



Revised

Zoning Board of Appeals Meeting Minutes

July 7, 2014 - 7:30 PM

CONTINUED HEARING #14-06 PETITION FOR REVIEW 107 GREAT ROAD JULY 7, 2014 7:00 PM

Ken Kozik re-opened hearing #14-05, read the new contents in the file which included a letter dated June 11, 2014 from Richard A. Nylén, Jr. consisting of three pages and dated June 11, 2014. A Northeast Collection, Inc. Pro Forma Cash Flow Projections, The Commonwealth of Mass. Annual Report for the year ending December 31, 2013. The Commonwealth of Mass. Business Entity Summary, Northeast Collection Inc., spreadsheet for automobile recordkeeping, Registry of Motor Vehicles Vehicle Record form, Letter from Mark Donohue, PE, of Acton Survey & Engineering, a letter from E.J. Rempelakis Associates dated May 22, 2014. An interoffice memo from the Zoning Enforcement Officer dated July 2, 2014 addressed to the Board of Appeals.

Present: Ken Kozik, Rick Fallon, and Jon Wagner

Absent: Adam Hoffman, Francis Mastroianni, and Suzanne Buckmelter.

Ken reviewed the events of the last hearing and asked Scott to summarize his feeling as to why he still believes it's an auto repair facility and not an instructional institution that they would be able to do as a matter of right.

Scott began by saying any passerby on Great Road whether their driving, walking or commuting by the building will see solid glass on the front and side of the building and will clearly see vehicles displayed inside and the knowledge that there are auto dealer licenses on the premises and Mr. Nylén's letter indicating there will be vehicle sales on the property it clearly gives the impression of an auto dealership. Ken said from the town's prospective from what the petitioner has provided the conclusion of the town is not what they want it to be. Scott added that the town is clearly not against a 501-c-3. That is how this problem could be resolved.

Ken asked Mr. Nylén how should the board interpret what he provided and be assured that what he wants to do is what they are going to do. Ken asked if an internet license is tied to a site or a person. Mr. Nylén said it's tied to a place. He said if he buys something on the internet the transaction has to be done over the internet not in person. He continued by saying he's provided the board with everything they need to understand what the principle use is.

Rich Fallon asked Leo Bertolami where the cars are stored now. Leo said at the moment, with permission from the Town he's storing them at the Carriage House.

After further discussion, Ken asked for a motion to close the hearing, the motion was so moved. The hearing was closed.

Rick Fallon made a motion to **OVERTURN** the decision of the **Zoning Enforcement Officer** in **Hearing #14-05** subject to the following conditions:

- The location will be constructed substantially as shown in the documents submitted as represented by the petitioner with specific emphasis on the following points:
- The glass windows facing the street along Route 2A will be tinted
- A log will be mailed every six months to the Zoning Enforcement Officer with the following information:
 - a. stating that the identity of every car that was there in the last calendar year (first log only six months)
 - b. if any of those cars were sold and/or had the title transferred from any location in the last year.
 - c. as part of the log the educational activities that occurred at the location in the last six months.
- Incorporating in this decision are the representation of pages one and two in the June 11, 2014 letter to the Board from Attorney Nysten.

The Board voted to **OVERTURN** the Zoning Enforcement Officer 2 -1 subject to the conditions stated.

Richard Fallon to write the decision.

Documents used during this meeting:

- 6 Paul Revere Rd application
- Location plan
- Architectural plans
- Plot plans
- Notice of public hearing
- 115 Great Rd Applicant's Attorney's Letter - June 11, 2014
- ZEO & Planning Director Joint Memorandum - July 2, 2014

For a review of the meeting documents for this meeting, please visit the digital link below:

<http://doc.acton-ma.gov/dsweb/View/Collection-6396>

