



Town of Boxborough, Massachusetts
Planning Department
Staff Report – Appeal of an Official’s Decision

Prepared by: Adam Duchesneau, AICP, Town Planner

September 30, 2016

Site: 1034 & 1102 Massachusetts Avenue

Applicant Name: Lawn Barber, Inc. and Neil Phaneuf, Jr. and Kerstin Phaneuf, Trustees of Phaneuf Realty Trust

Applicant Address: 23 State Road, Stow, MA 01775

Property Owner 1 Name: Neil Phaneuf, Jr. and Kerstin Phaneuf, Trustees of Phaneuf Realty Trust

Property Owner 1 Address: 23 State Road, Stow, MA 01775

Property Owner 2 Name: Robert M. Smith, Jr. and Brenda S. Smith

Property Owner 2 Address: 1102 Massachusetts Avenue, Boxborough, MA 01719

Legal Notice: Pursuant to MGL Ch 40A and Sections 4200, 9100, and 9200 of the Boxborough Zoning By-Law, a public hearing will be held before the Boxborough Board of Appeals on October 4, 2016 at 7:20 p.m. in the upstairs portion of the Boxborough Town Hall, 29 Middle Road, Boxborough, MA, to consider the application received from Lawn Barber, Inc. and Neil Phaneuf, Jr. and Kerstin Phaneuf, Trustees of Phaneuf Realty Trust. The Applicant seeks a Special Permit to expand a pre-existing non-conforming structure.

The subject properties are 1034 Massachusetts Avenue, Assessor Map 14-002-000, owned by Phaneuf Realty Trust and 1102 Massachusetts Avenue, Assessor Map 13-014-000, owned by Robert M. Smith Jr. and Brenda S. Smith.

Zoning District(s): Industrial-Commercial Zoning District

Zoning Approval Sought: Special Permit for a Change, Alteration, or Extension to a Nonconforming Structure under Section 4200

Date of Application: September 1, 2016

Date(s) of Public Hearing: October 4, 2016

I. Project Description

1. Subject Properties: The project site is located on the south side of Massachusetts Avenue/Route 111. The entire 1.2 acre property at 1034 Massachusetts Avenue is occupied by Lawn Barber, Inc., originally a landscaping contractor business, but which now primarily operates as a manufacturing use cutting stone. The property contains an approximately 870 square foot office building, a two-story 2,660 square foot CMU garage building, a recently constructed 1,714 square foot hoop house building, various landscaping material and equipment storage shelters, and associated parking. Lawn Barber, Inc. also leases portions of land from the adjacent property to the west, 1102 Massachusetts Avenue, for stone material and product storage, parking, and equipment storage. Lawn Barber, Inc. has also reached an agreement to potentially acquire 3,319 square feet (0.076 acres) of the adjacent property to permanently

add to their 1034 Massachusetts Avenue property. The property at 1034 Massachusetts Avenue was awarded a Special Permit in 1998 from the Zoning Board of Appeals to erect a freestanding sign; Site Plan Approval in 2005 from the Planning Board to establish a landscaping business (Lawn Barber, Inc.), construct a 42 foot by 40 foot addition onto one of the existing buildings, erect a freestanding sign, and other site improvements; a Special Permit in 2006 from the Zoning Board of Appeals to erect a freestanding sign and extend a pre-existing nonconforming structure; and a Special Permit in 2015 from the Zoning Board of Appeals to erect a freestanding sign. Lawn Barber, Inc. is currently seeking Site Plan Approval from the Planning Board for the hoop house building and the next portion of the continued public hearing for that application is scheduled for Monday, October 17, 2016.

2. Proposal: In 2005, Lawn Barber, Inc. received Site Plan Approval from the Planning Board to operate a landscaping business out of the property. Since that time, over the course of the last decade, Lawn Barber, Inc. has expanded the stone cutting portion of their business significantly, erected a new building, relocated material and equipment storage to different locations on the property, and moved their employee parking to the informal gravel parking area immediately adjacent to the roadway on the property at 1102 Massachusetts Avenue. The business currently performs landscaping design and construction, including maintenance, stone work, and paving. However, for the main part of the operation at the site, Lawn Barber, Inc. cuts a significant amount of stone at the property for usage at jobs sites in Massachusetts and southern New Hampshire. Much of this stone cutting has been conducted outdoors on the property with block saws.

In April of 2015, Lawn Barber, Inc. applied for and was awarded a Building Permit to construct an approximately 42 foot by 40 foot “hoop house/tent garage/green house” building, which now currently houses a large veneer pro saw and three block saws. However, the Building Permit for the freestanding hoop house building should not have been issued by the Building Inspector without a Variance from the Zoning Board of Appeals and Site Plan Approval from the Planning Board. Lawn Barber, Inc. is now seeking a Special Permit from the Zoning Board of Appeals to legalize the hoop house building by connecting it to the adjacent pre-existing nonconforming CMU garage building, which would be an expansion of a pre-existing nonconforming building. As was mentioned above, the Applicant is also currently undergoing a Site Plan Approval process with the Planning Board. It should also be noted here the Applicant has recently indicated they will be removing the stone cutting operation in its entirety from the subject property as of January 1, 2017, but they desire to retain the hoop house building for usage in the landscaping contractor business operations, which would continue at the site.

3. Nature of Application: Approximately half of the existing CMU garage building at the property lies within the required 50 foot side yard setback for the Zoning District and, as such, the building is deemed to be pre-existing nonconforming. Any alterations to the garage within the required side yard setback triggers the need for the Applicant to obtain a Special Permit from the Zoning Board of Appeals under Section 4200 of the Boxborough Zoning Bylaw. Specifically, Section 4202 of the Zoning Bylaw states a Special Permit must be obtained from the Board of Appeals pursuant to the provisions of Section 9200 before any change, alteration, or extension of a nonconforming use or structure may be made. Additionally, Section 4203 indicates that no change, alteration, or extension of any nonconforming structure shall result in an extension of the structure to more than 100% in excess of the existing structure.

4. Surrounding Neighborhood: The subject parcels are located in an Industrial-Commercial Zoning District in west-central Boxborough on the south side of Massachusetts Avenue/Route 111. To the west of the subject site are two properties with two residential dwellings and a number of automotive repair businesses. To the southwest, the land is occupied by the business National Technical Systems, Inc. who perform a variety of testing on various products, and immediately to the south is a large wetland area. To the east is a Business-1 Zoning District with a custom cabinetry and woodworking business, a saw mill, and a retail gun store. Southeast of the subject site are two, and soon to be three, residential dwellings located on Sara’s Way and beyond them are the single-family residences located on Hughes Lane. Across

Massachusetts Avenue to the north is a Business Zoning District consisting of primarily of wetlands, but it does contain one single-family dwelling.



Existing Hoop House Building (left) and CMU Garage Building at 1034 Massachusetts Avenue



Hoop House Building (Looking East) at 1034 Massachusetts Avenue



Yonani Veneer Pro Saw (Left Photo) and Three MK 5000 Block Saws (Right Photo)



Parking Area on 1102 Massachusetts Avenue along Massachusetts Avenue/Route 111



Material Storage at 1034 Massachusetts Avenue



Material and Product Storage on 1102 Massachusetts Avenue



5. Comments:

Board of Selectmen: The Board of Selectmen has not provided any comments regarding the application.

Board of Health: The Board of Health has not provided any comments regarding the application.

Building Department: The Building Department has not provided any comments regarding the application.

Conservation Commission: The Conservation Commission reviewed the application materials at their meeting on September 21, 2016. The Commission's concerns about the site are well documented in the two Enforcement Orders dated March 22, 2016 and September 23, 2016.

Consulting Engineer: The Consulting Engineer has not provided any comments regarding the application.

Fire Department: The Fire Chief has not provided any comments regarding the application.

Littleton Electric Light Department: The Littleton Electric Light Department (LELD) has not provided any comments regarding the application.

Planning Board: The Planning Board has not provided any comments regarding the application, however, comments are being sought from the Board at their October 3, 2016 meeting.

Police Department: The Police Chief has not provided any comments regarding the application.

Department of Public Works: The Public Works Director indicated in an email to the Town Planner on September 21, 2016 that he had no comments or questions regarding the application.

II. Compliance with Section 4202

This section of the Zoning Bylaw indicates that no Special Permit will be granted unless the Board of Appeals shall have found that such proposed change, alteration, or extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. The alteration to the existing nonconforming CMU garage building (the addition of an approximately 42 foot by 40 foot, single-story, hoop house section of the building to the southwest) is not substantially more detrimental to the neighborhood than the existing nonconforming structure or use. This is especially true since this portion of the expanded building will only be used for storage purposes as the Applicant has indicated they will be removing the stone cutting operation off of the subject properties in their entirety by January 1, 2017. The Applicant has also indicated they are willing to submit to a condition of this requested Special Permit which would formally document this claim. This will eliminate a significant amount of noise which is currently being emanated from the hoop house building where the saws are located and operate. Additionally, the removal of the stone cutting operation should also reduce the amount of on-site activities related to the staging and storing of raw stone material and finished product. The elimination of the cutting operation will also greatly reduce the amount of stone dust around the subject property, which will in turn also reduce the amount of polluted stormwater which is flowing off of the site into a nearby wetland area. This new section of the building is also well screened from the Massachusetts Avenue/Route 111 roadway by the existing garage, office building, and other screening at the property. Additionally, the existing vegetation on the adjacent properties to the west, south, and east, provides significant screening of the entire subject property throughout much of the year.

III. Compliance with Section 4203

Section 4203 indicates that no change, alteration, or extension of any nonconforming structure shall result in an extension of the structure to more than 100% in excess of the existing structure. The existing CMU garage building contains approximately 2,660 square feet, including the second floor mezzanine. The hoop house building and proposed connection would expand the existing garage building approximately 1,748 square feet. When comparing the existing garage's total square footage to the hoop house addition, the alterations to the existing nonconforming structure would not exceed the 100% maximum excess provision.

IV. Compliance with Section 9204 Decision

No application for a Special Permit shall be granted unless the Special Permit Granting Authority shall find that the structure(s) and/or use(s) proposed shall not have adverse effects which outweigh its benefits on either the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:

1. Social and community needs which are served by the proposal.

The main social or community need which is served by this proposal is that it will assist an existing business within the community. Boxborough has a very limited commercial base and the hoop house addition will allow the existing business to enhance their current operation. The enhancement of the business operation will allow Lawn Barber, Inc. to better serve their customer base which includes Boxborough and a number of other communities in Massachusetts and southern New Hampshire. Additionally, when fully completed, this expansion of the CMU garage building should increase the value of the property as well as the tax contribution from the property to the Town.

2. Traffic flow and safety.

There were no changes to the access drive from Massachusetts Avenue/Route 111 or to the internal circulation at the property as a result of the construction of the hoop house building, and none will be needed when it is connected to the garage building. The freestanding hoop house provided an overhead covering for the stone cutting operation which was ongoing at the property and now the building will only be used for storage purposes when connected to the garage. This new building addition does not result in any new employees coming or going from the site as it simply provided a new work environment for the laborers cutting stone by enclosing those activities. Furthermore, moving forward, the hoop house addition will only be used for the storage of materials and equipment at the site. In fact, as part of the Applicant's proposal to remove the stone cutting operation from the subject property and only use the hoop house addition for storage, this change should reduce the number of daily trips to and from the site. With stone cutting no longer occurring at the property, there will be less of a need for the delivery of raw materials to the site and for finished product to be removed from the property. Less daily traffic to and from the site will only increase safety along this stretch of Massachusetts Avenue/Route 111.

3. Adequacy of utilities and other public or private services, including storage or disposal of sewage, refuse or other wastes, and drainage and/or retention of surface water.

As part of the Site Plan Approval application process with the Planning Board, the Board of Health Agent reviewed the property file in the Board of Health's office and found no permit for the sewage disposal system for the site. The Title 5 inspection completed for the site indicates it was designed for office space, and the report states the system has a 500 gallon tank and small leaching area. The activity on the property is significantly different than the original business and the Board of Health has no record of work being done on the existing sewage disposal system to accommodate for the increase in business.

However, in recent months the Applicant/Owner has performed upgrades to the sewage disposal system at the property, but the status of these upgrades is unknown at this time.

Additionally, several months ago, the Police Chief sent a photo showing what appeared to be improper bathroom use behind a storage container on the site. Given the increased activity on the property, the age and size of the current sewage disposal system, and the improper bathroom usage on-site, it is recommended a bathroom be provided on-site for employees and a new sewage disposal system be installed to handle the site's capacity. As part of the Site Plan Approval application, the Board of Health Agent also had concerns about the potential for air pollution (noise, odors, etc.) and the handling/disposal of hazardous materials. As such, the Town Planner is recommending a number of conditions be included as part of the Decision to address these issues and they are listed below.

4. Density of population, intensity of use, neighborhood character and social structures.

The hoop house addition and expansion of the existing garage will not adversely impact the population density, intensity of the use of the property, or the neighborhood character, especially since the stone cutting operation will be removed from the property as of January 1, 2017. The hoop house addition has been located on the project site in a location where it is substantially screened from the roadway and many of the abutting properties by the other buildings on the site, surrounding terrain, and vegetation on adjacent parcels. The area Lawn Barber, Inc. is leasing and has under agreement on 1102 Massachusetts Avenue is somewhat higher than the floor elevation of the hoop house addition and the CMU garage screens the addition almost entirely from roadway. While the subject property has been mostly cleared of mature vegetation for some time, the vegetation on adjacent properties provides a substantial buffer to the neighboring businesses and residences. However, the elevation of properties to the east and southeast of the project site are somewhat higher, which does make the hoop house somewhat more visible from these locations during the winter months when the vegetation has thin or absent foliage. The hoop house addition does not appear to disturb any wetlands or their 100 foot buffer areas, steep slopes, or floodplain areas.

The one-story hoop house addition is in keeping with scale of other structures in the area which are also primarily one- and two-story buildings. The hoop style of the addition is somewhat out of character with other buildings and structures in the area, as the majority of other buildings have peaked roofs with varying pitches. However, this type of variety in building style/type is often found in industrially zoned areas due to the diversity of uses in these areas. Other business structures in the area are typically warehouse-style buildings made of metal with few windows. However, the hoop house addition does relate to the other buildings and structures on the property at 1034 Massachusetts Avenue which consist of CMU or brick materials and temporary storage containers/areas which enclose material used in the stone cutting process. These types of structures are typically found at landscaping businesses.

5. Impacts on the natural environment.

The hoop house addition and connection to the existing garage will occur outside of any wetland area and their 100 foot buffer areas. Earlier this month the Town's Consulting Engineer, Places Associates, Inc., conducted a site visit to the property to follow up on the Conservation Commission's Enforcement Order from March 22, 2016. During this visit the Consulting Engineer observed milky stormwater runoff from the property flowing off the site and into a wetland on the adjacent property at 1120 Massachusetts Avenue. The Consulting Engineer confirmed this milky colored runoff is likely a result of the stone dust, which has been spread around the site by vehicles and laborers, being collected in the surface stormwater runoff. As a result of this observation, the Conservation Commission issued a second Enforcement Order for the property on September 23, 2016 requesting the Applicant/Owner to prepare an Operation and Maintenance Plan for collecting, containing, and disposing of runoff at the property which is flowing off the site. As part of the ongoing Site Plan Approval process with the Planning Board, the Applicant/Owner is proposing to install a siltation collection area at the rear of the property to address this issue. The

installation of this collection area coupled with the removal of the stone cutting operation in its entirety from the site should address the stormwater runoff issues currently occurring at the property. Other modifications to the property will not negatively impact the stormwater drainage at the site or increase the potential for flooding in the area. As part of the Site Plan, the Applicant is proposing to install a rain garden just east of the nine space parking area along Massachusetts Avenue/Route 111. This rain garden would capture and treat some of the stormwater runoff from the northern half of the project site, which is an improvement to the existing situation.

6. Impacts on health.

The hoop house addition and expansion of the existing garage will not have an adverse impact on either the health of the neighborhood or the town. In fact, since the addition of the hoop house will be coupled with the removal of the stone cutting operation in its entirety from the site, this should only improve the health impacts on the area. Noise and dust will most likely be greatly reduced once this portion of the operation is relocated to another property. This should help to improve air quality, the stormwater runoff from the property, and the general atmosphere of the surrounding area. Therefore, when coupled with the removal of the stone cutting operation, the hoop house addition will likely have a positive health impact on the neighborhood.

7. Potential fiscal impact, including tax contribution, diminution or enhancement of neighboring property values, and creation of new employment opportunities.

The hoop house addition and connection to the garage will not have a negative impact on the property's tax base contribution because the alterations will enhance the property's value and increase its tax contribution to the Town. This renovation and removal of the stone cutting operation from the property will likely also slightly enhance the values of abutting properties as well. Additionally, the project will create some new, temporary, construction jobs in the community.

V. Recommendation

Special Permit for a Change, Alteration, or Extension to a Nonconforming Structure under Section 4200

At this time, the Town Planner is recommending the Zoning Board of Appeals request to see elevations of the proposed hoop house addition, and the connection between the hoop house and the garage, before rendering a decision on the application. The Town Planner is also recommending the following draft conditions be considered for inclusion by the Zoning Board of Appeals when a final decision is rendered for the application:

1. Approval is based upon the following Plans and Documents:
 - a. Site Plan in Boxborough, Massachusetts dated May 23, 2016 and revised through August 22, 2016, prepared by Stamski and McNary, Inc. with a Zoning Board of Appeals date stamp of September 1, 2016.
2. The Applicant/Owner shall record the Decision with the Middlesex South Registry of Deeds and provide verification of recording to the Town Planner within 60 days of the date of this Decision.
3. The Applicant/Owner shall obtain Site Plan Approval for the hoop house addition and connection to the garage within 120 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Zoning Board of Appeals may extend the timeframe for compliance as may be reasonably necessary.

4. The Approval Not Required (ANR) Plan which was approved by the Planning Board to formalize the lot line change on the western boundary of the property and associated executed deed to the additional property shall be recorded with the Middlesex South Registry of Deeds and verification of recording shall be provided to the Town Planner within 90 days of the date of this Decision.
5. The Applicant/Owner shall submit written confirmation from the Tax Collector that all taxes, including any roll back taxes, have been paid in full for the property within 30 days of the date of this Decision.
6. The Applicant/Owner shall obtain a new Certificate of Use and Occupancy from the Building Department for the property within 90 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Zoning Board of Appeals may extend the timeframe for compliance as may be reasonably necessary.
7. The Applicant/Owner shall file a Notice of Intent (NOI) with the Conservation Commission and receive an Order of Conditions, or Superseding Order of Conditions, issued under the Wetlands Protection Act and be subject to any conditions placed on the project and provide a copy of a recorded Order of Conditions, or Superseding Order of Conditions to the Building Inspector within 90 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Zoning Board of Appeals may extend the timeframe for compliance as may be reasonably necessary.
8. The Applicant/Owner shall install or make modifications to the existing on-site sewage disposal system to handle the capacity of the site and receive approval from the Board of Health within 90 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Zoning Board of Appeals may extend the timeframe for compliance as may be reasonably necessary.
9. As of January 1, 2017, no part of any stone cutting operation of any kind shall be allowed at the property displayed on the Site Plan listed in Condition #1 of this Decision.
10. The hoop house addition shall only be used for storage purposes. The three phase electrical service connected to the hoop house addition and the existing slurry tanks shall be removed and/or rendered useless within 60 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Zoning Board of Appeals may extend the timeframe for compliance as may be reasonably necessary.
11. The Applicant/Owner shall install the proposed siltation collection area as indicated on the Site Plan listed in Condition #1 of this Decision within 30 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Zoning Board of Appeals may extend the timeframe for compliance as may be reasonably necessary.
12. The operation of the facility cannot create a public health nuisance nor create noise or odors that would be considered a “condition of air pollution” in accordance with 310 CMR 7.00 or other applicable State and Federal ordinances governing noise.
13. All hazardous materials must be handled/disposed of in compliance with Federal, State, and local regulations.

14. Deliveries of any kind shall only occur between the hours of 7:00 AM and 5:00 PM Monday through Friday, and from 8:00 AM to 1:00 PM on Saturdays.
15. There shall be no automotive repair of any kind conducted on the property which is the subject of this application.
16. There shall be no more than 12 employees on-site at any time and parking shall comply with the minimum requirements of the Boxborough Zoning Bylaw.
17. Parking in front of the brick office building shall be prohibited on the property at 1034 Massachusetts Avenue.
18. There shall not be any loading, unloading, or vehicle parking within the Massachusetts Avenue/Route 111 right-of-way.
19. The Applicant/Owner shall only maintain nine (9) parking spaces in the pre-existing nonconforming parking area along Massachusetts Avenue/Route 111 and shall only park nine (9) vehicles in this area. This nine (9) space parking area shall be lined along its boundaries with sizable stones or the like to formalize the limits of the parking area within 60 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Zoning Board of Appeals may extend the timeframe for compliance as may be reasonably necessary.
20. The Applicant/Owner shall restore the gravel parking area between the eastern most parking space on 1102 Massachusetts Avenue and the western property boundary of 1034 Massachusetts Avenue to grass/vegetation/landscaping within 60 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Zoning Board of Appeals may extend the timeframe for compliance as may be reasonably necessary.
21. The planting species to provide screening around the parking spaces along Massachusetts Avenue/Route 111 as shown on the approved Site Plan shall be verified, finalized, and installed in consultation with the Town Planner within 60 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Zoning Board of Appeals may extend the timeframe for compliance as may be reasonably necessary.
22. The Applicant/Owner shall remove the portion of the stone pile from the property at 1120 Massachusetts Avenue and install the proposed block wall along the rear property line as indicated on the Site Plan within 30 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Zoning Board of Appeals may extend the timeframe for compliance as may be reasonably necessary.
23. All existing donation bins on 1102 Massachusetts Avenue between the pond and the western boundary of 1034 Massachusetts Avenue shall be removed within 60 days of the date of this Decision and no new bins shall be installed in this area, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Zoning Board of Appeals may extend the timeframe for compliance as may be reasonably necessary.

24. Landscaping materials or products shall not be stored within the 50 foot front yard setback and shall be kept in an orderly fashion in all other areas at the subject property. No retail sale of landscaping materials shall take place at the site.
25. The Applicant/Owner shall frame out the ceiling height of the shed at the rear of the property and a portion of the mezzanine area in the garage building to the approval of the Building Inspector to comply with the 0.1 Floor Area Ratio (FAR) requirement for the property within 90 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Zoning Board of Appeals may extend the timeframe for compliance as may be reasonably necessary.
26. To the extent possible, all exterior lighting must be confined to the subject property, cast light downward, and must not intrude, interfere or spill onto neighboring properties.
27. The Applicant/Owner shall pay all outstanding fees incurred for the Board's consultants including Town Counsel and the Board's Consulting Engineer, for the performance of any of the review and inspection services contemplated herein, and including any such fees incurred prior to the date of this Decision.
28. Violation of any of the conditions of this Decision shall be grounds for revocation of this Decision, or of any building or occupancy permit granted hereunder. In case of any violation of the continuing obligations of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days or such additional time as may be reasonably necessary as determine by the Zoning Board of Appeals, to correct the violation and to enforce the conditions of this Decision. The Town may enforce compliance with the conditions of this Decision by any action of injunctive relief before any court of competent jurisdiction.