To the Zoning Board of Appeals, Town of Arlington:

Thank you for the opportunity to respond to the proposed conditions outlined in your April 14, 2025 communication regarding Docket 3821, 20 Pond Lane.

I appreciate the Board's effort to bring clarity to this matter and to seek a more appropriate and updated solution than the legacy use arrangement dating back to the 1960s.

I appreciate the Board's attention to community input and offer the following comments and recommendations for revision:

Condition #1: Noise and Hours of Operation

Board's Condition: Commercial activities are limited to the hours noted in the Town's Noise Abatement Bylaw (Title V, Article 12, Section 3.A).

Comment:
The Noise Abatement Bylaw is meant for the kinds of activity normally found in each zoning district. In a residential area, that means typical household noise—not the added noise from commercial operations. Commercial activity brings a different level of disruption and should be more limited.

Recommended Revision:
Restrict all commercial activity to the hours of **10:00 AM to 4:00 PM, Monday through Friday only**, to avoid early morning disturbances, rush-hour traffic, and impacts to residential peace during weekends. This narrower window respects the residential character of the area and aligns with expectations in an R2 zone.

Condition #2: Vehicle Size

Board's Condition: Vehicle size limited to DOT Classes 1–3 (up to 14,000 lb GVW). Loading must occur on-site.

Comment:
Class 3 vehicles (up to 14,000 lb GVW) are considerably heavier and larger than what was envisioned in the original permit, especially given changes in vehicle design and size over the decades.

Recommended Revision:
Limit access to **Class 1–2 vehicles only (up to 10,000 lb GVW)**, which includes light-duty pickup trucks and small vans. This is more appropriate for a residential district and consistent with the scale of previously approved operations.

Condition #3: Permitted Activities

Board's Condition: Activities include storage of goods for sale, storage of company vehicles, minor service of company vehicles, and general office use.

Comment:
This is largely in line with the verbal description of the future buyer of 20 Pond Ln. However, the intensity of use remains unclear.

Questions to Clarify:

- Define "minor service" explicitly.
- Size of vehicle fleet.
- Number of deliveries per week.

Recommended Revision:
Permit only **passive storage of goods and office functions**. Disallow any vehicle servicing of vehicles. Vehicle storage is limited to 1 commercial vehicle. No fork lift allowed for operations.

Condition #7: Number of Employees

Board's Condition: No more than four people employed at the site at any time.

Comment:
This is a doubling of the originally allowed two employees and constitutes a material increase in site activity. In a residential zone, increased employee presence also implies increased vehicle traffic and associated disturbance.

Recommended Revision:
Maintain the prior **maximum of two employees** on-site at any one time to stay within the scope of prior use and preserve residential neighborhood character.

Condition #8: Vehicle Trips

Board's Condition: Vehicle trips to the property are limited to six per day.

Comment:
The original permit envisioned a storage function. Allowing up to six vehicle trips daily transforms the nature of the operation from passive storage to **active distribution or warehousing**, which is incompatible with R2 zoning.

Recommended Revision:
Limit vehicle trips to **two per day**.

Request for Clarification on Use Classification and Board Authority

Request:
Can the Board please clarify which definitions and standards regarding District Use are applied that would grant a Special Permit for the proposed use?

Specifically:

- Under **Section 5** of the Arlington Zoning Bylaw, which **District Use Classification** does the Board believe this proposed use most closely aligns with?
- Is the proposed use eligible for a Special Permit within an R2 district under that classification?

The following are broad categories of uses listed in the bylaw:

- **Commercial & Storage Uses** in Business Districts
- **Wholesale Business & Storage** in Industrial and Business Districts
- **Light Industry** (e.g., truck service and repair) in Industrial District
- **Utility, Transportation, Communications,** regarding vehicle storage in Business Districts

It would be helpful to understand the regulatory framework under which the Board is evaluating the proposed activity, especially given that many of these use types are only permitted in commercial or industrial districts—not residential ones.

Thank you for your time and continued consideration.

Sincerely,
Michael Simader