



Minutes for Meeting

Zoning Board of Appeals, via Zoom

August 18, 2022 at 7:00 PM

Members present: Alan D. Rose, Jr., Stephen J. Larocque, Natalie B. Sawyer

**10 North Road:** a continuation of a hearing on a request by James V. Anza requesting a commercial/special permit and an appeal to a Building Inspector's decision.

The following members were present:

- Alan D. Rose, Jr., Acting Chair and Acting Secretary
- Stephen J. Larocque
- Natalie B. Sawyer

Additional documents in the record include:

- Letter from Attorney N. James, 8/13/22
- Memo from J. Field, 8/18/22

The Board opened the hearing and began by reviewing the nine violations listed in the cease and desist order:

1. Operating a business in a residential zone [Petitioner confirmed this is true]
2. Excessive noise [Petitioner stated noise is consistent with a landscape business]
3. Transfer of landscape materials [Petitioner confirmed this is true]
4. Selling of landscape materials [Petitioner grows plants to sell]
5. Operating and storing equipment on site [Petitioner confirmed this is true]
6. Log splitting for resale [Petitioner noted that logs are delivered off site, no customers]

come on site]

7. Sublet and storage of other contractor's equipment [Petitioner denied this]
8. Storing and renting construction dumpsters [Petitioner confirmed that they store construction dumpsters, but do not rent them out]
9. Working early AM and late PM during the week and weekends [Petitioner stated that the only after-hours work is plowing during a snow storm]

The Petitioner submitted a memo to the Board showing a business certificate was issued to Mr. Anza in 2012 for a landscaping business on the site. In addition, the Petitioner submitted a customer list for the business showing that more than 85% of his customers are Weston residents, including the Town's Conservation Commission.

The Board discussed the Butera case on South Avenue, for which the ZBA issued a commercial storage permit for a similar business. The Board and the Petitioner went over the list of all the equipment that is stored on site. In reliance on the Butera case, the Board concluded that it only has the authority to issue a commercial storage permit, and not permit the other activities on site.

After due and open deliberations, the Board voted to approve a special permit consistent with the Bylaw Section V.B.5 for the storage of the below list of equipment and supplies exclusively for placement, movement, and rearrangement related to commercial activity.

#### Equipment:

- 4 tractors
- 6 dumpsters
- 1 container truck
- 6 trailers
- 2 chippers
- 4 dump trucks
- 2 bucket trucks
- 2 wheeled excavators
- 6 pick-up trucks
- 1 rotor/chipper/grinder

#### Materials:

- Firewood

- Loam
- Woodchips
- Mulch
- Nursery stock

Supplies:

- Bricks
- Cobblestone
- Sand
- Stone dust
- Gravel

The Board noted that they don't have the authority to issue working time limits, or other operational issues regarding the business as this permit is for solely commercial storage.

The issue of the appeal to the Building Inspector's decision was continued until October 4, 2022 at 7pm via Zoom.