Zoning Board of Appeals
Town of Arlington
51 Grove Street Arlington, MA 02476
Attn: Colleen Ralston

March 7th, 2025

Re: **Petition to Expand Commercial Use at 20 Pond Lane**

Dear Members of the Zoning Board of Appeals:

I write to respectfully request that the Board **deny** any expansion of commercial use at 20 Pond Lane. I reside at 15 Pond Lane, directly adjacent to the property in question. My concerns center on both the **procedural impropriety** of the current request and the **significant negative impacts** that the proposed expanded use would impose on our residential neighborhood.

1. Statement of Facts and Existing Special Permit

- In 1963, the property at 20 Pond Lane obtained a **building permit** for the construction of a garage. This permit did not grant any commercial uses of this property.
- In 1967, the property at 20 Pond Lane obtained a **special permit** allowing:
    - One owner plus two employees,
    - One pickup truck,
    - Operation of a business with no heavy or noisy work, and minimal customer or supplier traffic.
    - For a business purpose substantially similar to the Harrington Equipment Co.
- This 1967 special permit is the **only** permit validly on record. Over the decades, commercial activities at 20 Pond Lane operated **unlawfully**, without proper permits or occupancy certificates. Despite these violations, **no corrective action** was taken to enforce or revoke the 1967 special permit.
- **The owners of the property have not complied with the conditions set forth in the special permit for decades.**
- **No Comparable Property**: Public records and inquiries returned negative results. There is **no comparable property** in an R2-zoned area in Arlington or in any of the neighboring towns that permits this type of commercial use. This petition effectively seeks a **precedent-setting** expansion of industrial-type use in a residentially zoned district.

2. Procedural and Legal Concerns

1. **Unclear Basis of the Current Petition**
   It remains uncertain whether the present application is an **amendment to the 1967 special permit** or a **new** special permit request. There has been **no** explicit clarification on the existing permitted use or how the petitioner and future property owner intend to comply with the 1967 terms.

2. **Request for 'Commercial Garage' and Central Warehouse for a Retail Chain**
   The petitioner seeks to repurpose the property as a central warehouse for a retail chain, a significant expansion beyond its prior limited use for **passive** storage. This proposal involves the daily movement of goods typically restricted to industrial zones. Additionally, the petitioner has requested approval for a 'commercial garage' without providing a clear definition of its intended use. In other jurisdictions, such a designation often includes commercial vehicle storage, automotive repairs, and other revenue-generating activities. Under Section 5.4.3 (Use Regulations for Residential Districts), these uses are explicitly prohibited in the R2 district, and no special permit can be granted to allow them.

3. **Failure to Solicit Neighbor Input**
   Despite clear directives from the Board (October 22nd meeting), the petitioner has made **no** legitimate effort to involve neighbors in refining the proposal. This contradicts the requirement that the requested use be essential or desirable to the public convenience or welfare. Despite the opportunity to refine the proposal and incorporate neighbor feedback, the applicant did not put forward any self-imposed restrictions to limit the extent or time of operations at the property.

4. **Failure to Provide Evidence**
   The petitioner has failed to present any concrete evidence demonstrating that the requested use would serve the public convenience or welfare, pose no risk to traffic flow or pedestrian safety, or have no adverse impact on public infrastructure. Furthermore, the petitioner asserts that the proposed future uses align with the property's historical use. **However, this claim effectively amounts to a commitment to continue the property's prior unlawful use.**

5. **History of Illegal Use**
   The property was used unlawfully for decades with no updated permit or valid occupancy certificates. It may now be appropriate for the Board to consider **revoking** the 1967 special permit or enforcing it strictly, rather than expanding rights for a property that has historically violated permit conditions.

3. Detriment to Neighbors and Neighborhood Character

Should the Board allow any expansion, the proposal raises **serious questions** of **detriment to the public good**, including:

1. **Noise and Hours of Operation**
   Without clear constraints, the neighborhood risks late-night, early-morning and weekend noise.
2. **Traffic and Access**
   Narrow streets, limited parking, low-hanging power lines, and a nearby fire hydrant make heavier traffic and large commercial vehicles unsafe and impractical.
3. **Waste and Environmental Impact**
   Increased trash, potential for hazardous material storage, and the risk of attracting rodents or pests create environmental and public health concerns.
4. **Equipment Storage**
   Frequent equipment and goods movement can lead to heavy vehicular traffic. Large equipment and goods may require trailers with wide turn radiuses, incompatible with the existing residential infrastructure.
5. **Changing Neighborhood Context**
   Since 1967, when a handful of commercial businesses were nearby, the district has evolved into a predominantly **residential** community. Multi-unit developments, increased pedestrian and bicycle traffic, and new parks now characterize the area including an in-home daycare across the street, making industrial or intensive commercial use wholly **inconsistent** with the current neighborhood fabric.

4. Conclusion and Requested Relief

To protect the character of our residential neighborhood and **uphold the integrity** of Arlington's zoning laws, I respectfully request that the Board:

1. **Deny** the petition to ensure continued compliance with the 1967 special permit or, where appropriate, consider **revoking** the 1967 permit altogether due to the historic and ongoing violations.

2. **Require Clarity** on whether this application constitutes a new special permit request or merely an amendment to the 1967 special permit, and **enforce** the bylaw constraints on commercial and industrial use in this district.

3. **Impose Specific Conditions** if any commercial use is allowed:
    - Enforceable hours of operation,
    - Explicit limits on vehicle size and number,
    - Prohibitions on any industrial or manufacturing activities,
    - Prohibitions on the type of material, hazardous or not, to be stored on the property.
    - Clear definitions and periodic review to prevent future unauthorized expansion.

4. **Consider a Definitive Time Limitation** on any renewed or modified special permit, subject to reevaluation based on neighborhood impact and compliance.

By taking these steps, the Board can ensure the property's use remains compatible with the existing residential district and does not jeopardize the public interest. Thank you for your time and consideration. Should you have any questions or require further information, please feel free to contact me.

Sincerely,

Michael Simader
15 Pond Lane
Arlington, MA 02474

Attachments

