F. LaFond, Chairmam