

COMMONWEALTH OF MASSACHUSETTS
CITY OF GARDNER
ZONING BOARD OF APPEALS
DECISION

RECEIVED
2013 NOV 8 AM 11 30
CITY CLERK'S OFFICE
GARDNER MA

NAME: Hector L. Rosario and Hilda Rosario
ADDRESS: 51 Windsor Lane, East Longmeadow, MA 01028

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

27 Regan Street

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

BOOK 51465 PAGE 232

ON APPLICATION DATED September 17, 2013 FOR A **Special Permit** TO:
Reestablish a three (3) family dwelling at 27 Regan Street (Parcel ID M22-4-33), Gardner, MA. Denied zoning approval by the Building Commissioner because it does not comply with Section 4 Use Regulations, 415 Table of Uses, Description of Use #4 Three or four family dwelling in General Residential 3 Zoning District of the Gardner Zoning Ordinance.

The Gardner Zoning Board of Appeals at its October 30, 2013 meeting voted unanimously to grant a Special Permit with condition to Hector L. & Hilda Rosario to re-establish a three (3) family dwelling at 27 Regan Street (Parcel ID M22-4-33), Gardner, MA.

The application for Special Permit was filed with the office of the City Clerk on September 17, 2013.

Public Hearing held on October 22, 2013. A site visit was held on October 30, 2013.

The Applicant purchased the vacant existing three (3) family dwelling on Regan Street on September 6, 2013. The Building was vacant for several years and lost its multi-family grandfathering under the Ordinance. To re-establish the building as a three family, the Applicant seeks a Special Permit under the Ordinance.

At the Public Hearing, the Applicant addressed the nine conditions outlined in Section 1182 of the Ordinance and are summarized below:

The proposal is compatible with the use in the neighborhood. The area is zoned General Residential 3. The property is surrounded by single and multi-family dwellings. The neighborhood consists of small lots which existed prior to adoption of Zoning Ordinance. The Applicant proposes reverting the vacant building to its pre-existing three family use.

The proposal will provide convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets, properties and improvements. As mentioned above, the lot upon which the property sits is very small and existed prior to adoption of the Ordinance. There exists a public sidewalk

at the front of the building for pedestrians at the front of the building. At the site visit, the Applicant outlined an area for six parking spaces for tenant parking.

All parking and loading areas associated with the existing building exist. There are existing driveways and rights of ways on both sides of the dwelling. Ultimate locations for parking may be a challenge, but the Board believes that the Applicant adequately demonstrated areas where parking is feasible.

The existing building is currently connected to the public water and sewer system. No changes to the exterior of the building are proposed therefore there will be no change to the existing surface water drainage. Gutters to collect roof drainage would be a challenge as the roof is a slate roof which is not conducive to the installation of gutters. Currently, roof drainage sheet drains off the roof and drains generally to the rear of the property.

The Applicant indicated and the Board concurs that the proposal will not constitute a nuisance due to air or water pollution, erosion, flood, noise, odor, dust, vibrations, lights, or visually offensive structures or site features.

The project shall not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians. Should the building remain vacant, it would become a hazard to abutters and become an attractive nuisance.

The renovation and beneficial reuse of a vacant building is in harmony with the intent of the Ordinance.

The project will not have a detrimental impact on City services, tax base, and employment opportunities.

The rehabilitation and beneficial reuse of vacant buildings should be consistent with the City's Community Development Plan or Master plan.

The Special Permit is granted with the following condition:

- Required parking spaces are to be provided and properly delineated prior to issuance of the Certificate of Occupancy.

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 8th DAY OF November, 2013

Randall W. Heglin dx *Michael D. Gerry* dx *Anthony J. Asmar* dx
Randall W. Heglin, Acting Chairman Michael D. Gerry, Clerk Anthony J. Asmar, 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 NOVEMBER 8 2013 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.

DECEMBER 2, 2013
Dated

Alan L. Agnelli
Alan L. Agnelli, City Clerk

