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Admitted in: MA

April 22, 2025

VIA EMAIL (zba@town.arlington.ma.us)

Town of Andover - Zoning Board of Appeals
51 Grove Street
Arlington, MA 02476
ATTENTION: Colleen Ralston

Re: ZBA Case # 3822 20 Pond Lane

Dear Honorable Members of the Zoning Board of Appeals:

As you are aware, this office represents Pond Lane Realty, LLC ("Applicant") in connection with the above-referenced Application for Special Use Permit before the Zoning Board of Appeals. The Applicant provides the following red-line comments and proposed edits to the Proposed Conditions forwarded by the Board on April 14, 2025 and looks forward to discussing this matter during the Public Hearing scheduled for Tuesday, April 22, 2025.

Condition #1: Commercial activities are limited to the hours noted in the Town's Noise Abatement Bylaw (Title V, Article 12, Section 3.A). The Applicant agrees to this condition and understands that the hours of operation for the commercial use of the Property will be from 8am to 6pm Monday through Friday and 9am to 5 pm Weekends and Holidays.

Condition #2: The size of vehicles accessing the site in connection with the commercial use is limited to vehicles with a Gross Vehicle Weight ("GVW") of 26,000 or less. ~~the Department of Transportation Classes 1-3 (up to 14,000 lb GVW) as currently in effect.~~ All loading must take place on site. Loading of vehicles on the street is prohibited. The Applicant further states that vehicles with a GVW of 26,001 or less do not require a commercial drivers license, and the standard box trucks and other standard delivery trucks are under that size and currently service the residential neighborhood.

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Condition #3: The activities that may take place at this site are limited to the following: storage of goods for sale at RW Shattuck and Company, Inc. ("RW Shattuck"), ~~Wannamaker Hardware,~~ storage of vehicles owned by the Owner of the Property and RW Shattuck~~Wannamaker Hardware~~, minor service of vehicles owned by the Owner of the Property and RW Shattuck~~Wannamaker Hardware~~, and general office functions. Any additional commercial activities will require an amendment of this Special Permit. Nothing herein shall preclude the accessory garage building on the property to also be used for any residential storage purpose permitted with the R-2 Zoning District, including without limitation to the storage of personal property, household goods, yard equipment, and similar items customarily associated with residential use.

Condition #4: Storage of materials is limited to those allowed under the Storage Use Group in the State Building Code (780 CMR 311) with the exception of aircraft hanger, dry boat storage, self-service storage, public parking, and any items which are not offered for sale at ~~Wannamaker Hardware.~~ RW Shattuck. The Applicant agrees to this condition with edits.

Condition #5: No retail sales, retail deliveries, or retail transfers may take place on the property. The Applicant agrees to this condition.

Condition #6: Signage shall be limited to that allowed in the Residential Sign District in the Zoning Bylaw. The Applicant agrees to this condition.

Condition #7: At no time shall more than four people be employed at this location. The Applicant agrees to this condition.

Condition #8: The number of vehicle trips in connection with the commercial use of ~~to~~ the property is not to exceed ~~six~~ ten (10) trips per day.

Condition #9: ~~The granting of this special permit supersedes all previous grants.~~ This decision shall be recorded in the Middlesex County Registry of Deeds within 60 days after certification of no appeal, and a true photocopy of said recording shall be submitted to the Zoning Board of Appeals. Failure to do so shall render this Special Permit null and void. Upon recording with the Registry of this Special Permit this Special Permit supersedes all previous grants.

Condition #10: ~~Once enacted this special permit shall be in effect until the property is transferred or sold to another entity, the accessory building is rented to another entity, or should the accessory building become inhabitable.~~ If a use is to be expanded beyond what is granted herein, it will be considered a change of use and require review by the Zoning Board of Appeals.

Condition #11: Complaints regarding the operation of the property are to be submitted to the Building Inspector per Section 3.1 in the Zoning By-Law. ~~If in the Inspector's opinion the conditions of the permit are not being followed, this permit may be reviewed, revised, or revoked by the Board.~~

Commented [DT1]: RW Shattuck and Company, Inc. is the parent company of the hardware stores owned by Mr. Wheatley who is the proposed buyer of the property. Thus RW Shattuck is the entity who will be storing vehicles and materials.

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Condition #12: (Standard Condition) The Building Inspector is hereby notified that they are to monitor the site and should proceed with appropriate enforcement procedures at any time they determine that violations are present. The Building Inspector shall proceed under Section 3.1 of the Zoning Bylaw and under the provisions of Chapter 40, Section 21D of the Massachusetts General Laws, and institute non-criminal complaints. If necessary, the Building Inspector may also approve and institute appropriate criminal action, also in accordance with Section 3.1. The Applicant agrees to this condition

Condition #13: (Standard Condition) The Board shall maintain continuing jurisdiction with respect to this Special Permit grant. The Applicant agrees to this condition

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or require any additional information concerning this request.

Very truly yours,

Douglas A. Troyer

Douglas A. Troyer

cc: Nick Boit (via email only)
John Wheatley (via email only)
Christian Klein (via email only cklein@town.arlington.ma.us)
Micheal Simader (via email only michael@simader.me)

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