Town of Lincoln  
ZONING BOARD OF APPEALS  

Application

All Applications are to be submitted to Board Staff. Applications will not be considered duly filed until all required information, submittals and payments have been provided by the Applicant reviewed by Board Staff and filed with the Town Clerk. 

See Information and Instructions for Applicants for instructions on completing this Application, and for information on the procedures and steps involved in seeking zoning relief from the Zoning Board of Appeals.

1. Location
   Address: 9-11 Lewis Street
   Assessor's Records: 101-5-0

2. Applicant
   Name(s): 9 Lewis Street Realty Trust
   Applicant is: X Owner of Record
   Other: ____________________________
   Name of Owner of Record (if not the Applicant):

   Contact Information:
   Address: P.O. Box 517 Essex, MA 01929
   Phone: 617-828-1122 Email: dickran@mayerstreet.com
   Representative (if any):
   Attorney: Name: John Michaud
   Architect: Company/Address: Michaud Design Assoc. P.O. Box 104 Proctorville
   Builder: Phone: 978-500-3500 Email: michdesign1@yahoo.com
   Other: Associate Architect

3. Application
   General Description of Proposal:
   Application is for: X Special Permit
   Applicable Sections of Zoning By-Law: Section 4.4 & 10.4.1
   Specific Nature of Relief Requested: Request Relief for Non-Comforming Seth Back - Substantially Different
4. Zoning Information

Zoning District: B-2

Other Required Permits/Approvals:
- Planning Board
- Historic Commission
- Conservation Commission
- Board of Health

Other: [Perm. Permit]

(please submit copies of any other permits and approvals or findings that have been obtained for the Proposal)

5. Attachments/Submissions

To constitute a complete Application, each of the following items shall be submitted, together with the Applicant's Information and Instructions for Applicants.

Property Information
- Assessors Card for the Property.
- Lincoln GIS Map printout showing the Property and its general vicinity (including adjoining properties).

Statement
A detailed Statement describing the Project and the zoning issues it raises, and addressing each of the statutory requirements for the relief requested, as provided in the Zoning By-Law, and stating how the Applicant's Proposal meets each of those requirements.

Applicants for a Special Permit should provide a statement addressing the Standards for a Special Permit.
Applicants for a Variance should provide a statement addressing each of the Standards for a Variance.
Applicants for an Appeal should provide a statement describing the action being appealed and the basis for the appeal.

Zoning Worksheet
A fully completed Zoning Worksheet.

Plans
- Survey or Plot Plan (showing existing conditions and proposed, and all setback and other dimensions).
- Floor Plans (both existing and proposed).
- Elevations (both existing and proposed).

Where appropriate, Plans should include graphic overlays depicting existing conditions as compared to proposed.

Existing Approvals/Filings
- Copies of any existing zoning approvals, if any - Special Permits, Variances, Site Plan Reviews etc.
- Copies of any Historical Commission filing, if any - MHC Inventory Form.

Other Materials, relevant to the Application

6. Hearing Request
I/We hereby request a hearing before the Lincoln Zoning Board of Appeals for the indicated relief.
I/We certify that we have read the Information and Instructions for Applicants, understand same and have complied with its requirement to the extent reasonably possible.
I/We certify that I/we have read and examined this Application (pages 1 through 3) and all the materials submitted, that all of the information contained therein or provided therewith is true, complete and correct.

APPLICANT'S SIGNATURE:

Signed: [Signature]

OWNER OF RECORD:
(If not the Applicant, and if not an Appeal)

Signed: [Signature]

Date: [Date]

Date: [Date]

[further content on next page]

2 of 3
### IN PROCESS APPRAISAL SUMMARY

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Building Value</th>
<th>Yard Items</th>
<th>Land Size</th>
<th>Total Value</th>
<th>Legal Description</th>
<th>User Acct</th>
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<tbody>
<tr>
<td>318</td>
<td>162,900</td>
<td>800</td>
<td>0.035</td>
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<tr>
<td>340</td>
<td>362,700</td>
<td>800</td>
<td>0.030</td>
<td>319,500</td>
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<td></td>
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</tbody>
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**Total Card:** 483,200
**Total Parcel:** 683,000
**Enter Lot Size:** 244.89
**Total Land:** 683,000

### PREVIOUS ASSESSMENT

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<thead>
<tr>
<th>Tax Year</th>
<th>Use</th>
<th>Cost</th>
<th>Build Value</th>
<th>Yrd Items</th>
<th>Land Size</th>
<th>Land Val</th>
<th>Total Value</th>
<th>Assesd Value</th>
<th>Notes</th>
<th>Date</th>
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<td>2016</td>
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<td>683,000</td>
<td>683,000</td>
<td></td>
<td>02/08/2017</td>
</tr>
</tbody>
</table>

### Parcel ID 161 5 0

**Grantor:** MUNROE HOLDING LLC
**Legal Ref:** 0207-303
**Type:** 1
**Date:** 05/01/2016
**Sale Code:** 800000
**Sale Price:** 800000

**DILG GILES:** 1636-174 3/12/1982 FAMILY

### BUILDING PERMITS

- **5/8/2011:** SCREEN PR 10,000 C
- **3/21/2008:** MANUAL 15,000 C
- **8/21/2007:** MANUAL 10,000 C
- **2/1/2007:** MANUAL 10,000 C
- **7/2/1999:** ROOF 10,000 C

### LAND SECTION

- **Use Code:** OFFICE 27443
- **Unit Type:** SQUARE FE PRIME SITE
- **Land Type:** SQUARE FE PRIME SITE
10 March 2020
Town of Lincoln
16 Lincoln Road
Lincoln, MA 01773

Michaud Design Associates
586 Hale Street
P. O. Box 104
Prides Crossing, MA 01965

RE: STATEMENT for Zoning Board of Appeals

Zoning Board Members,

The following is a request for a Special Permit at 9-11 Lewis Street. The project site is located in Zoning District B-1. I will attempt to describe the project and address the zoning issues in an effort to gain relief from the Zoning Board of Appeals.

There is a total of three buildings on the site. It has been established all three buildings are non-conforming in terms of setbacks. It has also been determined by the Historic Commission these buildings have no significant historic impact to Lincoln. (see attached finding). The buildings on the site plan are indicated as Buildings 11 (front red structure), 11A & 11B (blueish building 11A with attached shingled garage 11B) and Building 9 (ranch style structure).

Buildings 11, 11A and 11B will have no changes to them.

Building 9 as it exists is in serious decay. A building permit was issued to make some repairs which went beyond the scope of the permit and work was halted. Building 9 is a nonconforming building with respect to Setback lines to the north and west. The improvements as proposed don not make it any more nonconforming. The existing building is a dilapidated single store ranch style structure. Because this building is in such poor condition, we are proposing to renovate this building from the existing foundation up. The existing basement will be filled in. There will be some foundation adjustment based upon the new proposed plans. The first-floor northeast corner will be squared off, similar to the first proposal. A Four-Bay Garage with door openings on the south side facing away from the neighbor to the north. With in the garage a mezzanine platform will be constructed made of a steel grating, (similar to the attached material). This will be used to store equipment. The second floor will consist of two office spaces. (see attached plans)

The existing building has a height of 16 to 19 feet. The proposed building will measure 35'-8" which is within the 36 feet for B-1 zoning district.
Town of Lincoln
ZONING BOARD OF APPEALS

Zoning Worksheet

Basic Dimensional Zoning Information for Project:

All information should be measured and calculated in accordance with Zoning By-Law. It is preferred, and may be required, that the information be based on architect/engineer/surveyor prepared plans and/or calculations. See Information and Instructions for Applicants for assistance in completing the Worksheet.

<table>
<thead>
<tr>
<th>Use:</th>
<th>Existing</th>
<th>Proposed</th>
<th>Notes/Additional</th>
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<tbody>
<tr>
<td>Office &amp; Garage</td>
<td></td>
<td>Office</td>
<td>NO CHANGE</td>
</tr>
<tr>
<td>Lot Area (sf):</td>
<td>27,740 sf</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Frontage (ft):</td>
<td>115.00 ft</td>
<td>115.00 ft</td>
<td>NO CHANGE</td>
</tr>
<tr>
<td>Lot Width (ft):</td>
<td>115.0 ft</td>
<td>115 ft</td>
<td>NO CHANGE</td>
</tr>
<tr>
<td>Front Yard Setback (ft):</td>
<td>153'-1&quot;</td>
<td>150'</td>
<td>IF 50'6&quot; 14&quot; SETBACK 10'6&quot; CONFORM</td>
</tr>
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<td>Side Yard Setback (ft)</td>
<td>24'-9&quot;</td>
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<td>NO CHANGE</td>
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<td>Side Yard Setback (ft)</td>
<td>54'-1&quot;</td>
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<tr>
<td>Rear Yard Setback (ft):</td>
<td>17'-2&quot;</td>
<td>17'-5&quot;</td>
<td>3&quot; CLOSER TO LOTLINE MIN 10'6&quot; MAY BE FOR B2 15'-36'-0&quot;</td>
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<tr>
<td>Height (ft):</td>
<td>15'-8&quot; - 14'-0&quot;</td>
<td>35'-8&quot;</td>
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</tr>
<tr>
<td>Floor area (sf):</td>
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<td></td>
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</tr>
<tr>
<td>Basement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Floor</td>
<td>1,386 sf</td>
<td>1,386.5 sf</td>
<td>EXISTING OFFICE</td>
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<tr>
<td>2nd Floor</td>
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<td></td>
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<tr>
<td>Other Floor:</td>
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<td></td>
</tr>
<tr>
<td>Mezzanine</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attic</td>
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</tr>
<tr>
<td>Covered Porch</td>
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<tr>
<td>Garage</td>
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<td>1,479 sf</td>
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<tr>
<td>Accessory Apartment</td>
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<tr>
<td>Total</td>
<td>4,684</td>
<td>4,804</td>
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<tr>
<td>Ratio (%) - Calculated Gross Floor Area to Lot Area:</td>
<td>18%</td>
<td>15%</td>
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</table>

Source of above Zoning information: [9-30]
REFERENCES:
- 1924 COUNTY LAYOUT OF MAIN STREET, A.K.A. LINCOLN ROAD
  - PLAN NUMBER 86 OF 1975
  - PLAN NUMBER 747 OF 1948
  - PLAN NUMBER 282 OF 1975

NOTES:
- THE PROPOSED SEPTIC SYSTEM IS TAKEN FROM DATA
  PROVIDED BY SAN JOHNSON, P.E.
- CONSTRUCTION STAKEOUT IS NECESSARY TO ASSIST
  WITH THE PLACEMENT OF THE PROPOSED FEATURES.
February 6, 2019

Mr. Dickran Babigian
9 Lewis Street Realty, LLC
P. O. Box 517
Essex, MA 01929

Dear Mr. Babigian:

Enclosed for your records are copies of the 3 applications showing that the buildings at 9, 11, 11A and 11B Lewis Street are not historically or architecturally significant. Therefore, the building known as 11 Lewis Street can be demolished and not rebuilt. The buildings known as 9, 11A and 11B Lewis Street can be partially demolished and renovated as discussed at the Lincoln Historical Commission on February 5, 2019.

This permission applies only to the significance of the structures. Before any demolition is done, all other approvals must be obtained with regard to any new construction on that lot and building permits are required for the projects.

If you have any questions, please give me a call.

Very truly yours,

Elaine M. Carroll
Administrative Assistant

Enclosures
Building 9

Mezzanine 604.5 sq ft

Mayer Tree Service

Mezzanine level

1/8" = 1'-0"
Commonwealth of Massachusetts  
Town of Lincoln  
Zoning Board of Appeals  

DECISION

In the matter of:  
Munroe Tree & Landscape, Inc., and  
Munroe Holding LLC,  
and  
Mayer Tree Service, and  
9 Lewis Street Realty, LLC  
9, 11, 11A and 11B Lewis Street  
(sometimes referred to as 9, 11 and 13 Lewis Street)  
Map/Parcel/Block: 161 5 0  
(Old: 95 33 0)

Transfer of Special Permit:  
under Section 10.2 of the By-Law: for  
use of 11B Lewis Street for tree and  
landscape business; and for continuance  
of existing uses of 9, 11 and 11A Lewis  
Street.

Following notice duly given in accordance with the requirements of Section 11 of Chapter 40A of the Massachusetts General Laws, the Town of Lincoln Board of Appeals held a public hearing in the Town Offices on June 2, 2016, to consider the application of Munroe Tree & Landscape, Inc., Munroe Holdings LLC, Mayer Tree Service and 9 Lewis Street Realty, LLC (together the “Applicant”), for the transfer and extension of a special permit under Section 10.2 of the Zoning By-Law for the continued use of portions of the premises located at 9, 11 and 11A and 11B Lewis Street (also sometimes known as 9, 11 and 13 Lewis Street) (the “Property”) for a tree and landscape business and for other existing uses at the Property.

The hearing was held on June 2, 2016. At the hearing, the following members of the Board were present and constituted the panel for the decision: Joel Freedman, David Henken, David Summer, Kathleen Shepard and William Churchill.
Appearing at the hearing on behalf of the Applicant were Dan Mayer, Dick Babigian and Craig Flint, of Mayer Tree Service.

Neighbors and abutters also appeared at the hearing.

**Background**

The Property contains approximately 27,240 square feet of land, and is improved with 3 buildings, one known as 9 Lewis Street, one as 11 Lewis Street and one containing 11A and 11B Lewis Street. The Property is located in a B-2 District.

Section 10.2 of the By-Law lists uses permitted in a B-2 District subject to the permission of the Board, which include “(g) light manufacturing and assembly generating no noise, smoke, odor or other offensive characteristics” and “(h) offices for general building, building maintenance, landscaping, electrical and similar contractors, including outdoor storage of supplies, tools, equipment and vehicles incidental to actual conduct of the activity.”

The Board previously issued to the William Munroe and Karen Munroe, and Munroe Holding LLC a Special Permit for the use of the Property, by Decisions dated November 2, 2006, July 7, 2010, January 27, 2011, July 26, 2011, and November 5, 2015 (together, the “Special Permit”).

The Property is owned by Munroe Holding LLC, and Munroe Tree & Landscape, Inc. occupies the building at 11B Lewis Street for the operation of a landscape business.

The Applicant advised the Board that the Property is being sold to 9 Lewis Street Realty, LLC and the landscape business operated at 11B Lewis Street is being taken over by Mayer Tree Service.

The Special Permit states: “the Special Permit is personal to Munroe Holdings LLC, as the owner of the Property, and expires on any subsequent sale or transfer of the Property.”

The Special Permit also states: “this Special Permit is conditioned on there being no change in the identity of the tenants or occupants of the Property…”

The Applicant has requested that the Board approve of the transfer of ownership of the Property and continue the Special Permit for the benefit of 9 Lewis Street Realty, LLC, as the new owner, and approve of the change of occupancy of 11B Lewis Street to Mayer Tree Service.

**Hearing**

The hearing was held, and the Board closed the hearing and voted on the decision, on June 2, 2016.

At the hearing, the Applicant introduced the proposed new owner and operator, and indicated that the new operator, Mayer Tree Service, would be continuing the business of Munroe Tree & Landscape at 11B Lewis Street, and would be retaining all of the other existing tenants. There will be no change in operations at 11B Lewis Street, as they are taking over the existing business, although they anticipated less impact on neighbors.

The Applicant indicated they had read and were familiar with the Special Permit and the Conditions imposed in the Decision issued November 5, 2015, and that they understand that they will need to comply with each of the Conditions in their ownership of and operations at the Property.

Several neighbors and abutters spoke at the hearing, asked questions about the proposed owner and operator and their anticipated operations at the Property and were generally supportive of the application, so long as the existing Conditions contained in the Special Permit continued to be complied with.
Findings and Decision

The Board closed the hearing, and discussed the application, the testimony provided and the relevant provisions of the Special Permit and the By-Law.

The Board voted unanimously:

1. To approve of the transfer of the Special Permit (as modified by this Decision) to 9 Lewis Street Realty, LLC, to approve of Mayer Tree Service as the new tenant of 11B Lewis Street, and to renew the Special Permit, subject to the continued applicability of, and the Applicant’s compliance with, the Conditions contained in the Decision dated November 5, 2015, all of which shall remain in full force and effect, without modification; and

2. That this Special Permit is conditioned on there being no further changes in the identity of the tenants or occupants of the Property (at 9, 11, 11A or 11B Lewis Street), or any changes in or expansions of the type, nature or extent of each of the respective uses of the Property. In the event of a change described in the previous sentence, the Applicant must apply for and obtain a modification to the Special Permit (to be issued at the discretion of the Board) allowing such change before a new tenant or occupant can occupy any portion of the Property, or before any change or expansion of the use thereof can be implemented.

3. That this Special Permit is personal to 9 Lewis Street Realty, LLC, as the owner of the Property, and expires on any subsequent sale or transfer of the Property.

4. That the Special Permit, as so transferred and renewed, shall expire on September 15, 2017. Prior to the expiration of the Special Permit, the Applicant may apply for a further extension of the Special Permit, and at that hearing, in addition to other considerations as provided in the By-Law, the Board shall evaluate (i) whether Applicant has complied with each of the Conditions, and (ii) whether the Conditions have functioned as planned and remain sufficient to mitigate the impacts of the uses at the Property so as to continue to permit the Board to make its findings hereunder, and if not, to permit the Board to modify, change or amend the Conditions so as to address any issues with the effectiveness of the Conditions in mitigating such impacts; and (iii) to permit the Applicant and the Board to address any reasonable issues or concerns raised in connection with the foregoing.

The Board voted unanimously as follows: Joel Freedman, yea; David Henken, yea; Kathleen Shepard, yea; David Summer, yea; and William Churchill, yea.

General.

It is noted that: (i) Section 21.5 of the Zoning By-Laws provides that special permits lapse within a period of 18 months if construction or use is not commenced except for good cause; and (ii) Section 11 of Chapter 40A of Massachusetts General Laws provides that no special permit shall take effect until a copy of the decision, containing the certification of the Town Clerk that no appeal has been filed within the 20-day appeal period, is recorded with the Middlesex South Registry of Deeds (or, if applicable, filed the Middlesex South Registry District of the Land Court).

[signatures on next following page]
BOARD OF APPEALS

Joel Freedman

David Summer

William Churchill

Date: 8/3/2016

David Henken

Kathleen Shepard
CERTIFICATION

I hereby certify, pursuant to Section 11 of Chapter 40A of the Massachusetts General Laws as amended, that the foregoing decision of the Board of Appeals of the Town of Lincoln in the matter of Munroe Tree and Munroe Holding and Mayer Tree Service and 9 Lewis Street Realty LLC, 9, 11, 13 Lewis St, M/P 161-5-0 was filed in the Office of the Town Clerk on August 4, 2016.

Susan F. Brooks/Valerie Fox
Town Clerk/Deputy Town Clerk

Date: August 4, 2016

Twenty days have elapsed after the date of filing and no appeal has been filed.

Susan F. Brooks/Valerie Fox
Town Clerk/Deputy Town Clerk

Date: August 24, 2016
Commonwealth of Massachusetts
Town of Lincoln
Zoning Board of Appeals

DECISION

In the matter of:
Munroe Tree & Landscape, Inc.
9, 11, 11A and 11B Lewis Street
(sometimes referred to as 9, 11 and 13 Lewis Street)
Map/Parcel/Block: 161 5 0
(Old: 95 33 0)

Renewal, Extension of Special Permit:
under Section 10.2 of the By-Law: for
use of 11B Lewis Street for tree and
landscape business; and for continuance
of existing uses of 9, 11 and 11A Lewis
Street.

Following notice duly given in accordance with the requirements of Section 11 of Chapter 40A
of the Massachusetts General Laws, the Town of Lincoln Board of Appeals held a public hearing
in the Town Offices on June 5, 2014, as continued, to consider the application of William
Munroe and Karen Munroe and Munroe Holdings LLC (together the “Applicant”), for a renewal
and extension of a special permit under Section 10.2 of the Zoning By-Law for the continued use
of portions of the premises located at 9, 11 and 11A and 11B Lewis Street (also sometimes
known as 9, 11 and 13 Lewis Street) (the “Property”) for a tree and landscape business and for
other existing uses at the Property.

The hearing was held on June 5, 2014, and was continued on December 4, 2014, January 8,

At the hearing (and continuances), the following members of the Board were present and
constituted the panel for the decision: Joel Freedman, David Henken, Kathleen Shepard, Eric
Snyder and David Summer.

Appearing at the hearing on behalf of the Applicant were William Munroe, Karen Munroe, and
at one of the continuances, Mary Munroe.
Neighbors and abutters also appeared at the hearing and continuances, and submitted emails, letters, photographs and other materials.

**Background**

The Property contains approximately 27,240 square feet of land, and is improved with 3 buildings, one known as 9 Lewis Street, one as 11 Lewis Street and one containing 11A and 11B Lewis Street. The Property is located in a B-2 District.

Section 10.2 of the By-Law lists uses permitted in a B-2 District subject to the permission of the Board, which include "(g) light manufacturing and assembly generating no noise, smoke, odor or other offensive characteristics" and "(h) offices for general building, building maintenance, landscaping, electrical and similar contractors, including outdoor storage of supplies, tools, equipment and vehicles incidental to actual conduct of the activity."

Section 10.5.1 contains a list of factors which the Board is to consider, at a minimum, in granting or denying any special permit for a use in a B-2 District, and in considering any renewal or extension of a permit so granted.

According to the Applicant, the Property is used and occupied as follows: (i) the building at 9 Lewis Street is occupied by Minuteman Communications, and used for a business providing data and broadcast communications services; (ii) the building at 11 Lewis Street is occupied by Timothy Taylor and used as a law office; (iii) the building at 11A Lewis Street is occupied by Professional Ambulance Service (ProEMS) and used as a base for advanced life support (ALS) ambulance services; and (iv) the building at 11B Lewis Street is occupied by Munroe Landscaping and used as a landscaping business.

The Board previously issued to the Applicant a Special Permit for the use of the Property, by Decisions dated November 2, 2006, July 7, 2010, January 27, 2011, and July 26, 2011 (together, the "Special Permit").

The Applicant applied to the Board to renew and extend the Special Permit.

**Hearing**

The initial hearing was held by the Board on June 4, 2014, and the hearing was continued numerous times, at the request of the Board and at the requests of the Applicant. The Board closed the hearing on August 6, 2015, and voted on its decision on September 3, 2015.

At the hearing and continuances, the Applicants requested an extension of the term of the Special Permit as well as several modifications to the conditions of the Special Permit relating to the landscape business at 11B Lewis Street, which the Applicant believed interfered with its business operations. At the hearings and continuances, as well, many neighbors provided letters and other written materials and photographs, and provided testimony to the Board, detailing and evidencing issues, concerns and complaints regarding the landscape operations of the Applicant, regarding alleged violations of the conditions imposed by the Board and the nature, scope and negative impacts on their properties and lives of some of the Applicant's business operations.

The Board went through in detail the landscape operations at 11B Lewis Street, and existing conditions imposed by the Board on such operations under the Special Permit, and heard from the Applicant as to those conditions and from neighbors and abutters regarding the insufficiency of several of the conditions and issues with compliance.
The Board also discussed confusion in the record regarding the “Site Plan” for the Property, and requested that the Applicant provide an updated, accurate site plan to be incorporated into this decision.

At hearing, there was also testimony regarding the other occupants of the Property, who according to the Applicant, remain the same individuals and companies engaged in the same uses.

Findings and Decision

The Board closed the hearing on August 6, 2015, and in subsequent deliberations discussed the application and considered the testimony and submissions of the Applicant, neighbors and other parties, as well as the relevant provisions and standards contained in the By-Law. The Board also discussed modifications to the conditions on the grant of the Special Permit, as well as the revised site plan.

The Board voted unanimously to extend and renew the Special Permit, subject to each of the conditions, requirements and limitations stated below (the “Conditions”), as follows:

11B LEWIS STREET

The Board voted to extend the Special Permit for the use of 11B Lewis Street for a tree and landscape business, conditioned on the Applicant’s compliance with each of the following requirements and limitations, which conditions shall supersede and replace the “Conditions” contained in the previously issued decisions on the Special Permit:

1. Site Plan and Site Improvements

   (a) The “Site Plan” as referenced in this Decision is a plan entitled “Site Plan 9-11 Lewis Street, Lincoln, Massachusetts”, dated March 6, 2015, revised October 28, 2015, prepared by Snelling & Hamel Associates, Inc., the original of which is in the files of the Board, and a reduced copy of which is attached to this Decision. This Site Plan shall substitute for any previous site plans that may have been referenced in previous decisions on the Special Permit.

   (b) Because the layout, landscaping, screening, and other matters existing on the site or depicted on the Site Plan are considered by the Board to be an integral component of the mitigation necessary to permit the Board to approve of Applicant’s use of the property and renew the Special Permit, any material change in the site as depicted on the Site Plan shall require the prior approval of the Board.

   (c) The entire perimeter of the area labeled “Exterior Area” on the Site Plan (the “Exterior Area”) and other perimeter areas around the Property shown on the Site Plan, shall remain fenced, so as to provide some screening from view from adjacent properties.

   (d) All exterior portions of the Property, including all trees and other plantings, and all other exterior improvements, including fencing, driveways and paved areas, as depicted on the Site Plan, shall be maintained in good condition by the Applicant (especially those providing screening and a buffer between the Property and
adjoining residential properties), with any dead, damaged or diseased trees or other plantings to be replaced of substituted with new, healthy plantings, so as to lessen the visual and noise impact of the use of the Property on neighbors and the neighborhood.

2. Noise and Disturbances
   (a) No chipping, mulching, chain saw use or any other similar noisy equipment or activities shall be permitted at the Property at any time for any reason.
   (b) Notwithstanding the foregoing:
      (i) Non-regular, limited running of such equipment (for no more than 10 minutes duration at a time) may be done in connection with necessary testing of such equipment in connection with repairs, so long as the testing is done during weekday Loading Hours (defined below) only, such testing shall be done to the minimum extent reasonably necessary for such purpose, and the testing shall be done in a location on the site reasonably designed to minimize effects on neighbors, and
      (ii) Such equipment may be used for usual and ordinary maintenance of the landscaping on the Property, so long as the use is during weekday Loading Hours only, and such use shall be limited to the extent that such landscape work is customarily undertaken with motorized equipment on sites such as the Property.
   (c) Applicant shall at all times take reasonable steps to endeavor to minimize noises, dust, odors and other disturbances at or emanating from the Property that may reasonably disturb or reasonably interfere with neighbors and neighboring properties.

3. General Business Hours, Loading Hours and Limitations on Operations and Times of Operation
   (a) Except as otherwise expressly provided in these Conditions, the hours of operation of the Applicant’s landscape business at the Property shall be limited to 7:00am to 5:00pm Monday through Friday and 8:00am to 2:00pm on Saturdays (“General Business Hours”).
   (b) Employees may be on the site working after 6:30am Monday through Friday and after 7:30am on Saturday, prior to General Business Hours, provided during such period: (i) no vehicles shall be started or operated, (ii) no motorized equipment shall be started or operated, and (iii) no loading or unloading of trucks (including loading or unloading of materials or equipment onto or from trucks) or other outdoor activities generating unreasonable noise or disturbance, shall occur.
   (c) Employees may work within the buildings on the Property outside of General Business Hours, provided all garage doors remain closed and provided such activities within the buildings do not generate noise that would reasonably be expected to be able to be heard beyond the boundaries of the Property.
(d) No trucks or other vehicles shall be started at the Property, and no trucks or other vehicles shall enter the Property prior to or after General Business Hours; provided:

(i) Trucks may return to the Property after 5:00pm (but in no event later than 8:00pm) Monday through Friday, provided that they: enter the Property through the south entrance drive only; park either within the Exterior Area or behind the building at 11B Lewis Street, without backing up, with the engine and lights being turned off promptly upon being parked; and there shall be no unhitching or unloading of any materials, trailers or equipment; and

(ii) One truck may leave the Property before 7:00am (but in no event earlier than 6:30am) Monday through Friday, provided no hitching to or loading of such truck shall occur (ie, the truck shall be preloaded during General Business Hours on the day before), and that the truck shall exit the Property without backing up.

The foregoing restrictions on hours of truck access and egress shall not apply to private motor vehicles, including private pickup trucks (without backup alarms) used as personal vehicles by the owners or employees.

(e) All motorized equipment and vehicles, such as but not limited to bobcats and skidders, used to manage, move, store, load or unload materials and for similar tasks on the Property (including moving same within the Property or loading or unloading same onto or from trucks, trailers and other vehicles) ("Loading Vehicles"), shall be operated only from 9:00am to 5:00pm Monday through Friday and 10:00am to 2:00pm on Saturdays ("Loading Hours"), subject to the following:

(i) All Loading Vehicles shall have their reverse signal alarm disabled while being operated at the Property, to the extent same can be done in compliance with applicable health and safety laws, including, if required to do so, utilizing an observer on site to signal when it is safe to back up, at all times such vehicles are being used. If reverse signal alarms cannot be disabled due to applicable health and safety laws, and there is no reasonable alternative the complies with such laws, the reverse signal alarms may be used so long as it they are adjusted to the lowest possible volume above the surrounding noise level that is consistent with applicable law; and

(ii) Provided such Loading Vehicles can be used with the reverse signal alarm fully disabled, such vehicles may be operated during General Business Hours, provided any use prior to Loading Hours (ie., between 7:00am and 9:00am Monday through Friday and between 8:00am and 10:00am on Saturday) shall limited to and solely for the purpose of the active loading of Applicant’s trucks and trailers leaving the Property.
The provisions of this Condition do not apply to registered vehicles, such as trucks, heading off-site for Applicant's business operations, which are subject to Condition (d) above.

(f) It is understood that there may be bona fide emergency situations (such as the need for emergency tree removal services or for snowplowing), where Applicant's services are required on an immediate basis, and in those circumstances, the limits on hours of operation provided in this Decision shall be waived for the amount of time necessary to address such emergencies, provided in any event Applicant will endeavor to minimize any adverse impacts such emergency use may cause to neighbors.

4. Deliveries

(a) Mulch and other landscape materials shall be delivered by dump trailers or other trucks of similar size, provided isolated additional deliveries of materials, one or two times per year, may be made by semi-trailer. All such deliveries shall occur during Loading Hours only.

(b) All trucks providing deliveries shall be required to comply with the hours of operation, and other conditions applicable to the Applicant's truck and other vehicles, and Applicant shall inform all vendors and drivers of such hours for delivery and other relevant conditions, and shall use all its best efforts to police and enforce such hours and such conditions with its vendors and their drivers.

(c) Mulch and other landscape materials shall be unloaded only within the Exterior Area, in areas designated and designed for such material storage. Mulch deliveries will be limited to approximately 500 cubic yards per season (delivered between April 15 and June 15). Smaller amounts of mulch and other landscape materials intended for immediate use in Applicant's business (as opposed to the stockpiling of such materials), shall be permitted during other times of the year.

5. Vehicles, Access and Parking

(a) Any parking or storage of trucks, vehicles, trailers or equipment for the landscape business shall occur only (i) within the building at 11B Lewis Street; (ii) to the extent beyond the capacity of the 11B Lewis Street building, may be parked and stored within the Exterior Area, as shown on the Site Plan; and (iii) one bucket truck may be parked in the paved area on the northern side of the 11B Lewis Street building, as designated on the Site Plan.

(b) Temporary parking, during General Business Hours only and on a limited, occasional basis, of trucks, vehicles or trailers is permitted in the area near the garage door of the 11B Lewis Street building, in connection with active repair activities being conducted within such building, to the extent necessary in order to clear out space within the 11B Lewis Street building to permit such repair activities to be conducted.

(c) No truck or vehicle shall be left idling on the Property while not in active use.

(d) Vehicular access and egress to the Exterior Area shall be by way of the driveway on the southern side of the Property or the driveway on the northern side of the
Property, provided all vehicles shall follow a pathway into, out of and within the Property (including the Exterior Area) such that, to the maximum extent reasonably practicable, such movement involves no backing up and turning of vehicles to enter or exit the Exterior Area or Property.

(c) Four parking spaces for private motor vehicles shall be reserved for employee parking (including the owner) for the landscape business at 11B Lewis Street, located as depicted on the approved Site Plan.

6. Compliance with By-Law

(a) All exterior uses at the Property shall be limited, as provided in Section 10.2(h) of the By-Law, to outdoor storage incidental to offices for a landscape contractor, and no actual activities relating to a landscape contracting business, other than office use and storage incidental to such office use, shall be permitted to be carried on at the Property at any time. It is a condition of this special permit that the use of 11B Lewis Street and the Exterior Area shall at all times comply with the provisions of Section 10.2(h).

9 LEWIS STREET

The Board voted to extend the Special Permit for the use of 9 Lewis Street, as occupied by Minuteman Communications for a business providing data and broadcast communications services, and such space shall have use of 1 designated parking space on the Property, as shown on the Site Plan.

11 LEWIS STREET

The Board voted to extend the Special Permit for the use of 11 Lewis Street, as occupied by Timothy Taylor for a law office, and such space shall have use of 3 designated parking spaces on the Property, as shown on the Site Plan.

11A LEWIS STREET

The Board voted to extend the Special Permit for the use of 11A Lewis Street, as occupied by ProEMS, for a base for ALS ambulance services, and such space shall have use of 1 interior garage parking space and 2 designated parking spaces on the Property, as shown on the Site Plan. Such extension is conditioned on compliance with the requirements and conditions imposed on such use in the previously issued decisions on the Special Permit, which are:

(i) ProEMS will almost never use their siren when exiting 11A Lewis Street onto Lewis Street and on Lewis Street during the hours 8:00PM to 6:00AM, and at all times will only use their siren when traffic warrants its use.

(ii) Exterior lighting will be turned off by 9:00PM.

GENERAL

1. The foregoing Conditions have been imposed by the Board in order to address issues raised by the application and in order to appropriately mitigate any potential adverse impacts of the uses of the Property on the Town and the neighborhood, and without these Conditions being imposed and complied with, the Board would not have been able to
make the findings that are required under the Zoning By-Law in order to be able to grant and extend the Special Permit for the Property.

2. This Special Permit is conditioned on there being no change in the identity of the tenants or occupants of the Property (at 9, 11, 11A or 11B Lewis Street), or any changes in or expansions of the type, nature or extent of each of the respective uses of the Property. In the event of a change described in the previous sentence, the Applicant must apply for and obtain a modification to the Special Permit (to be issued at the discretion of the Board) allowing such change before a new tenant or occupant can occupy any portion of the Property, or before any change or expansion of the use thereof can be implemented.

3. The Special Permit is personal to Munroe Holdings LLC, as the owner of the Property, and expires on any subsequent sale or transfer of the Property.

4. The Special Permit, subject to all of the Conditions, is extended until November 5, 2018.

5. Prior to the expiration of the Special Permit, the Applicant may apply for a further extension of the Special Permit, and at that hearing, in addition to other considerations as provided in the By-Law, the Board shall evaluate (i) whether Applicant has complied with each of the Conditions, and (ii) whether the Conditions have functioned as planned and remain sufficient to mitigate the impacts of the uses at the Property so as to continue to permit the Board to make its findings hereunder, and if not, to permit the Board to modify, change or amend the Conditions so as to address any issues with the effectiveness of the Conditions in mitigating such impacts; and (iii) to permit the Applicant and the Board to address any reasonable issues or concerns raised in connection with the foregoing.

The Board voted unanimously to extend the Special Permit for the Property, as stated above and subject to each of the Conditions, as follows: Joel Freedman, yea; David Henken, yea; Kathleen Shepard, yea; Eric Snyder, yea; and David Summer, yea.

General.

It is noted that: (i) Section 21.5 of the Zoning By-Laws provides that special permits lapse within a period of 18 months if construction or use is not commenced except for good cause; and (ii) Section 11 of Chapter 40A of Massachusetts General Laws provides that no special permit shall take effect until a copy of the decision, containing the certification of the Town clerk that no appeal has been filed within the 20-day appeal period, is recorded with the Registry of Deeds (or, if applicable, the Registry District of the Land Court).

[signatures on next following page]
BOARD OF APPEALS

Joel Freedman

Kathleen Shepard

David Summer

David Henken

Eric Snyder

Date: November 5, 2015.
CERTIFICATION

I hereby certify, pursuant to Section 11 of Chapter 40A of the Massachusetts General Laws as amended, that the foregoing decision of the Board of Appeals of the Town of Lincoln in the matter of Mr. William Munroe, M/P 161-5-0 for a special permit under section 10.2 of the Zoning Bylaw was filed in the Office of the Town Clerk on November 5, 2015.

[Signature]
Susan F. Brooks
Post. Town Clerk

Date: 11/05/15

Twenty days have elapsed after the date of filing and no appeal has been filed.

[Signature]
Susan F. Brooks
Post. Town Clerk

Date: 6/22/16
COMMONWEALTH OF MASSACHUSETTS
TOWN OF LINCOLN
BOARD OF APPEALS

In the matter of
Munroe Holdings LLC
11A Lewis St.
Map/Parcel/Block 95 33 0

APPLICATION FOR THE RENEWAL OF
A SPECIAL PERMIT
FOR AN ADVANCED LIFE SUPPORT
USE IN A B-2 DISTRICT UNDER
SECTION 10.2 OF THE ZONING BY-
LAW

Following notice duly given in accordance with the requirements of Section 11 of
Chapter 40A of the Massachusetts General Laws, the Board of Appeals held a public
hearing in the Town Offices on Thursday, April 14, 2011 at 7:30 p.m. to consider
the petition of Munroe Holdings LLC for the renewal of a special permit to rent space for
an Advanced Life Support (ALS) service in a B-2 service business district under Section
10.2 of the Zoning By-Law. Owners William and Karen Munroe represented Munroe
Holdings. The Board consisted of John Kimball, Chair, Steve Daigle, Joel Freedman,
Megan Stride, and Jeff Macklin.

The renewal requested that ALS be permitted to perform shift changes at the
premises and that the building at 11 Lewis Street be altered to allow for interior vehicle
parking. The Board received a letter from the Town Administrator on behalf of the
Selectmen prior to the meeting expressing support for this application. The Board also
received a letter dated April 8, 2011, from Jim and Nancy Fleming of 78 Codman Road,
stating that they had had no issues with the ALS ambulance service. With the Board
receiving no other comments or complaints, the Board voted unanimously to close the
hearing.

The Board then discussed the proposal. Since ALS had successfully offered
paramedic services from this location with minimal disturbance and no detrimental effect
on the neighborhood, an extension would seem warranted. It noted that with multiple
permits involved at 11A Lewis Street, it would make sense to coincide terms if at all
possible.

Decision

Accordingly, the Board voted unanimously to grant a renewal of the special
permit till December 15, 2013 in order to coincide with other permits granted to the
Munroes at 11A Lewis Street, subject to Planning Board Site Plan approval for both the
building modification and two full time external parking space plus two swing spaces.
This renewal will maintain the remaining following conditions:

1. Pro Ambulance will almost never use their siren when exiting 11A Lewis St. onto Lewis St. and on Lewis St. during the hours 8 p.m.-6 a.m., and at all times will only use their siren when traffic warrants its use.
2. Exterior lighting will be turned off by 9 p.m.

This permit may be extended in the discretion of the Board by application filed in advance of the termination date.

The Board notes that Section 11 of Chapter 40A of the Massachusetts General Laws provides that no special permit shall take effect until a copy of this decision, containing the certification of the Town Clerk that no appeal has been filed within the 20-day appeal period, is recorded in the Registry of Deeds (or, if applicable, the Registry of Deeds of the Land Court).

John Kimball  Steve Daigle  Joel Prechman

Jeff MacKlin  Megan Stride

5/19/2011
Date
CERTIFICATION

I hereby certify, pursuant to Section 11 of Chapter 40A of the Massachusetts General Laws as amended, that the foregoing decision of the Zoning Board of Appeals of the Town of Lincoln in the Matter of Munroe Holdings, LLC, was filed in the Office of the Town Clerk on May 23, 2011.

Susan Brooks
Town Clerk

Date: May 23, 2011

Twenty days have elapsed after the date of filing and no appeal has been filed.

Susan Brooks
Town Clerk

Date: June 13, 2011
COMMONWEALTH OF MASSACHUSETTS
TOWN OF LINCOLN
BOARD OF APPEALS

In the matter of
Munroe Holdings LLC
9, 11, 11A, and 11B Lewis St.
Map/Parcel/Block 95 33 0

APPLICATION FOR RENEWAL
OF SPECIAL PERMITS UNDER
SECTION 10.2 OF THE ZONING
BYLAW

Following notice duly given in accordance with the requirements of Section 11 of Chapter 40A of the Massachusetts General Laws, the Board of Appeals held a public hearing in the Town Offices on Thursday, December 16, 2010, at 7:30 p.m. to consider the petition of Munroe Holdings LLC for renewal of special permits granted and renewed by the Board in June, 2010, (the “Special Permits”) for numbers 9, 11, 11A, and 11B Lewis Street (the “Property”) in the B-2 service business district under Section 10.2 of the Zoning Bylaw. The Special Permits permit the applicants to operate a landscape business (at 11B Lewis St.), and to rent space for a lawyer’s office (at 11 Lewis St.) and for a telecommunications service (at 9 Lewis St.), subject to various conditions. This decision does not affect the special permit granted to the applicants by the Board in October, 2010, to rent space for an advanced life support service at 11A Lewis Street, which permit expires April 20, 2011. Munroe Holdings was represented by owners William Munroe and Karen Munroe. The Board consisted of John Kimball, Chair, Steve Daigle, Joel Freedman, Jeff Macklin, and Megan Stride.

The Munroes noted that, since the Special Permits were granted or renewed in June, the Planning Board had approved a site plan (dated 10/26/10) with a minor change on or about November 17, 2010 (the “Site Plan”). The Zoning Board noted that this Site Plan, which shows permitted areas for parking and required screening, was substantially consistent with the prior Special Permits, and the Board will refer to it herein. The Munroes also presented pictures showing the recent completion of fencing bordering the property to the north and east, as shown on the Site Plan. The Board discussed the various conditions to the Special Permits with the Munroes, who did not object to their continuance. No other persons appeared to comment on this application. The Board closed the hearing and discussed the application.

For clarity’s sake, the Board will not repeat the history of these Special Permits here, but will simply restate and clarify the conditions for renewal. The Board found that the conditions it had imposed on the grant of the Special Permits were sufficient and necessary to satisfy the factors listed in section 10.5 of the Zoning Bylaw, and determined to renew the Special Permits on the following conditions:
1. Because the landscaping, screening, and other matters depicted on the Site Plan are considered by the Board to be an integral component of the mitigation necessary to permit the Board to approve of Applicant's use of the property and renew the Special Permits, any material change in the site as depicted on the Site Plan shall require the prior approval of the Board.

2. The hours of operation of the business at the Property shall be no greater than 7:00am to 5:00pm Monday through Friday and 8:00am to 2:00pm on Saturdays.

3. No chipping, mulching, chainsawing or any other similar noisy equipment or activities shall be permitted at the Property at any time for any reason.

4. All motorized vehicles, such as bobcats, that may be used to move stored materials and for similar tasks shall be operated only during the permitted hours of operation under Condition 2, and shall have their reverse signal alarm disabled while being operated at the Property; provided if with respect to any vehicle same does not comply with applicable health and safety laws, either (i) an observer shall be utilized on site to signal when it is safe to back up, or (ii) the reverse signal alarm shall be adjusted to the lowest possible volume above the surrounding noise level, and no such vehicle shall be operated at the Property prior to 9:00am Monday through Friday or prior to 10:00am on Saturdays.

5. Any parking or storage of trucks, vehicles, trailers or equipment for the landscape business shall occur only within 11B Lewis St., or to the extent beyond the capacity of 11B Lewis St., shall be parked and stored only within the Exterior Area as shown on the Site Plan; provided that one bucket truck may be parked in the paved area on the northern side of 11B Lewis St., as shown on the Site Plan.

6. The entire perimeter of the Exterior Area shall be fenced, as shown in the Site Plan, so that the area is screened from view from adjacent properties.

7. Vehicular access to the Exterior Area shall be by way of the driveway on the southern side of the Property and vehicular egress from the Exterior Area shall be by way of the driveway on the northern side of the Property (or from within 11B Lewis St.).

8. Three parking spaces for private motor vehicles shall be reserved for parking for employees (including the owner) at 11B Lewis St., as depicted on the approved Site Plan. Three parking spaces are reserved for parking at 11 Lewis Street (the lawyer’s office) and two parking spaces at 9 Lewis St. (the telecommunications service), as shown in the Site Plan.

9. The Applicant shall maintain the existing fencing and plantings and trees which serve as screening between the Property and the adjoining residential property at 1-7 Lewis Street, so as to lessen the visual and noise impact of the use of 11B Lewis St.

10. All exterior uses at 11B Lewis St. shall be limited, as provided in Section 10.2(h) of the By-Law, to outdoor storage incidental to offices for a landscape contractor, and no actual activities relating to a landscape contracting business, other than
office use and storage incidental to such office use, shall be permitted to be carried on at the Property at any time. It is a condition of this special permit that the use of 11B Lewis St. and the Exterior Area shall at all times comply with the provisions of Section 10.2(h).

11. This special permit is also conditioned on there being no change in the identity of the tenants or occupants of 9, 11, 11A or 11B Lewis St., or in their use of the Property, as set forth in the Special Permits. In the event of a change described in the previous sentence, the owner of the Property must apply for and obtain a modification to the Special Permits allowing such change before a new tenant or occupant occupies any portion of the Property, or before any change in the use thereof. The Special Permits are personal to Munroe Holdings LLC, as the owner of the Property, and expire on any subsequent sale or transfer of the Property.

12. The Special Permits expire on December 15, 2013, and may be extended in the discretion of the Board, upon application by the owner at least 30 days in advance of that date.

The Board notes that Section 11 of Chapter 40A of the Massachusetts General Laws provides that no special permit shall take effect until a copy of this decision, containing the certification of the Town Clerk that no appeal has been filed within the 20-day appeal period, is recorded in the Registry of Deeds (or, if applicable, the Registry of Deeds of the Land Court).

John Kimball  
Steve Daigle  
Joel Friedman  
Jeff McKinn  
Megan Stride

Jan. 27, 2011
Date
Commonwealth of Massachusetts  
Town of Lincoln  
Zoning Board of Appeals  

DECISION

In the matter of:  
Munroe Holdings LLC  
9, 11, 11A and 11B Lewis Street  
(sometimes referred to as 9, 11 and 13 Lewis Street)  
Map/Parcel/Block: 95 33 0  

Renewal of Special Permit under Section 10.2 of the By-Law for use of 11B Lewis Street for tree and landscape business and Renewal of Special Permits under Section 10.2 for other uses of property

Following notice duly given in accordance with the requirements of Section 11 of Chapter 40A of the Massachusetts General Laws, the Town of Lincoln Board of Appeals held a public hearing in the Town Offices on May 20, 2010 (after being continued at the Applicant’s request from the original date of April 29, 2010), to consider the application of Munroe Holdings LLC (the “Applicant”), for renewal of a special permit (the “Special Permit”) granted by Decision dated November 2, 2006 (the “2006 Decision”) for the use of portions of the premises known as 9, 11, 11A and 11B Lewis Street (the “Property”) for a tree and landscape business, pursuant to Section 10.2(h) of the Zoning By-Law, and for renewal of other special permits for uses of the Property.

The Property contains approximately 27,240 square feet of land, and is improved with 3 buildings, one known as 9 Lewis Street, one as 11 Lewis Street and one containing 11A and 11B Lewis Street. The Property is located in the B-2 District.

At the hearing, the following members of the Board were present: John R.H. Kimball, Joel Freedman, Jefferson Macklin, Megan Stride and David Summer.

Appearing at the hearing on behalf of the Applicant were William Munroe and Karen Munroe, and their attorney Steven L. Charlip.

Neighbors and abutters also appeared at the hearing, and neighbors and abutters, and the Applicant, also submitted letters, emails and other materials, which are included in the record of the hearing.
Hearing.

At the request of the Applicant, the original hearing date of April 29, 2010, was continued to May 20, 2010.

At the hearing on May 20, 2010, the Applicant reviewed the landscape business being operated by Munroe Tree & Landscape, Inc. ("Munroe") at 11B Lewis Street ("11B Lewis") and within certain exterior areas in the southwestern corner of the Property, to the south of the building at 9 Lewis Street and to the west of 11B Lewis (the "Exterior Area"), identifying some areas where Munroe had failed to comply with the conditions of the 2006 Decision, some of the difficulties and issues that the conditions had caused to the business, and some of the challenges that Munroe has faced over the past several years. The Applicant stated that Munroe's business activities at the Property remained substantially as described in the 2006 Decision, with the exception that they have one additional employee and have added one bucket truck to their business vehicles, and that the Expansion, as described in the 2006 Decision, had been constructed.

The Board and the Applicant went through each of the terms and conditions of the 2006 Decision, and discussed in detail Munroe’s compliance or failure to comply with these conditions.

A letter from the Planning Board, dated April 27, 2010, was submitted, as required by Section 10.2 of the By-Law, expressing concerns regarding violations of the 2006 Decision’s conditions, and urging that a revised site plan, reflecting current conditions, be submitted for approval by the Planning Board.

Letters from the Building Commissioner were also submitted, which included notices identifying various violations of the 2006 Decision’s conditions, as well as subsequent notices, noting substantial improvements in the site and its compliance with the conditions.

Public comments were received at the hearing from James Fleming (78 Codman Road), Nancy Fleming (78 Codman Road), Jonathan Soo (72 Codman Road) and Staci Montori (84 Codman Road), focusing mainly on chronic noise issues and on the condition of the site and the adequacy of the site screening.

Public comments were also submitted in the form of letters and emails from various neighbors and abutters, some expressing concerns and issues, and detailing the extent and nature of the violations and the impacts of those violations, some noting that conditions had noticeably improved at the site over the past month, and some expressing support for the Applicant.

At the hearing, there was also discussion regarding the other special permits at the Property, which are addressed below.

The Board then closed the hearing.

Findings and Decision.

The Board discussed the application, the evidence provided to the Board and presented at the hearing, and the relevant provisions of the By-Law.

The Board believes that the evidence presented was sufficient to demonstrate that the Applicant had, during the term of the Special Permit, violated many of the conditions of the Special Permit. These conditions had been imposed in order to reasonably ensure that the use of the Property
would comply with the requirements of Section 10 of the By-Law, would be in harmony with the
general purposes and intent of the By-Law, and that the use would not be detrimental or injurious
to persons or property. These violations appear to have been the major reason for the complaints
of neighbors and abutters.

Section 10.5.1 contains a list of factors which the Board is to consider, at a minimum, in
extending any special permit for a use in a B-2 District, and Section 10.5.1(i) states that among
the factors to be considered is “the record of the applicant in complying with the provisions of
the existing permit.”

However, evidence was also presented to the Board that the Applicant has recently corrected
many of the chronic violations of the conditions of the Special Permit and Munroe seems
recently to be operating its business at the Property in a manner more in keeping with the terms
of the Special Permit, and responding appropriately to the legitimate concerns of its neighbors.

Accordingly, the Board determined that the best course of action would be to provide a short
extension of the Special Permit, in order to permit the Board and neighbors and abutters to
determine if the recent changes and actions of the Applicant will prove to be continuing and
stable, and if the conditions imposed, when complied with by the Applicant, are sufficient to
protect the interests that the By-Law seeks to protect in the granting of special permits in a B-2
Zoning District.

The Board voted to extend the Special Permit until December 15, 2010, and to condition the
Special Permit, as so extended, on each of the following conditions and limitations, which shall
be deemed to replace the conditions as provided for in the original Special Permit.

The Special Permit is conditioned on compliance with each of the following requirements (the
“Conditions”):

1. The Board finds the existing site plan for the Property to be inaccurate and insufficient
   under the By-Law’s requirements, and the Board requires that the Applicant prepare a
   new, updated site plan, and obtain the approval the Planning Board to the site plan for the
   Property, as required by Section 10.1 of the By-Law (the “Site Plan”). The Site Plan
   shall reflect current conditions, and proposed site improvements, and, in addition to any
   other requirements of the Planning Board and of the By-Law, shall include, without
   limitation:

   (a) The location and extent of the Exterior Area.

   (b) The location, height, configuration and construction of the storage bins within the
       Exterior Area that are used for the storage of mulch and other landscape materials
       used in connection with Applicant’s business.

   (c) The location, type and size of the fence and gate, and related landscape
       improvements, to be installed behind 11 Lewis Street, running perpendicularly
       from 11B Lewis Street toward the northern boundary of the Property, which are
       intended to screen the parking area designated for Munroe’s bucket truck.

   (e) The location of all required parking spaces.

   (f) A landscaping and planting plan for the south and southwesterly areas of the
       Property, along (i) the boundary with the adjoining 15 Lewis Street property
       (which had had a line of evergreen trees screening the building at 15 Lewis Street,
which were removed by Applicant) and (ii) the portion of the property at the corner of Lewis Street and the adjoining 15 Lewis Street property (where a large deciduous tree and a grassed area were cut down and removed by the Applicant), in both cases such landscaping and planting shall be laid out so as to soften and screen the otherwise industrial-looking boundary of the Property.

All new fencing, plantings and other proposed improvements depicted on the Site Plan shall be installed, planted, constructed and implemented on the Property by December 15, 2010, except if same is not practically feasible, in which event it shall be completed and implemented as soon as possible thereafter.

2. Because the landscaping and other matters depicted on the Site Plan are considered by the Board to be an integral component of the mitigation necessary to permit the Board to approve of Applicant’s use of the Property and grant the Special Permit, any material change in the site as depicted on the Site Plan shall require the prior approval of the Board.

3. The hours of operation of the business at the Property shall be no greater than 7:00am to 5:00pm Monday through Friday and 8:00am to 2:00pm on Saturdays.

4. No chipping, mulching, chainsawing or any other similar noisy equipment or activities shall be permitted at the Property at any time for any reason.

5. All motorized vehicles, such as bobcats, that may be used to move stored materials and for similar tasks shall be operated only during the permitted hours of operation under Condition 3, and shall have their reverse signal alarm disabled while being operated at the Property; provided if with respect to any vehicle same does not comply with applicable health and safety laws, either (i) an observer shall be utilized on site to signal when it is safe to back up, or (ii) the reverse signal alarm shall be adjusted to the lowest possible volume above the surrounding noise level, and no such vehicle shall be operated at the Property prior to 9:00am Monday through Friday or prior to 10:00am on Saturdays.

6. Any parking or storage of trucks, vehicles, trailers or equipment shall occur only within 11B Lewis, or to the extent beyond the capacity of 11B Lewis, shall be parked and stored only within the Exterior Area; provided, so long as appropriate fencing and gating have been installed, as depicted on the Site Plan, one bucket truck may be parked in the paved area on the northerside of 11B Lewis, directly in front of the garage doors of such building.

7. The entire perimeter of the Exterior Area shall be fenced, using wood fencing, so that the area is screened from view from adjacent properties.

8. Vehicular access to the Exterior Area shall be by way of the driveway on the southern side of the Property and vehicular egress from the Exterior Area shall be by way of the driveway on the northern side of the Property (or from within 11B Lewis).

9. Three parking spaces for private motor vehicles shall be reserved for parking for employees (including the owner) at 11B Lewis, 1 such space to be located inside 11B Lewis, and the other 2 spaces shall be as depicted on the approved Site Plan.
10. The Applicant shall maintain the existing fencing and plantings and trees which serve as screening between the Property and the adjoining residential property at 1-7 Lewis Street, so as to lessen the visual and noise impact of the use of 11B Lewis.

11. All exterior uses at 11B Lewis shall be limited, as provided in Section 10.2(h) of the By-Law, to outdoor storage incidental to offices for a landscape contractor, and no actual activities relating to a landscape contracting business, other than office use and storage incidental to such office use, shall be permitted to be carried on at the Property at any time. It is a condition of the Special Permit that the use of 11B Lewis and the Exterior Area shall at all times comply with the provisions of Section 10.2(h).

Prior to the expiration Special Permit, as extended hereby, the Applicant may apply for a further extension of the Special Permit, and at that hearing, in addition to other considerations as provided in the By-Law, the Board shall evaluate: (i) whether Applicant has fully complied at all times with each of the Conditions; and (ii) whether the Conditions have proven to be adequate to protect the interests they were intended to protect, and if not, whether modifications to the Conditions can address any inadequacies so discovered.

This Special Permit is also conditioned on there being no change in the identity of the tenant or occupants of 11B Lewis, Munroe Tree & Landscaping, Inc., or in their use of 11B Lewis. In the event of a change described in the previous sentence, the owner of the Property must apply for and obtain a modification to the Special Permit allowing such change before a new tenant or occupant occupies any portion of 11B Lewis, or before any change in the use thereof.

The Special Permit is personal to Munroe Holdings LLC, as the owner owner of the Property, and expires on any subsequent sale or transfer of the Property.

**Other Special Permits at the Property.**

According to the Applicant, there are 2 other tenants occupying portions of the Property: the building known as 11 Lewis Street ("11 Lewis") remains occupied by Timothy Taylor as a law office; and building known as 9 Lewis Street ("9 Lewis") remains occupied by Minuteman Communications for a business providing data and broadcast communication services; and the building known as 11A Lewis Street remains vacant.

The Applicant stated that there has been no change in the identity of the tenants or in the nature and extent of the uses of 11 Lewis and 9 Lewis by the tenants thereof.

The Applicant requested that the special permits for 11 Lewis and 9 Lewis be extended.

The Board notes that the Applicant will need to apply for a special permit under Section 10 of the By-Law for any new tenant or occupant of the currently vacant space at 11A Lewis Street.
11 Lewis Street

The special permit for 11 Lewis, first issued in 1995, and subsequently renewed in 1998, 2001, 2005 and in the 2006 Decision, limits its use to a law office and requires that 3 parking spaces be provided for such use. The Board found that since there has been no change in the use of 11 Lewis, that the special permit for 11 Lewis should be extended until December 15, 2010, so as to be co-terminus with the other special permits on the Property. The granting of this special permit shall be conditioned on the required parking spaces being depicted on the approved Site Plan.

This special permit is also conditioned on there being no change in the identity of the tenant or occupants of 11 Lewis, Timothy Taylor, or in its use of 11 Lewis. In the event of a change described in the previous sentence, the owner of the Property must apply for and obtain a modification to this special permit allowing such change before a new tenant or occupant occupies any portion of 11 Lewis, or before any change in the use thereof.

This special permit is personal to Munroe Holdings LLC, as the owner owner of the Property, and expires on any subsequent sale or transfer of the Property.

9 Lewis Street

The special permit for 9 Lewis, first issued in 1995, and subsequently renewed in 1998, 2001 and 2005, was not extended in the 2006 Decision, as the owner at that time stated that Minuteman Communications would be vacating the property. According to the Applicant, in fact, the tenant did not vacate as expected and continues to operate its business at 9 Lewis. The special permit for 9 Lewis limited its use to a data and broadcast communications business, and the storage of a broadcast van and other vehicles within the building at 9 Lewis, and requires that 3 parking spaces be provided for such use. The Board found that since there has been no change in the use of 9 Lewis, and notwithstanding its exclusion from the special permit extension granted in the 2006 Decision, that the special permit for 9 Lewis should be extended until December 15, 2010, so as to be co-terminus with the other special permits on the Property. The granting of this special permit shall be conditioned on the required parking spaces being depicted on the approved Site Plan.

This special permit is also conditioned on there being no change in the identity of the tenant or occupants of 9 Lewis, Minuteman Communications, or in its use of 9 Lewis. In the event of a change described in the previous sentence, the owner of the Property must apply for and obtain a modification to this special permit allowing such change before a new tenant or occupant occupies any portion of 9 Lewis, or before any change in the use thereof.

This special permit is personal to Munroe Holdings LLC, as the owner owner of the Property, and expires on any subsequent sale or transfer of the Property.

General.

It is noted that: (i) Section 21.5 of the Zoning By-Laws provides that special permits lapse within a period of 18 months if construction or use is not commenced except for good cause; and (ii) Section 11 of Chapter 40A of Massachusetts General Laws provides that no special permit shall take effect until a copy of the decision, containing the certification of the town clerk that no appeal has been filed within the 20-day appeal period, is recorded with the Registry of Deeds (or, if applicable, the Registry District of the Land Court).
BOARD OF APPEALS

Joel Freedman

Jefferson Macklin

David Summer

Date: July 7, 2010.
CERTIFICATION

I hereby certify, pursuant to Section 11 of Chapter 40A of the Massachusetts General Laws as amended, that the foregoing decision of the Zoning Board of Appeals of the Town of Lincoln in the Matter of Munroe Holdings LLC, was filed in the Office of the Town Clerk on July 8, 2010.

Susan Brooks
Town Clerk

Date: July 8, 2010

Twenty days have elapsed after the date of filing and no appeal has been filed.

Susan F. Brooks
Town Clerk

Date: July 28, 2010
Commonwealth of Massachusetts
Town of Lincoln
Zoning Board of Appeals

DECISION

In the matter of:
Giles Dilg and Maureen Dilg and
Munroe Tree & Landscape, Inc.
9, 11, 11A and 11B Lewis Street
(sometimes referred to as 9, 11 and 13 Lewis Street)
Map/Parcel/Block: 95 33 0

Special Permit under Section 10.2 of the
By-Law for use of 11B Lewis Street for
tree and landscape business
and
Continuance of existing Special Permit for
11 Lewis Street following transfer of title.

Following notice duly given in accordance with the requirements of Section 11 of Chapter 40A
of the Massachusetts General Laws, the Town of Lincoln Board of Appeals held a public hearing
in the Town Offices on September 21, 2006, to consider the application of Giles Dilg and
Maureen Dilg and Munroe Tree & Landscape, Inc. (together the "Applicant"), for a special
permit for the use of portions of the premises located at 9, 11 and 11A and 11B Lewis Street
(also sometimes known as 9, 11 and 13 Lewis Street) (the "Property") for a tree and landscape
business, pursuant to Section 10.2(h) of the Zoning By-Law. The hearing was continued on
October 3, 2006.

The Property contains approximately 27,240 square feet of land, and is improved with 3
buildings, one known as 9 Lewis Street, one as 11 Lewis Street and one containing 11A and 11B
Lewis Street. The Property is located in the B-2 District.

At the hearing (and continuance), the following members of the Board were present: Pamela
Green (chair), Anna M. Hardman, John R.H. Kimball, Jefferson Macklin and Joel S. Freedman

Appearing at the hearing on behalf of the Applicant were Giles Dilg and Maureen Dilg, William
Munroe and Karen Munroe, for Munroe Tree & Landscape, Inc., and, at the continuance, David
Ries represented the Applicant.

Neighbors and abutters also appeared at the hearing.
Hearing.

At the hearing on September 21, 2006, the Applicant stated that Giles and Maureen Dilg are the current owners of the Property, and that Munroe Tree & Landscape, Inc. ("Munroe Landscape") has entered into an agreement to purchase the Property, conditioned on their ability to use the portion of one of the buildings, known as 11B Lewis Street ("11B Lewis"), and certain exterior areas in the southwestern corner of the Property, to the south of the building at 9 Lewis Street and to the west of 11B Lewis (the "Exterior Area"), for the operation of their tree and landscape business. The Applicant stated that 11B Lewis had previously been occupied by Minuteman Communications, and was now vacant.

William Munroe and Karen Munroe (the "Munroes") discussed the nature of Munroes Landscape’s proposed use of 11B Lewis and the Exterior Area in detail, including: 70% to 80% of Munroes Landscape’s business is in Lincoln; the business has 3 employees (including the owner), and customers will not be coming to the Property; the only trucks used are under commercial size, and the business currently owns or uses 4 trucks, one of which is the owner’s personal vehicle; plowing is done in the winter by contract with the Town of Lincoln, but all plow equipment and all trucks used in plowing will be kept at the Department of Public Works’ property during the winter season, rather than at 11B Lewis; landscaping materials used in the business, such as loam, mulch and stone dust, will be stored outside in the Exterior Area, in piles or bins; deliveries of materials in the busy season (April to June) will generally not be more frequent than 2-3 times a week, and will be less frequent in the off-season; equipment, such as trailers, chippers and bobcats will be stored either within 11B Lewis or in the Exterior Area; the nature of the business is that employees, trucks and equipment leave the Property in the morning, and return at the end of the day; and that work does not begin earlier than 7:00am on weekdays, and 8:00am on Saturdays, and ends by 5:00pm, with these hours being considerably less in the off-season. The Munroes also stated that another tree and landscape company has been operating its business at 15 Lewis Street, immediately adjacent to 11B Lewis, for several years, and the Department of Public Works operates its facility just down the street from 11B Lewis.

A letter from the Planning Board, dated September 20, 2006, was submitted, as required by Section 10.2 of the By-Law, recommending to the Board that the use be approved, finding that the proposed business is similar to other businesses in the immediate neighborhood and would not be more detrimental to the neighborhood, and recommending that truck parking be limited to the Exterior Area.

Public comments were heard from Jacob Droine, on behalf of his grandparents, the owners of the abutting property at 1, 3, 5 and 7 Lewis Street, which contains multifamily residential buildings. He expressed concerns about traffic, children’s safety and how the driveway (now shared between the properties) would work.

Public comments were also submitted in a letter from Nancy Fleming and Jim Fleming (78 Codman Road), John Bordiuk and Staci Montori (84 Codman Road) and Christian Reich and Parisa Zamir (72 Codman Road), and were heard from John Bordiuk at the hearing, expressing their concerns regarding the high volume of trucks going in and out of Lewis Street now, with Lowden Save-A-Tree and the Department of Public Works, and the noise associated with the trucks, with early morning activities and with the use of equipment such as chippers, and concerns regarding the safety and well-being of the large number of children in the area, and the impacts of this additional use on the adjacent residential neighborhood.
Board members expressed concerns over the potential noise of operations, and the need for appropriate fencing and screening from adjoining residential areas, and requested specific information on the parking to be provided at the Property, and a layout of the Exterior Area as proposed to be used by Munroe Landscape.

The hearing was continued to allow the Applicant to provide a plan detailing the parking and site layout and to consider responses to the public’s comments and concerns, and to permit the Board to view the site.

At the continued hearing on October 5, 2006, the Applicant presented a plan, originally prepared October 23, 1984, and revised November 13, 1984, and June 10, 2006 (the “Site Plan”).

The Site Plan depicts diagrammatically a proposed addition and expansion of 11B Lewis, to the north, extending 11B Lewis out approximately 15 feet to align with the northern side of the 11A Lewis Street building (the “Expansion”).

The Site Plan also shows 16 exterior parking spaces on the Property, with 2 spaces, located in the Exterior Area, allocated to 11B Lewis. The interior of 11B Lewis is to be used for the storage of 3 trucks and a bobcat, as well as for parking for the owner’s personal truck. The Expansion includes 3 garage door entrances to 11B Lewis from the parking area on the north side of the Property, in addition to the existing garage door entrance on the southeastern side of 11B Lewis.

The Munroes stated that, with the Expansion, all of Munroe Landscape’s trucks and most of its equipment at the site will be able to be parked and stored indoors at 11B Lewis, with only a trailer, bobcat and chipper being stored outside in the Exterior Area.

The Board, and neighbors, discussed concerns regarding the use of the northern side of the Property for access to 11B Lewis by trucks, the use of noisy machinery, such as chippers, as well as other issues.

The Board also discussed the Expansion, and determined that physical changes to the Property were a matter for the Planning Board to consider, pursuant to Section 10.1 of the By-Law.

At the continuance, there was also discussion regarding the other special permits at the Property, which is addressed below.

The Board then closed the hearing.

Findings and Decision.

The Board discussed the application and the relevant provisions of the By-Law.

Section 10.2 lists uses permitted in a B-2 District subject to the permission of the Board, which include “(h) offices for general building, building maintenance, landscaping, electrical and similar contractors, including outdoor storage of supplies, tools, equipment and vehicles incidental to actual conduct of the activity.”

Section 10.5.1 contains a list of factors which the Board is to consider, at a minimum, in granting or denying any special permit for a use in a B-2 District.

The Board found that that the proposed use of 11B Lewis and the Exterior Area by the Applicant, as described by the Applicant at the hearing, will conform with the requirements of Section 10.2(h). The Board, after considering each of the factors contained in Section 10.5.1, and other factors deemed relevant by the Board, found that, provided the conditions and
limitations stated below are complied with, the proposed use complies with the requirements of Section 10 of the By-Law, will be is in harmony with the general purposes and intent of the By-Law, and that the proposed use will not be detrimental or injurious to persons or property.

The Board voted unanimously to grant the Special Permit, subject to the conditions and limitations stated below.

The Special Permit is conditioned on compliance with each of the following requirements:

1. The Property shall be improved and used in accordance with the Site Plan.

2. The hours of operation shall be no greater than 7:00 am to 5:00 pm Monday through Friday and 8:00 am to 2:00 pm on Saturdays.

3. No chipping or similar noisy activities shall be permitted at the Property.

4. All exterior uses at 11B Lewis, including loading, the storage of landscape materials, and any parking or storage of trucks, vehicles, trailers or equipment, shall occur only within the Exterior Area.

5. The perimeter of the Exterior Area shall be fenced so that (i) the only access (vehicular or pedestrian) to the Exterior Area is by the driveway on the southern side of the Property (or from within 11B Lewis), and (ii) the area is screened from view from adjacent residential properties.

6. Munroe Landscape's trucks and vehicles shall be parked and stored within 11B Lewis. Other trailers and equipment, and any trucks and vehicles beyond the capacity of 11B Lewis, shall only be parked and stored within the Exterior Area. Trucks, vehicles and equipment shall not be parked or stored in, or idle at, or be loaded from, the parking areas and driveways on the eastern side of the Property or on the front side of the Property.

7. 3 parking spaces shall be reserved for parking for employees (including the owner), 2 exterior spaces located in the Exterior Area, and 1 space located inside 11B Lewis.

8. Applicant shall maintain the screening provided by row of trees along southern side of Property, separating the Property from the building at 15 Lewis Street (existing trees may be replaced as necessary with trees and/or bushes to maintain the existing screening).

9. Munroe Landscape shall plant and maintain additional plantings and trees as screening between the Property and the adjoining residential property at 1-7 Lewis Street, so as to lessen the visual and noise impact of the use of 11B Lewis.

The Board notes that Section 10.2(h) of the By-Law permits the use of property in the B-2 District for offices for landscaping contractors, including outdoor storage incidental to such use, but does not permit property to be used for the conduct of actual landscaping activities. It is a condition of the Special Permit that the use of 11B Lewis and the Exterior Area shall at all times comply with the provisions of Section 10.2(h).

The Special Permit is further conditioned on the Applicant obtaining approval from the Planning Board for the Extension, as shown on the Site Plan, pursuant to Section 10.1 of the By-Law.

The Special Permit is for a term of 3 years from the date of this Decision, provided that there is no change in the identity of the tenant or occupants of 11B Lewis or in their use of 11B Lewis. In the event of a change described in the previous sentence, the owner of the Property must
obtain a modification to the Special Permit allowing such change before a new tenant or occupant occupies any portion of 11B Lewis, or before any change in the use thereof. A request for renewal must be made in writing by the Applicant no later than three months prior to the expiration of the 3-year term of this renewal of the Special Permit.

The Special Permit is personal to Munroe Landscape, as the new owner, and expires on any subsequent sale or transfer of the Property.

Other Special Permits at the Property.

At the continuance of the hearing, the Board raised the fact that according to the Property’s records, there are other special permits existing for the use of other portions of the Property, and that these special permits were personal to the Property owner, and expire by their terms on a sale or transfer. The Applicant stated that the rentable space in the buildings at 9 Lewis Street and at 11A Lewis Street are currently vacant, and that the building at 11 Lewis Street (“11 Lewis”) remains occupied as a law office. The Applicant stated that there has been no change in the identity of the tenant or in the nature and extent of the use of 11 Lewis by the tenant. The Applicant requested that the Board determine that the special permit for 11 Lewis will remain in force and effect following the transfer of the Property to Munroe Landscape.

The special permit for the use of 11 Lewis was issued July 31, 1995, and provided for its use by Timothy Taylor, for a law office. The special permit was subsequently renewed by decisions dated June 17, 1998, November 20, 2001, and November 10, 2005 (the “11 Lewis Special Permit”). The 11 Lewis Special Permit allocated 3 parking spaces to 11 Lewis, for use by Mr. Taylor, a possible employee and by clients.

The Board found that, since there has been no change in the use of 11 Lewis, and the Site Plan depicts 3 parking spaces allocated to 11 Lewis, the transfer to Munroe will not affect the use of 11 Lewis, and the Board determined that the 11 Lewis Special Permit should remain in force and effect following the transfer of title, and continue in accordance with its terms, including without limitation the requirement for renewal every 3 years (this Decision not being intended to be such a renewal), and that the 11 Lewis Special Permit will be personal to Munroe Landscape, as the new owner, and will expire on a subsequent sale or transfer of the Property.

The Board notes that the Applicant will need to apply for a special permit under Section 10 of the By-Law for any new tenant or occupant of the currently vacant spaces at 9 Lewis Street and 11A Lewis Street

General.

It is noted that: (i) Section 21.5 of the Zoning By-Laws provides that special permits lapse within a period of 18 months if construction or use is not commenced except for good cause; and (ii) Section 11 of Chapter 40A of Massachusetts General Laws provides that no special permit shall take effect until a copy of the decision, containing the certification of the town clerk that no appeal has been filed within the 20-day appeal period, is recorded with the Registry of Deeds (or, if applicable, the Registry District of the Land Court).

[signatures on next following page]
BOARD OF APPEALS

Pamela S. Green
Pamela Green

Anna M. Hardman

John R.H. Kimball

Jefferson Macklin

Joel Freedman

Date: November 2, 2006.
CERTIFICATION

I hereby certify, pursuant to Section 11 of Chapter 40A of the Massachusetts General Laws as amended, that the foregoing decision of the Board of Appeals of the Town of Lincoln in the Matter of Giles and Maureen Dilg and Monroe Tree & Landscape, Inc. was filed in the Office of the Town Clerk on November 3, 2006.

Susan F. Brooks
Town Clerk

Date: Nov 14, 2006

Twenty days have elapsed after the date of filing and no appeal has been filed.

Susan F. Brooks
Town Clerk

Date: Nov 27, 2006