



BOXBOROUGH ZONING BOARD OF APPEALS

29 Middle Road, Boxborough, Massachusetts 01719

Phone: 978.264.1722

www.boxborough-ma.gov

APPLICATION

1. Location of property: Assessor's Map 14 Parcel 20-000
Street Number 881 Street Name Massachusetts Ave
Zoning district: Business
Within 100' of wetlands and filing with Conservation Commission ☐ yes ☒ N/A

Printed Name

Address

Phone

2. Owner(s): Breezy Ridge LLC PO Box 376, Lincoln, MA 01773 781-259-3331

Owner(s): _____

3. Applicant: Ninjava LLC 881 Massachusetts Ave Unit E, Boxborough, MA 01719 781-420-9043

4. Nature of relief sought: Variance _____ Special Permit ☒ Comprehensive Permit _____
Amend Existing Decision _____ Appeal of an Official's Decision _____

5. Applicable Section(s) of the Zoning Bylaw: 4003(4), 4600, 6005, 6006
(Specifically list each ZBL Section.)

6. Nature and justification of request: Ninjava LLC is applying for a used car dealer license. The business does not do mechanical or body repairs. There will be no more than 5 cars stored or for sale at this site. The marketing will be through internet, not through local traffic. The business unit has 5 dedicated outside parking spots, and can store 2 cars inside. There is 1 person working at this site.

7. State the name of any person(s) authorized to represent you before the Board.

Xiao Bai

8. The undersigned certify that he/she has read and examined this application and the "Application and ZBA Procedures" and that the proposed project is accurately represented in the statements made in this application.

I hereby request a hearing before the Board of Appeals with reference to the above application.

Property Owner's Signature (**REQUIRED**)

1.23.21
Date

Property Owner's Signature (**REQUIRED**)

Date

Applicant's Signature (if different from owner)

1.24.21
Date

Plant List

Symbol	No.	Botanical Name	Common Name	Size
TH	7	Thunbergia "Mighty"	Dark American Arborvitae	8'-10'
PA	9	Picea canadensis	White Spruce	8'-10'

N/F
TOWN OF
BOXBOROUGH
CON-COM



LEGEND

EXISTING	PROPOSED
ELEVATION CONTOUR	SPOT GRADE
PROPERTY LINE	WETLAND DELINEATION
WETLAND DELINEATION	WETLAND BUFFER ZONE
100-YEAR FLOODPLAIN LIMIT	TREE LINE / EDGE OF VEGETATION
EDGE OF PAVEMENT	CAPE COD BORN CURBING
GRAVEL/CURB ROAD	STOCKPILE FENCE
STONE WALL	WATER MAIN
WATER SERVICE	FIRE SERVICE
WATER VALVE	FIRE HYDRANT
FORCE MAIN	GRAVITY SEWER LINE
SEWER MANHOLE	GAS LINE
GAS SERVICE	GAS VALVE
BURIED POWER LINE	OVERHEAD POWER LINE
UTILITY POLE	OUTLINE
ELECTRIC BOX	STORM DRAIN
UNDERDRAIN	ROOF DRAIN
FOUNDATION DRAIN	CATCH BASIN
DRAIN MANHOLE	SELF FENCE BARRIER
STRAP WALLS	DEEP SOIL OBSERVATION HOLE
SITE LUMINAIRE	SOIL
SURFACE RUNOFF DIRECTION	STONE BOUNDARY
SPILL	IRON ROD

ABBREVIATIONS

CL	ELEVATION	HPC	HIGH DENSITY POLYETHYLENE
BY	WATER	PVC	POLYVINYL CHLORIDE
AC	ACRES	CONC	CONCRETE
W/F	WETLAND FLAG	CONC	CONCRETE
W/F	WETLAND FLAG	CONC	CONCRETE
W/F	WETLAND FLAG	CONC	CONCRETE
W/F	WETLAND FLAG	CONC	CONCRETE
W/F	WETLAND FLAG	CONC	CONCRETE
W/F	WETLAND FLAG	CONC	CONCRETE
W/F	WETLAND FLAG	CONC	CONCRETE
W/F	WETLAND FLAG	CONC	CONCRETE

DRAWING ISSUED FOR:

- ☐ CONCEPT
- ☐ CONSTRUCTION
- ☒ PERMIT
- ☐ CONSTRUCTION RECORD

THIS DRAWING MAY NOT SHOW CONSTRUCTION DETAILS AND SPECIFICATIONS FOR ALL PROPOSED IMPROVEMENTS, AND MAY NOT IDENTIFY ALL CONSTRUCTION WORK ITEMS/AREAS OF CONSTRUCTION JURISDICTION.

PER 250 CMR 5.0(13), THE FOLLOWING ARE EXCLUDED FROM THE PROFESSIONAL ENGINEER'S RESPONSIBILITY: ALL BOUNDARY INFORMATION, LOCATION OF EXISTING STRUCTURES, TREES, UTILITIES, TOPOGRAPHY OR SIMILAR FEATURES, DESIGN OF RETAINING WALLS HIGHER THAN 4 FEET ABOVE GRADE, PROPRIETARY EQUIPMENT. SEE EXISTING CONDITION NOTES.

NO.	DATE	BY	APP.	REVISION DESCRIPTION
1	2/1/2011	WCL	DEM	NO REVISIONS MADE TO THIS SHEET
2	11/28/16	WCL	DEM	STONE DIAGRAM & BERM
3	11/10/18	WCL	DEM	PLANNING BOARD COMMENTS

GPR Engineering Solutions for Land & Structures

GOLDSMITH, PREST & RINGWALL, INC.
38 MAIN STREET, SUITE 301 AVER, MA 01433
CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING
VOICE: 878.772.1980 FAX: 878.772.1981
WWW.GPR-INC.COM

COMMERCIAL

SITE LAYOUT AND UTILITY PLAN

881 MASSACHUSETTS AVENUE
BOXBOROUGH MA, 01719

OWNER
BREEZY RIDGE LLC
PO BOX 378
LINCOLN MA, 01773

DES BY WCL	DATE	APR 2018	JOB 161009	3 OF 6
CHK BY DEM				

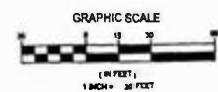
EXISTING CONDITIONS NOTES:

- THE EXISTING CONDITIONS SHOWN HEREON HAVE BEEN DIGITIZED FROM PLAN REFERENCE 1, WHICH WAS PROVIDED BY THE CLIENT. GPR HAS NOT PERFORMED FIELD SURVEY TO VERIFY ANY OF THE LOCATIONS, ELEVATIONS OR OTHER CONDITIONS SHOWN HEREON. THEREFORE, GPR SPECIFICALLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR DIFFERENT CONDITIONS OR DESIGN ERRORS RELATED TO THOSE DIFFERENT CONDITIONS.
- PRIOR TO ANY CONSTRUCTION, THE CONTRACTOR SHALL INSPECT THE SITE AND VERIFY ALL CONDITIONS AND IMMEDIATELY NOTIFY THE OWNER AND ENGINEER OF ANY CONDITIONS THAT ARE DIFFERENT THAN SHOWN ON THE PLAN. FAILURE TO DO SO WAIVES ANY CERTIFICATIONS STATED ON OR IMPLIED BY THIS PLAN.
- WETLANDS DELINEATED BY GOWEN ASSOCIATES, INC. DATED MARCH 7, 2018, LOCATED BY INSTRUMENT SURVEY BY THIS OFFICE.
- LIMITS OF POTENTIAL VERNAL POOL AND ADDITIONAL WETLAND FLAGS BY GOWEN ASSOCIATES, INC. ON OCTOBER 27, 2018.

PLAN REFERENCES:

- TOPOGRAPHIC PLAN ENTITLED "PLAN SHOWS TOPOGRAPHIC DATA GATHERED IN 2007", PREPARED BY: HANCOCK SURVEY ASSOCIATES.
- "PROPOSED SUBSURFACE SEWAGE DISPOSAL SYSTEM" PREPARED FOR JAMES WALLACE BY ACTION SURVEY AND ENGINEERING, INC. PLAN #0137-5075 DATED 4-11-07
- PLAN FILED WITH LAND COURT CASE #20053A.
- PLAN RECORDED AS PLAN #1817 OF 2007.
- PLAN RECORDED AS PLAN #1487 OF 1971.
- DEED RECORDED IN BOOK 63188 PAGE 42.

LOT 14-020
AREA = 273,417±S.F.
= 6.28±ACRES



Middlesex South Registry of Deeds
Electronically Recorded Document

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Recording Information

Document Number	: 221116
Document Type	: CERT
Recorded Date	: November 23, 2020
Recorded Time	: 02:06:39 PM
Recorded Book and Page	: 76244 / 186
Number of Pages(including cover sheet)	: 5
Receipt Number	: 2559995
Recording Fee	: \$105.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 8B – Certificate of Compliance

113-541

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the Boxborough Wetland Bylaw

Provided by DEP

A. Project Information

Important:
When filling out
forms on the
computer, use
only the tab key
to move your
cursor - do not
use the return
key.



1. This Certificate of Compliance is issued to:

Breezy Ridge LLC

Name

PO Box 376

Mailing Address

Lincoln

City/Town

MA

State

01773

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions or Order of Resource Area Delineation issued to:

Brett Gutheil (Breezy Ridge LLC)

Name

01/04/2017

Dated

113-541

DEP File Number

3. The project site is located at:

881 Massachusetts Avenue

Street Address

Boxborough

City/Town

14

Assessors Map/Plat Number

20-000

Parcel/Lot Number

The final Order of Conditions or Order of Resource Area Delineation was recorded at the Registry of Deeds for:

Property Owner (if different)

Middlesex South

County

68808

Book

425

Page

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

Nov. 4, 2020

Date

B. Certification

Check all that apply:

- ☒ **Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.



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Provided by DEP

B. Certification (cont.)

- ☐ **Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:
-
- ☐ **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- ☒ **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers:

Refer to attached Perpetual Conditions #52 thru #60

- ☐ **Order of Resource Area Delineation:** It is hereby certified that the wetland resource area delineation for the above-referenced Order of Conditions has been satisfactorily completed

C. Authorization

Issued by:

Boxborough
Conservation Commission

Nov. 19, 2020
Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).

Applicant: Brett Gutheil dba Boxboro Properties, LLC (the "Applicant")
Project Address: 881 Massachusetts Avenue (Map 14, Lot 20; the "Property")
DEP File #113-0541

Perpetual Conditions

The following Perpetual Conditions #52 – #60 shall remain in force permanently and will be recorded as such on the Certificate of Compliance:

52. **The Long Term Pollution Prevention & Stormwater System Operation and Maintenance Plan, latest revision November 22, 2016, is incorporated herein by reference to this Order of Conditions. Other Perpetual Conditions in this Order may, at the discretion of the Conservation Commission, supersede and/or modify the provisions of said Plan.**
53. **Except in case of emergencies, no runoff other than that from stormwater is permitted to enter the stormwater management system including, but not limited to, no runoff from washing of vehicles, cleaning of the interior and/or exterior of the building, and preparation and/or mixing of materials.**
54. **Except in case of emergencies, during snow and/or ice storms only sand and/or salt shall be used to treat the portion of the access driveway located within the 100-foot Buffer Zone, unless otherwise approved by the Conservation Commission.**
55. **There shall be no connection of interior floor drains to the stormwater management system.**
56. The Conservation Commission shall be informed prior to any proposed further alterations within wetlands or 100-foot Buffer Zone to determine whether the work requires the Commission's approval.
57. No non-organic fertilizers shall be used in wetlands or 100-foot Buffer Zone.
58. Except in cases of threats to human health and safety, and/or as may be permitted by an Invasive Vegetation Management Plan approved in advance by the Conservation Commission, no non-organic herbicides shall be used in wetlands or 100-foot Buffer Zone. Except in cases of threats to human health and safety (stinging insects, for example), no non-organic pesticides shall be used in lawn care, or for any other exterior purpose on a regular basis, in wetlands or 100-foot Buffer Zone.
59. There shall be no outside storage of chemicals, oil, fuel, fertilizers or other potentially hazardous materials in wetlands or 100-foot Buffer Zone.
60. Litter shall be removed by hand on a regular basis from wetlands and 100-foot Buffer Zone. No leaves, lawn clippings, or other residuals from groundskeeping operations, no Christmas trees, no pet waste, or refuse of any kind, shall be dumped in wetlands or 100-foot Buffer Zone. It is the property owner's responsibility to so inform all lawn/landscape care providers.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 8B – Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

113- 541
 Provided by DEP

C. Authorization (cont.)

Boxborough Conservation Commission

Signatures:

Signature [Signature]

Dennis Reip

Printed Name

Signature [Signature]

David Follett

Printed Name

Signature [Signature]

Norm Hanover

Printed Name

Signature [Signature]

David Koonce

Printed Name

Signature [Signature]

Steve Schmitt

Printed Name

Signature [Signature]

Hoff Stuart

Printed Name

Signature _____

Printed Name

Signature _____

Printed Name