



Outlook

Comments Against the Expansion of Commercial Use at 20 Pond Lane

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To ZBA <ZBA@town.arlington.ma.us>

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Dear Members of the Zoning Board of Appeals,

I am writing to express my strong opposition to the expansion of commercial use at 20 Pond Lane. My name is Michael Simader and together with my wife Melissa Simader, I am the co-owner of the property directly across the street at 15 Pond Ln, Arlington, MA 02474.

Regarding the most recent application of the property owner at 20 Pond Lane I hereby submit my key concerns and express my opposition to the expansion of commercial use at this property.

Position Against the Expansion of Commercial Use at 20 Pond Lane

1. Scope of Special Permit:

- The original special permit issued in 1963 aimed to conceal commercial vehicles and equipment from view, maintaining a tidy appearance.
- Over the years, the use of the property went beyond the originally approved scope by the Zoning Board of Appeals (ZBA).
- Unauthorized uses include:
 - Operation as an auto body shop and mechanic business.
 - Storage of materials for a cleaning business.
 - The use as a woodworking shop.
- The undefined nature of "light construction work" raises concerns about future interpretations that could lead to further expanding the scope affecting nearby residents negatively.

2. Public Convenience and Welfare:

- The petitioner has not provided evidence that the expanded commercial operation will benefit the public. The original intent of the garage was primarily aesthetic—to hide commercial activities.
- The request to increase scope to include "light" construction lacks clear limits on both the nature of the work and hours of operation, presenting risks of noise, dust, smell, and other disturbances.
- The expansion appears to prioritize the petitioner's financial gain rather than community welfare, without offering any benefits. The expansion only has negative effects on the community with:
 - Increased traffic and resulting hazards
 - Dangerous conditions by maneuvering large commercial vehicles in an area with increased foot traffic.
 - Uncontrolled and unmitigated conditions for the storage, use, and processing of hazardous materials.

- The petitioner is applying for an expanded scope of the special permit for a potential buyer of the property and not for their use. This expanded use is for the benefit of the petitioner, the seller of this property, and the petitioner alone, leaving only negative side effects to nearby residents.
- Given a history of violating the scope of the special use permit in this location, the future buyer cannot be trusted to limit their use of the property to the scope of the special permit.

3. Environmental and Infrastructure Concerns:

- The operation of an auto body and repair shop has already posed risks to the environment, particularly regarding spills that could contaminate storm drains leading to Spy Pond.
- Current regulations regarding water treatment, air filtration, and hazardous materials have evolved since 1963, necessitating a more stringent review of the potential impacts on public water sources.
- The petitioner highlights that there won't be any changes to the structure. There haven't been any upgrades to the structures aside from cosmetic improvements in the past.
- The structure's design and permitting were intended to store commercial equipment out of plain sight.
- The intention was NOT to operate machinery and handle potentially hazardous materials.
- Therefore the structure is inadequate for proposed uses. Outstanding concerns are, not limited to, air filtration systems, wastewater management, and safe working conditions for workers.

4. Impact on Neighborhood Character:

- The application contains inconsistencies, particularly in proposing uses not aligned with the garage's historical function or previously approved permits.
- The previously unauthorized use as an auto body and repair shop represents a violation of the original intent of the permit and sets a concerning precedent for future expansions.
- The applicant's intention to broaden the scope appears primarily motivated by personal financial interests rather than community benefits, which can only alter the character of the neighborhood negatively.

5. Traffic and Safety Implications:

- Existing traffic issues, exacerbated by nearby recreational facilities and a daycare, could worsen with additional commercial activities.
- The potential increase in commercial vehicle traffic poses risks to pedestrian safety, particularly given the current traffic conditions.
- 2 recent incidents are reason enough to reject this application:
 - A tourist bus collided with the pedestrian overpass. This is a clear indication that the street is neither designed nor laid out for commercial traffic.
 - Moving trucks were not able to maneuver into the driveway of the petitioner. As a result, the trucks were parked on the adjoining sidewalks, blocking pedestrians and traffic.
 - What will the future look like when additional commercial vehicles cannot maneuver in or out of the driveway?

6. Recommendations for ZBA Consideration:

- **Reject the petitioner's application for the expanded use. The existing special permit should not be further expanded by commercial uses within this residential neighborhood**

With kindest regards,

Michael Simader

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