

EFRAIN & LAURA ROMAN
40 Summer Street
03-62A

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, JUNE 8, 2004

The Board consisted of:

Jonathan G. Gossels, Chairman
Stephen M. Richmond, Clerk
Thomas W.H. Phelps
Elizabeth A. Taylor
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on May 20 and 27, 2004, posted, mailed and read at this hearing.

Mr. Gossels, Chair, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Efrain and Laura Roman were present to request an amendment to their Special Permit 03-62 increasing the front yard setback deficiency from 9 feet to 14 feet. Mr. Roman explained that there was an error on the part of the contractor when he provided the setbacks for the project. He said the constructed front entrance and foyer reflects what was proposed in terms of size and in accordance with the plan submitted with the original permit with the exception of the correct setback.

The Board reviewed the original permit. Since the size was as originally proposed, they saw no reason to make the correction.

No abutters were present. The public hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To amend Special Permit 03-62, granted to Efrain & Laura Roman under the provisions of Section 2420 of the Zoning Bylaws, by increasing the front yard setback deficiency from 9 feet \pm to 14 feet \pm , property located at 40 Summer Street, Residential Zone A-1."

All other terms and conditions of the original permit remain in full force and effect.

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: This amendment simply corrects an error in the front yard setback. The size of the construction is as originally proposed.

Jonathan G. Gossels, Chairman

Stephen M. Richmond

Thomas W.H. Phelps

Elizabeth A. Taylor

Richard L. Burpee, Alternate

STANLEY & JEANNE GUTOWSKI
13 Birchwood Avenue
04-22

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, JUNE 8, 2004

The Board consisted of:

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Elizabeth A. Taylor
Richard L. Burpee, Alternate

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Stanley Gutowski was present to represent a petition for special permit to alter and enlarge a nonconforming structure by constructing a 20X16 foot family room/mudroom addition, which will result in a side yard setback deficiency of 6 feet.

Mr. Phelps noted that this is the third submittal by this petitioner. (Case Nos. 04-5 & 12) At the last hearing, Mr. Gutowski proposed the same size addition; however, after the notice was published he reversed the configuration, which did not affect the size; but did increase the setback deficiency from 2 feet to 6 feet.

At the previous hearing there Mr. Woyda, abutter, expressed concerns with regard to flooding potential as a result of the proposed construction.

Mr. Phelps said it was the sense of the Board, at that hearing, that they would feel comfortable with a 6-foot deficiency; however, Mr. Gutowski needed to address the runoff concerns from an engineering standpoint.

Mr. Gutowski, referenced his letter dated April 14, 2004. After having spoken with his engineer, the runoff concerns will be addressed via a water intercept trench positioned 4-8 feet from the east property line. The trench, approximately 2X4 feet, will be 35-40 feet long and filled with 0.75-1.5" crushed stone. It will catch water during a severe storm from draining toward the property line.

STANLEY & JEANNE GUTOWSKI
13 Birchwood Avenue
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Mr. Gutowski said he spoke with Mr. Woyda who was agreeable to the trench and the 6-foot setback. That abutter was not present this evening.

There were no further questions from the Board. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Stanley & Jeanne Gutowski, owners of property, a Special Permit under the provisions of Section 2420 of the Zoning Bylaws, to alter and enlarge a nonconforming structure by constructing a 20X16 foot family room/mudroom addition, which will result in a side yard setback deficiency of 6 feet \pm , property located at 13 Birchwood Avenue, Residential Zone A-1, provided that:

1. To address runoff concerns, a water intercept trench will be positioned 4-8 feet from the east property line, said trench to be 2X4 feet, 35-40 feet long, and filled with 0.75-1.5” crushed stone.”

This Special Permit shall lapse if construction has not begun, except for good cause, within 12 months following the filing of the Special Permit approval, plus such time required to pursue or await the determination of an appeal under M.G.L., Chapter 40A, Section 17.

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioner requires a special permit due to the nonconforming nature of the property. The Board finds that the proposed construction, which will result in a side yard setback deficiency, will not be substantially more detrimental than the existing nonconforming structure. The addition will be compatible with the existing structure and in keeping with the character of other homes in the neighborhood. The abutter most affected by this proposed construction expressed concerns with regard to runoff, and these concerns have been addressed by the requirement for installation of a trench system. No other abutters were present to oppose this petition.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Thomas W.H. Phelps

Elizabeth A. Taylor

Richard L. Burpee, Alternate

PATRICICK & BARBARA MCDERMOTT
57 Pratts Mill Road
04-23

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, JUNE 8, 2004

The Board consisted of:
Jonathan G. Gossels, Chairman
Stephen M. Richmond, Clerk
Thomas W.H. Phelps
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Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on May 20 and 27, 2004, posted, mailed and read at this hearing.

Mr. Gossels, Chair, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Ken Sundberg was present, representing the owners, Patrick and Barbara McDermott, in a petition for a special permit to demolish an existing residence and construct a larger, new residence at 57 Pratts Mill Road.

Mr. Sundberg explained that the house was struck by lightening and was extensively damaged by fire. It is proposed to replace the house with a new house, colonial in design and set back a bit further on the lot. Renderings of the house were submitted with the application. The new house will conform to all setback requirements.

The soils on the lot are sand and gravel. Septic system plans have been submitted to the Board of Health. Some minor alterations were made at the Board's request and the approval should be received shortly.

In response to a question from Mr. Gossels, Mr. Sundberg said the plans call for demolition of the existing house prior to construction of the new one. He added that there will also be some additional clearing on the lot to accommodate the house and septic system.

Ms. Taylor said that lot is very wooded on both sides of the existing house. She asked whether many trees will be maintained.

Mr. Sundberg said there will be some clearing as previously stated but he will try to retain as many trees as possible. He said he had sent out some plans to the abutting neighbors

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57 Pratts Mill Road
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since one of them did have concerns. He is trying to be careful to not take out any more than is needed.

Mr. Sundberg presented and described the Sewage Disposal Plan, prepared by Stamski and McNary, Inc., which depicts the proposed house, septic system and driveway location, as well as the proposed tree line which will be maintained around the property. He also submitted photos from a point which would show the new house in relationship to the houses at the rear of the property.

Mr. Gossels felt the new house would be better sited on the lot. Ms. Taylor felt it looked somewhat tall. Mr. Sundberg said while the renderings may show the house to be tall, it is within the height limitation of the Bylaw.

Alan Krentzel, 46 Meadowbrook Circle, abutter to the rear, expressed concerns with regard to the proposed tree cutting from a noise standpoint. Of concern to him was the fact that any tree cutting would exacerbate the noise level emanating from Pratts Mill Road to his house. He said he spoke with Mr. Sundberg a while back and that Mr. Sundberg agreed to mark the trees which would be cut down. He said that has not been done. Mr. Krentzel said he is particularly affected by noise; that he moved from his previous house in Sudbury to his current one because of noise issues.

Mr. Krentzel said he only just learned of this hearing and was not prepared in terms of what he should be presenting or whether the noise issue is a factor which the Board considers.

Mr. Gossels explained the process in terms of notification as well as the issues involved – zoning issues and neighbor issues. He wondered whether this might fall into the category of neighbor issues which could be discussed between Mr. Sundberg and Mr. Krentzel. Mr. Gossels suggested the Board could postpone this hearing for a few minutes to allow both parties to discuss the issue privately, and then reconvene after the remaining petitions were heard.

Mr. Krentzel did not want a discussion with Mr. Sundberg and preferred to continue this hearing to a later date to allow him time to prepare a presentation which addresses his issues.

Mr. Gossels requested input from the Board on this issue.

Mr. Phelps said the process was explained to Mr. Krentzel. He wanted to clarify whether the noise was an issue of noise from the construction or the ongoing noise which may be exacerbated by taking down a number of trees which act as a buffer.

Mr. Krentzel was concerned about ongoing noise from partial loss of the buffer.

PATRICK & BARBARA MCDERMOTT
57 Pratts Mill Road
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In response to a further question from Mr. Phelps regarding the location of the noise, Mr. Krentzel confirmed that he had issues with the additional noise he may hear from Pratts Mill Road as a result of the tree cutting, and not from Meadowbrook Circle.

Mr. Phelps felt this was an issue that could be handled on a neighborly basis. He was not sure this warranted a continuance. He felt the developer should be aware of Mr. Krentzel's concerns.

Mr. Burpee noted his view of the hearing notice is that as an abutter, Mr. Krentzel received notice as required by M.G.L. It is also published twice in the newspaper in accordance with required time frames. Those time periods are presumed to be sufficient in order to be prepared at the hearing. Mr. Burpee was not inclined to grant a continuance.

Ms. Taylor and Mr. Richmond agreed.

Mr. Gossels again offered the opportunity for both parties to speak privately to iron out their differences noting the results of the discussion could be made a part of the Decision document. Mr. Sundberg was agreeable. Mr. Krentzel was not. He reiterated his preference for a continuance.

Mr. Gossels said four members have stated their preference that this hearing not be continued. He thanked Mr. Krentzel for his comments.

There was no additional input. No other abutters were present to speak to this application. The public hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Patrick J. & Barbara McDermott, owners of property, a Special Permit under the provisions of Section 2460 of the Zoning Bylaws, to allow demolition of an existing residence and construction of a new residence not to exceed 3,189 s.f., on a nonconforming lot, which will exceed the area of the original nonconforming structure, said residence to conform to all zoning setback requirements and to conform to the tree line as shown in Sewage Disposal Plan prepared by Stamski and McNary, Inc., Acton, MA 01720, dated April 29, 2004, property located at 57 Pratts Mill Road, Residential Zone A-1."

This Special Permit shall lapse if construction has not begun, except for good cause, within 12 months following the filing of the Special Permit approval, plus such time required to pursue or await the determination of an appeal under M.G.L., Chapter 40A, Section 17.

VOTED: In favor: 5 (unanimous) Opposed: 0

PATRICK & BARBARA MCDERMOTT
57 Pratts Mill Road
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REASONS: The petitioner requires a Special Permit due to the nonconforming nature of the property. The Board finds that the proposed construction of a new residence, which will exceed the area of the original nonconforming structure, will not be substantially more detrimental to the neighborhood. The existing house will replace an older home which was struck by lightning and is currently uninhabitable. The Board further finds the proposed siting of the house to be more suitable for the lot and the colonial style will be compatible with the neighborhood. Although the Board found that the number of trees to be maintained would be sufficient for visual buffering and noise control, one abutter disagreed. As a result the Board placed a condition on the Special Permit requiring the tree line as shown on the plan to be maintained thus ensuring adequate protection for all abutters.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Thomas W.H. Phelps

Elizabeth A. Taylor

Richard L. Burpee, Alternate

PETER & SHARON COHEN
7 Great Lake Drive
04-24

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, JUNE 8, 2004

The Board consisted of:

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Elizabeth A. Taylor
Richard L. Burpee, Alternate

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Mr. Gossels, Chair, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Peter and Sharon Cohen were present to represent a petition for Special Permit to alter and enlarge a nonconforming structure by constructing a deck which will result in a rear yard setback deficiency at 7 Great Lake Drive.

Mr. Cohen explained that they would like to replace an existing 4X2 foot deck with a 14X24 foot deck which will be accessed through sliding glass doors from the house. The resulting deck would have a rear yard setback deficiency of 4 feet.

Mr. Cohen said his yard is completely fenced in so there would be no visibility issues. The fence also belongs to him. The size was designed to accommodate patio furniture and a grill. A conforming deck would not allow for this.

Mr. Cohen said he spoke with his immediate abutters and all were in favor of the proposal. Ms. Cohen added that the deck is at also ground level.

Mr. Gossels asked whether the Cohens would be agreeable to a condition in the Decision to maintain the fence. Neither had any objections.

There were no further questions from the Board. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

PETER & SHARON COHEN
7 Great Lake Drive
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MOTION: “To grant Peter J. & Sharon B. Cohen, owners of property, a Special Permit under the provisions of Section 2420 of the Zoning Bylaws, to alter and enlarge a nonconforming structure by constructing a 14X24 foot deck which will result in a rear yard setback deficiency of 4 feet \pm , property located at 7 Great Lake Drive, Residential Zone A-1, subject to the following:

1. A 6-foot stockade, or similar, fence will be maintained along the side yard, from the house to the rear property line and across the rear property line.”

This Special Permit shall lapse if construction has not begun, except for good cause, within 12 months following the filing of the Special Permit approval, plus such time required to pursue or await the determination of an appeal under M.G.L., Chapter 40A, Section 17

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioners require a special permit due to the nonconforming nature of the property. The Board finds that the proposed deck, which will result in a rear yard setback deficiency, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The design of the deck will be architecturally compatible with the house, at ground level and not visually intrusive. Its size will allow for adequate placement of patio furniture and a grill. In order to insure continued privacy to the abutters, the Board has imposed a condition to require that the existing fence, which is owned by the petitioners, be maintained or if necessary replaced with the same or similar type fence.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Thomas W.H. Phelps

Elizabeth A. Taylor

Richard L. Burpee, Alternate

LONDON TAXIS N.A. &
UNION AVENUE REALTY TRUST
80 Union Avenue
04-25

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, JUNE 8, 2004

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Paul Finger, Paul Finger Associates was present, representing London Taxis. Also present was Larry Smith, President of London Taxi N.A. Mr. Finger said he appeared before the Board approximately one year ago with a request for some variances for this particular project as it was a project upgrade. At that time it was the hope that through the project upgrade there would be continual improvements of the site including a change in tenancy over the site to what was considered to be the best use of this particular area. He felt this application to be a logical tie-in.

London Taxi was in fact a tenant at the time of the original application, but they were at the point where they were in a research and development mode. They are here now for a change.

to motor vehicle sales and rental and accessory use as motor vehicle general repairs and body repair.

Larry Smith explained that London Taxis began approximately 2 ½ years ago to import London taxis from the U.K. for use in the U.S. as livery vehicles and taxis. The company began as engineering and development to adapt the vehicles for legal use in the U.S. He described the various tests necessary to accomplish this noting they have been successful and the vehicle is legal to operate in the U.S. and Canada. He would now like to take this to the next level which is to transform the operation from research and development to a sales and service operation.

Working from the site plan, Mr. Finger said there is actually no site work being proposed. All the work that was proposed was actually permitted on the original application. The storage

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building is constructed at this time, and additional work is continuing as far as phasing in, because it's an active site which still remains for all the various uses out through there. The water quality basin which was located on the back portion is constructed. Storm drainage is being built. The scope of the work as far as the limits of the pavement are there; they have pulled back off of the pavement as indicated. So a lot of that work is ongoing and continuing.

Mr. Finger said this application is for a change in the use type slightly. It was always used for general repair; service bays were always there, all the storage is currently in place. The floor drains have their own containment systems. Everything is exactly as it was proposed. The only difference is instead of storing contractor's equipment, backhoes, front end loaders, etc., in the parking lot as shown, brand new vehicles will be stored on a very short-term basis. There are deliveries to the site which bring in vehicles which then have to be modified, so they're coming in from the U.K. and being modified here. They are stored there on a temporary basis and then brought off-site. Customers don't necessarily come to the site per se. This is not like a showroom. The area is really office space and the back side is the bays that used to retrofit the vehicles.

Mr. Finger said he was here to demonstrate that there are parking spaces on the plan in the back through for thirty-some odd vehicles. What was basically done was to line stripe for visitors and staff including anyone coming through for Kearney Auto Body and some of the other companies so that the site is consistent with the zoning for parking for the other uses on the site. He pointed out the landscape bins for Santangelo who also maintains a presence on the site. He felt it a better use of the site. Instead of having front end loaders and the other equipment out there which have a little more impact as far as environmental issues, this would actually be a cleaner and better use for this site.

Mr. Richmond asked for a description of the other uses on the site.

From the plan Mr. Finger pointed out those uses which consist of Kearney Auto Body and Repair shop. He said Santangelo has notified Mr. Kearney's special permit is not current and that he needs to bring it up to date through the ZBA.

The next tenant is Santangelo, the owner of the property, who office space plus the 8,000 s.f. storage building that comprises this application. There are four bays in that building which is currently being occupied by Santangelo.

The next tenant is London Taxi with office space and garage bays which are used for storage of parts and equipment and the fit-up of vehicles.

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The last tenant is an arborist who brings in his equipment and stores his trucks inside and uses an area for tree storage. Mr. Finger pointed out the area being used for storage for landscape material.

Mr. Richmond asked whether Mr. Finger was present on behalf of London Taxi.

Mr. Finger replied that he was; however, he was also present on behalf of the landlord, Union Avenue RT, for the original application. The Santangelo's are the trustees.

Mr. Richmond said the pavement area proposed for parking is not in good shape. He asked whether any improvements were proposed.

Mr. Finger said improvements are proposed. He added that the site is not completed as far as construction is concerned. It has to be phased in so that when one section is done, they will move on to the next section until completed. He said this has received approval through the Planning Board dealing with the overlay district. It has site plan approval through the Selectmen. There is also the Conservation Commission. He said this site is tied down very tightly as far as conditions, requirements, affidavits, etc. 100% of the site has to be redone.

From the plan, Mr. Finger pointed out an area which is raised higher than the other area. He explained the reason for this is because there is an infiltration system which needs to be installed; therefore, they will be taking the roof drainage and infiltrating it into the ground before whatever is overflowed gets discharged into the brook. There are improvements to the town storm drainage system. So what you will see is a site that's under construction still and once in fact work is completed the work will be phased so the vehicles that are stored in one location can be move over so that the infiltration system can be built.

Mr. Gossels asked for the time frame for this work.

Mr. Finger estimated it to continue for another year; however, he said the key components being the water quality basin is already been installed. He said there are some drainage structures that have been delivered to the site that need to be installed as well as water quality inlets.

Mr. Gossels read a letter from the Planning Board dated June 8, 2004 which voted to recommend approval subject to the following conditions:

1. A limit on the number of outdoor vehicles stored of 34, as shown in the location on the site plan.
2. No on-street loading or unloading of vehicles shall be permitted.

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3. Repair of motor vehicles shall be limited to only London Taxis – no repair for general public purposes.
4. All repair shall be completed inside the service bays, no exterior repair work.
5. Receipt of Site Plan approval from the Board of Selectmen, a Water Resource Special Permit from the Planning Board, and a fuel storage license and motor vehicle sales license from the Selectmen.

Mr. Finger said he has already received the fuel oil storage license; tomorrow night he meets with the Planning Board on the Water Resource Special Permit and next week he meets with the Selectmen regarding Site Plan Approval.

Mr. Gossels asked whether Mr. Finger had a problem with including the Planning Board's recommendations as a condition of the Special Permit.

Mr. Finger had no objections.

Mr. Richmond asked where the fuel oil was stored.

Mr. Finger said when talking about fuel oil storage, the fact that there is motor oil that is in 55 gallon drums which are used to change the oil requires a fuel oil storage permit. Other than that he said there are no underground tanks. Any thing else that's flammable which is inside the service station requires a permit from the fire department.

Mr. Richmond asked whether there would be any fuel oil on site.

Mr. Finger said there are no gasoline storage tanks or anything else. He did say that probably the arborist has fuel that he uses for his chain saws and small equipment or things like that – all of them probably all have some of those components.

Mr. Gossels said one of the things he liked about the plan is that the vehicle storage is behind and screened by buildings.

Mr. Finger said he committed some street tree plantings and replacement of fencing through the original Site Plan Review.

Mr. Richmond asked whether there was Conservation Commission approval.

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Mr. Finger said yes, for the original permit. For this project there is no alteration, but he wants to be able to discuss this with them. He said he has to go back to the Conservation Commission to discuss this particular project.

Mr. Richmond referred to the installation of an infiltration system.

Mr. Finger said the Conservation Commission already gave approval in the original permit. He said there's not a shovel that has to be placed in the ground for London Taxi. The only thing we have here is a potential ramp, which is a portable mechanical ramp. It doesn't require any installation; it's moveable. It's like a trailer. It aids for unloading vehicles.

With regard to Kearney Auto Body, Mr. Phelps asked whether abandoned-type vehicles are no longer allowed in that one area that's north on the property because of the Conservation Commission.

Mr. Finger said there are some limitations. He (Finger) has indicated is that the site is being cleaned up. According to what we filed with the Conservation Commission and the Planning Board, it is recognized that all of the equipment that's stored in this back corner is going to be removed. The problem is that Kearney doesn't have a valid permit through the ZBA to conduct his business. This needs to be taken care of with whatever conditions the ZBA may impose.

Mr. Phelps said there was some concern about bulldozers. He asked where Santangelo's bulldozers were if they are not on the site.

Mr. Finger said Santangelo has a couple different sites and they are in a different location now. However, they still maintain their presence inside the building. He pointed out an area of

the pavement where there will potentially be some storage. It was Mr. Finger's hope that eventually if London Taxi is very successful, more of the site will be used up and we'll get rid of the storage bins and have a cleaner use on the site. However, he said it still is a contractor's yard with areas still being used by an arborist and Kearney Auto Body.

Mr. Richmond said his concern was that the ZBA has to make a finding that this will not be detrimental. He did not see any information in the application or presentation to address this, particularly with regard to the infiltration system.

Mr. Finger said that was permitted and part of the original application.

Mr. Gossels felt the issue is that it is not built.

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Mr. Finger said reiterated that this work is under construction and will be done as part of what is required under the original permit to be in compliance. There are a number of different issues as far as Certificates of Occupancy which need to be complied with as we continue to work that out with the storage building. There are a lot of conditions attached to this site.

A lengthy discussion followed on this application in view of the fact that site work still remains to be completed. Mr. Phelps felt comfortable with the original permits which have been issued. His concern would be how this company would actually be operating and the conditions by which it could operate.

With regard to the operation, Mr. Gossels reviewed the Planning Board's conditions. He asked what the hours of operation would be.

Mr. Smith estimated them to be approximately 8:30AM-5PM. He emphasized that this would not be a retail site as there is no internal showroom. Mr. Phelps said he would be concerned if there was a showroom.

Ms. Taylor felt comfortable with the operation. With regard to the original permits, she said she understood the situation and was confident that under the process the conditions of those permits would be met as required.

Mr. Richmond expressed concern with regard to the use as it would affect other Boards; i.e., Planning Board, Conservation Commission.

Mr. Phelps said the ZBA is the only Board involved with the use issue. Since there will be no alteration, the Conservation Commission is not involved. The only permits required are

from the Planning Board (WRPD Special Permit) and Selectmen (Site Plan). He said the unfinished site work is covered by the other permits issued a year ago.

Mr. Gossels noted that any Special Permit for this operation would be renewable. The guidelines call for a one-year period initially, then two two-year periods and, if no issues, the permit is renewable every three years thereafter.

Mr. Richmond felt somewhat more comfortable with a renewal period. He asked when Mr. Finger anticipated completion of the recharge and pavement.

Mr. Finger said he didn't have a final answer but anticipated it would be done before wintertime – he would say in the summer or fall. He said the Santangelos are actually site contractors so what they are doing is actually using down time to complete what they need to do. He said the last time he was here he told the Board that if it was anybody else who did not have the ability to do it themselves, the costs associated with this particular project would not bear out

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the improvements that are being proposed. It is a very expensive proposal. Only because they are site contractors can they afford to do this.

Mr. Gossels asked Mr. Richmond whether he would be willing to be a contact person or liaison with the Building Inspector to monitor the project.

Mr. Richmond said he would be agreeable.

Further discussion followed on an update of what has been done so far as required by the original permits.

Mr. Richmond said he would like confirmation that the paving would be completed within a year.

Mr. Finger said he was actually representing London Taxi this evening. He said the original permit was issued to Santangelo. He believed there are requirements for an occupancy permit; that if work is not completed; a bond has to be posted to complete the work in the event that it is not done.

Mr. Richmond's concern was for containment, noting there are to be 34 cars on that site.

Mr. Finger felt Mr. Richmond's point to be reasonable; however, he said that Larry Smith is not responsible for the paving; however, he could work with the owner to make sure it is done.

It was pointed out that any permit granted would be issued to both London Taxi and the owner of the property.

In response to a further question from Mr. Richmond, Mr. Finger felt comfortable that the water quality inlet system would be installed within three months.

Reviewing potential conditions, Mr. Gossels said there are the five conditions recommended by the Planning Board including standard ZBA conditions for this type of operation dealing with visual nuisance, hours of operation, vehicle/materials storage, property maintenance, and term of permit, in addition to conditions regarding completion of pavement, water quality inlet system and fuel storage. There was general agreement among the Board to these conditions.

There was no further input. The public hearing was closed.

After deliberation the following motion was placed and seconded:

LONDON TAXIS N.A. &
UNION AVENUE REALTY TRUST
80 Union Avenue
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MOTION: “To grant London Taxis North America, Inc. and Union Avenue Realty Trust, a Special Permit under the provisions of Section 2230,A,C,Use 12 and 13 of the Zoning Bylaws, for motor vehicle sales and rental and motor vehicle general body repair, property located at 80 Union Avenue, Industrial District #2, subject to the following:

1. This operation shall not constitute a visual nuisance.
2. There shall be a limit on the number of outdoor vehicles stored of 34, as shown in the location on the site plan.
3. There shall be no storage of materials or vehicles and no overnight parking in front of the building.
4. There will be no fuel storage allowed on the site.
5. No on-street loading or unloading of vehicles will be permitted.
6. Repair of motor vehicles will be limited to only London Taxis. No repair for general public purposes will be allowed.
7. All repairs will be completed inside the service bays. No exterior repair work will be allowed.
8. Hours of operation are 8AM-7PM.

9. The property shall be maintained in such a way that no waste material of any type shall be disposed of in such a way as to contaminate Hop Brook or the marsh surrounding it at the rear of the premises.

10. The water quality inlet will be installed within three (3) months from the date of this Special Permit.

11. The pavement will be completed within one (1) year from the date of this Special Permit.

12. This Special Permit approval is subject to receipt of Site Plan approval from the Board of Selectmen, a Water Resource Special Permit from the Planning Board, and a fuel storage license and motor vehicle sales license from the Selectmen.

13. This permit is non-transferable and will expire in one (1) year on June 8, 2005, and the Board will consider renewal upon receipt of proper application on or before that date.”

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REASONS: The petitioners are requesting a Special Permit for the sale and rental of motor vehicles and general body repair. The proposed use is a permitted one in the zoning district with the granting of a Special Permit. The Board finds that with the conditions imposed, the proposed use will not be detrimental to the area and will not by its presence significantly alter the character of the zoning district. Adequate and appropriate facilities will be provided for the proper operation of the proposed use. Further, ongoing upgrading to the site in accordance with previously granted permits will address the sensitive environmental issues inherent to this property. The granting of this permit to both the owner and tenant will ensure responsibility by both parties to maintain the property and the proposed operation to desired standards, and the periodic renewal of this permit will allow for review and monitoring of the operation and conditions on the site.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Thomas W.H. Phelps

Elizabeth A. Taylor

Richard L. Burpee, Alternate