

ORIGINAL

COMMONWEALTH OF MASSACHUSETTS
CITY OF GARDNER
ZONING BOARD OF APPEALS
DECISION

RECEIVED
2011 FEB 16 P 1:02
CITY CLERKS OFFICE
GARDNER, MA

NAME: Glenn P. Volk
ADDRESS: 70 Princeton Street, Gardner, MA 01440

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

70 Princeton Street

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

BOOK 38727 PAGE 262

ON APPLICATION DATED January 20, 2011 FOR A **Variance** TO:
Open a publishing company at 70 Princeton Street, Gardner, MA. (Denied a building permit by the Building Commissioner because it does not comply with Section 4, Use Regulations, 415 Table of Uses #30 Professional Office in Single Family Residential I Area of the Gardner Zoning Ordinance.)

The Gardner Zoning Board of Appeals at its February 15, 2011 meeting voted unanimously to grant a Variance to Marcia Arsenault to open a publishing company at 70 Princeton Street, Gardner, MA.

The Public Hearing was held on February 15, 2011. The Applicant indicated that this home business is the development and editing of print media electronically. The equipment used in the business is typical office type equipment, computers, printers and such. No production printing is done at the property. Currently, approximately 75 square feet of space in the home is allotted to the business.

The Board during its deliberations discussed the type of business proposed and believes the proposed use is similar to typical home type occupations that are permitted under the Ordinance.

The granting of the Variance does not create or aggravate a safety hazard. The Applicant completes the work for the business within the existing home. No or limited numbers of visitors or patrons of the business are expected or anticipated.

The granting of the Variance does derogate from the intent of the Zoning Ordinance in that a professional office is not permitted in the district which the home is located. The Variance is for use of a small portion of the property for a business which the Board believes is similar in scope and intent of Home Occupations as found in Section 830 of the Ordinance and permitted in residential districts.

Whether a hardship exists with regard to shape, topography or soil conditions of the property is not applicable to this application as the Applicant seeks a use Variance. No hardship related to shape, topography or soil conditions exists.

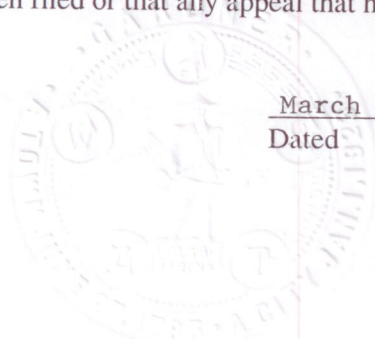
ANY PERSON AGGRIEVED BY A DECISION OF THE BOARD OF APPEALS OR ANY SPECIAL PERMIT/VARIANCE GRANTING AUTHORITY, WHETHER OR NOT PREVIOUSLY A PARTY TO THE PROCEEDING, OR ANY MUNICIPAL OFFICER OR BOARD MAY APPEAL EITHER TO THE SUPERIOR COURT, DISTRICT COURT, OR LAND COURT DEPARTMENT OF THE TRIAL COURT FOR 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 16 DAY OF February, 2011

<u>Raymond F. LaFond</u> <i>dk</i>	<u>Randall Heglin</u> <i>dk</i>	<u>Michael Gerry</u> <i>dk</i>
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 February 16, 2011 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.



March 9, 2011
Dated

Alan L. Agnelli
Alan L. Agnelli, City Clerk