



Zoning Enforcement Officer

TOWN OF ACTON
Planning Department
472 Main Street
Acton, Massachusetts 01720
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January 10, 2012

Trudeau Homes International
c/o Mr. Thomas Trudeau
852 Main Street
Acton, MA 01720

Re: Illegal Use of Land
848 Main Street, Acton, MA 01720
Certified Mail # 7009 0820 0001 3220 4044

Dear Mr. Trudeau,

I am writing to you as a valued member of the Acton business community. Specifically, this communication concerns apparent zoning violations which have been brought to my attention. The apparent zoning violations are currently occurring on your property at 848 Main Street and appear to bear a resemblance to a logging/wood splitting operation.

It is my understanding that harvested trees/timber are being brought onto the subject site by tractor trailer truck and off loaded in the rear (northwest) corner of the property which immediately abuts residential dwellings. It is also my understanding that there are several pieces of equipment present to support the logging/wood splitting operation such as, but not being limited to bobcats, conveyor belts, other loading machinery, splitting machinery, dumpsters, etc. There also appears to be large piles of split wood awaiting removal from the site. All of the aforementioned items and materials are located within and being stored on your property. Color photographs of the offending logging/wood splitting operations and associated equipment and materials are attached, and can be found on pages 4 and 5 of this letter.

The 848 Main Street property is located within a Small Manufacturing (SM) Zoning District. The Trudeau Homes International manufacturing or warehouse facility is classified as being the main use of the subject property and both are permitted uses within the SM Zoning District. The logging/wood splitting operation is not a permitted use within the Town of Acton.

Based upon the photographs submitted to this office, and in conjunction with the above noted information, I am determining herewith, that you are in violation of the Town of Acton's Zoning Bylaw ("Bylaw"). The General Use of a parcel of land is governed by Bylaw Section 3 – Table of Principal Use Definitions and Accessory Use Regulations. Prohibited Uses are governed by Bylaw Section 3.7. The activities currently occurring within and on your property can be classified as either of the following Prohibited Uses: 1) "Heating fuel sales, service and storage," or 2) a "Storage yard, contractor's yard or other open air establishment for storage, distribution, or sale of materials,

merchandise, products or equipment.” Neither of these Uses are in any way or manner associated with the main Use of the land. Both of these Uses of any property are strictly prohibited within the Town of Acton under Bylaw Section 3.7.

The intent of this letter is to 1) notify you of the existing non-compliant use of the land, and 2) provide you with the opportunity to have the chance to completely remove the existing logging/wood splitting operation, and all associated equipment and materials prior to strict enforcement action commencing. Again, color photographs of the offending logging/wood splitting operations and associated equipment and materials are attached, and can be found on pages 4 and 5 of this letter.

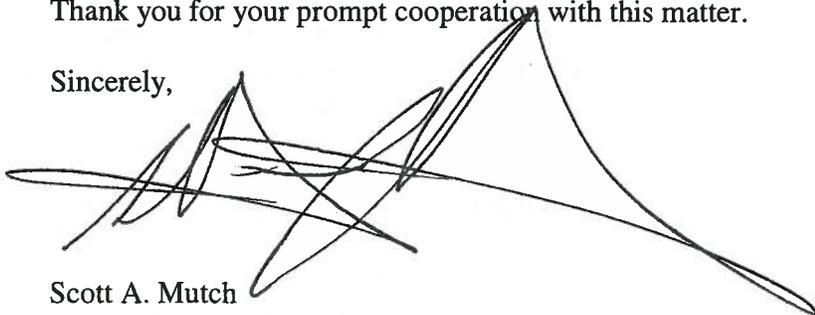
In order to facilitate a greater understanding of the Town’s Zoning Bylaw and the Town’s position regarding this matter, I would invite you to meet with me at my office on any weekday between the hours of 10:00 am and 3:00 pm. The meeting could consist of a discussion regarding the above referenced Bylaw violations at your property, a review of the interpretation of the Bylaw, an evaluation of possible options available (if any) to your business under the Bylaw, and an attempt to reach an agreement about how to rectify the apparent violations at your business. I urge you to take advantage of this opportunity in the hope that we can arrive at a suitable resolution without the need for any formal enforcement action by this office. (To avoid any inconvenience, please call ahead and schedule a time to meet with me to make sure that I will be in the office on the day and time you plan to visit).

In order to remedy this matter, please completely remove all of the logging/wood splitting operation, associated equipment and piles of materials from the property by no later than **Friday, February 10, 2012**. In the event that no action, or inadequate action, is taken by the **Friday, February 10, 2012** deadline, I will take enforcement action against you and the offending violations. Section 11.1.2 of the Zoning Bylaw provides for the issuance of fines for non-compliance in the amount of \$300.00 per day. Each day that a violation exists shall constitute a new and separate offense.

If you have any questions, comments or concerns regarding this matter, please feel free to contact our office at (978) 929-6631, Monday through Friday (except holidays) between the hours of 8:00 am and 5:00 pm.

Thank you for your prompt cooperation with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott A. Mutch', written over a horizontal line. The signature is stylized and somewhat messy.

Scott A. Mutch
Zoning Enforcement Officer & Assistant Town Planner

Cc: Patricia Jones, 47 Hartland Way, Acton
Mike Gowing, Chair, Town of Acton Board of Selectmen

APPLICABLE ZONING BYLAW REQUIREMENTS

- 3.7 Prohibited USES – All USES that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare are expressly prohibited in all zoning districts. In addition, the following USES are expressly prohibited in all zoning districts.

Aircraft assembly; landing or takeoff of motorized aircraft	Amusement park
Asphalt, block, or concrete plant	Billboard
Bottling plant	Chemical storage and production facility
Commercial extraction of earth products such as sand, gravel, soil, loam, rock, ore, or minerals, except when connected with the construction of BUILDINGS, STREETS, ways or other improvements to land in accordance with applicable laws and regulations.	Commercial or private dump, landfill, refuse incinerator, or other commercial or private solid waste disposal or processing facility
Commercial or private sludge storage or disposal facility	Drive-in or outdoor cinema
Fertilizer plant	Heating fuel sales, service and storage
Manufacture, use, storage, transport or treatment, disposal and/or processing of explosive, toxic or hazardous materials as a principal activity	Lumber Yard
Mobile home; mobile home park; mobile home sales	Meat packing and pet food plants, slaughterhouses
Nuclear power generation	Motor vehicle assembly
Paper or pulp mill	Privately owned cemetery
Radioactive waste disposal or reprocessing of radioactive materials	Refinery
Repair facility for trucks, buses, construction and industrial equipment	Reclamation and Reprocessing of asphalt and/or concrete
Retail Store larger than 60,000 sq. ft.	Sale of heavy vehicles, equipment or buses
Salvage yard and all open air storage of salvage materials and debris	Stadium, coliseum, sports arena, race track
Storage or reprocessing of waste products and salvage materials such as non-operable vehicles or appliances	Storage yard, contractor's yard or other open air establishment for storage, distribution, or sale of materials, merchandise, products or equipment
Tanneries, smelting or rendering plants, gelatin factory	Trailer camp
Truck or trailer cleaning, washing facility or terminal	Water resources development for private commercial sale

- 11.1.2 Fine – Violation of this Bylaw shall be punishable by a fine of \$300.00 for each offense. Each day that such violation continues shall constitute a separate offense.

PHOTOGRAPHS



Photo 1 – Logging Equipment



Photo 2 – Logging Equipment & Timber Stacked & Waiting to be Split



Photo 3 – Wood Splitter & Dumpster



Photo 4 – Close-Up of Wood Splitter & Timber Pile



Photo 5 – Pile of Split Wood Awaiting Removal



Photo 6 – Close-Up of Pile of Split Wood Awaiting Removal from Site



Photo 7 – Timber Stacked and Waiting Splitting



Photo 8 – General Photo of Logging Operation



Photo 9 – Wood Splitter & Pile of Timber Awaiting Splitting



Photo 10 – Timber Stacked & Waiting to be Split



Photo 11 – Timber Stacked & Waiting to be Split

