

ORIGINAL

COMMONWEALTH OF MASSACHUSETTS
 CITY OF GARDNER
 ZONING BOARD OF APPEALS
DECISION

RECEIVED
 2010 OCT 27 P 1:08
 CITY CLERKS OFFICE
 GARDNER, MA

NAME: Longview Partners, LLC
 ADDRESS: 63 Edgell Street, Gardner, MA 01440

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

Parker Hill Road (Map ID:T-23/15/8)

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

BOOK 39120 PAGE 185

ON APPLICATION DATED September 27, 2010 FOR A **Modification of Stipulations** TO: Change or modify the conditions of Special Permit granted January 26, 2010 by the Gardner Zoning Board of Appeals for earth alteration to the rear of 117 Parker Hill Road, Gardner, MA.

The Gardner Zoning Board of Appeals at its October 19, 2010 meeting voted unanimously to modify the conditions of a Special Permit granted to Longview Partners, LLC on January 26, 2010 and recorded in the Worcester District Registry of Deeds Book 45525, Page 179.

A Public Hearing on this request for modification was held on October 19, 2010. At this hearing, a representative of Longview Partners LLC requested additional time to effectuate the conditions of the Special Permit. Additionally, it was requested that work be permitted to be conducted on Saturdays to allow completion of the work within the requested time period.

Both of these requests are necessary due to the lateness of the construction season.

At the hearing, the representative indicated that necessary construction is ongoing to address the conditions of the Special Permit. An abutter to the property indicated that work was indeed proceeding and the efforts put forth to resolve the deleterious drainage issues appear to be working as the area has received recent heavy rainfall with no impacts to abutting properties.

The Conditions of the Special Permit granted on January 26, 2010 are modified as follows:

- Project completion no later than November 30, 2010.
- Hours of work to include Saturdays.

No other conditions of the Special Permit are modified.

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 27th DAY OF October, 2010

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| <u>Raymond F. LaFond</u> ^{dk} | <u>Randall Heglin</u> ^{dk} | <u>Michael Gerry</u> ^{dk} |
| Raymond F. LaFond, Chairman | Randall Heglin, Clerk | Michael 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 October 27, 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.

November 16, 2010
Dated

Alan L. Agnelli
Alan L. Agnelli, City Clerk

