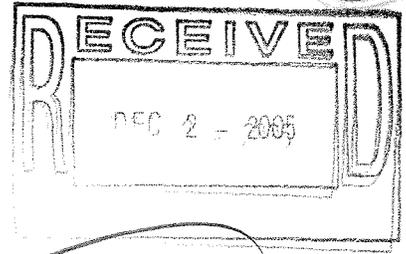


12/12/05 - 12

12/19/05 - 10



TOWN OF ACTON
Building Department

INTERDEPARTMENTAL COMMUNICATION

To: Board of Selectmen **Date:** December 2, 2005
From: Garry A. Rhodes, Building Commissioner *Garry Rhodes*
Subject: Site Plan Special Permit # 02/19/03-388/ Class I Application
Autoplex Realty 60 Powdermill Road (Foster)

Mr. Bertolami is requesting both a revision to the approved Site Plan Special Permit and a Class I license. The revision has been necessitated by the creation of a Conservation Restriction along the Assabet River. The Applicant is also proposing to not construct the common driveway to the adjoining property. I have discussed the request with both the Town Planner and Fire Chief. We would recommend if the Board grants the request and allows the driveway to not be constructed at this time; the Board reserve the right to require the driveway be constructed in the future if the current use changes.

It should be noted there is very limited area to store new vehicles. I am concerned the parking spaces needed to comply with zoning requirements will be used for new vehicle storage. I would recommend Mr. Bertolami be required to provide a plan showing how many new vehicles can fit on the site legally and the licensed be limited accordingly.

Please find attached a Draft Revision if the Board agrees with the changes.

TOWN OF ACTON
BOARD OF SELECTMEN

SITE PLAN SPECIAL PERMIT #02/19/03-388

60 Powdermill, ACTON, MASSACHUSETTS

AMENDMENT OF DECISION

The Applicant has requested certain modifications to Site Plan Special Permit #02/19/03-388 (the "Permit"). The requested change would revise the parking lot layout as shown on RED-LINE CHANGE dated November 18, 2005 and as provided in the letter from Acton Survey & Engineering dated November 18, 2005.

Pursuant to Section 4.7 of the Permit, the Board of Selectmen reserve the right to amend the Permit at the request of the Applicant. The Board of Selectmen reserve the right to require the construction of the common driveway if the USE changes. The changes set forth herein do not change the result of the original decision.

Except as specifically amended by this Amendment of Decision, the Permit is in full force and effect.

WITNESS our hand this _____ day of December 2005.

Board of Selectmen,

By, Peter Ashton Chairman

Acton Survey & Engineering, Inc.

97 Great Road, Suite 6 • PO Box 666 • Acton, MA • 01720

Phone: (978) 263-3666 • Fax: (978) 635-0218

Email: actonsurvey@verizon.net

November 18, 2005

Board of Selectmen
472 Main Street
Acton, MA 01720

Re: Autoplex Realty – 60 Powder Mill Road
Site Plan # 02/19/03-388
5235,b26

Dear Board Members:

The purpose of this letter is to request that the Board allow as “red line revisions” the modifications to the site construction, at 60 Powder Mill Road, summarized in this letter.

The building and site are presently under construction.

As a result of negotiations between the proponent and the Department of Environmental Protection pertaining to the issuance of a Wetlands Protection Act Superceding Order of Conditions a Conservation Restriction [CR] was granted along the Assabet River. The limit of the CR was established along the landward side of a temporary construction easement created for granting to the Town for the construction of a “river walk”. The construction easement extended into the easterly portion of the parking lot and the CR prohibits the previously approved construction, requiring the truncation of the parking lot and a loss of parking spaces.

The proponent has also revised the interior of the building and based on computations made with Building Commissioner Garry Rhodes 21 spaces are required for the intended use.

The red line revision changes are summarized as follows:

1. Decreasing the parking lot to the size necessary to eliminate alterations within the Conservation Restriction. The paved area to the east of the designated customer and employee parking spaces is to be retained for display car storage.
2. To eliminate the ramp between the 60 Powder Mill Road and the property to the west. The property to the west is under lease by an automobile vendor who does not desire the ramp to be constructed due to the intrusion interrupting vehicle circulation and snow removal. The ramp is not required, as vehicles will not travel between the properties and Chief Craig has indicated that it is not necessary for fire suppression or other emergency uses.
3. To increase the width of the walkway along the west side of the building from 5 to 6-feet to provide better access to a rear door and for ease in dumpster removal.

Attached are ten full scale and 10 reduce scale copies of a site plan showing the proposed revisions with changes, such as signage and fence placement made necessary by the revisions.

The site plan also clarifies the extent of the vertical and slope granite curbing required by the Special Permit.

If the Board or Town Staff should require clarifications, additional information or revisions to the plan, please contact us.

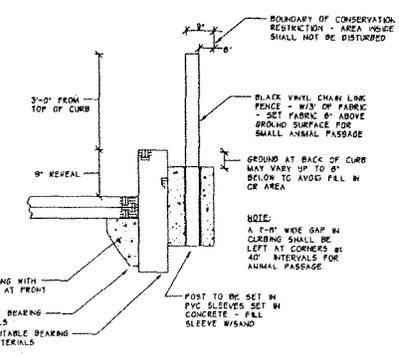
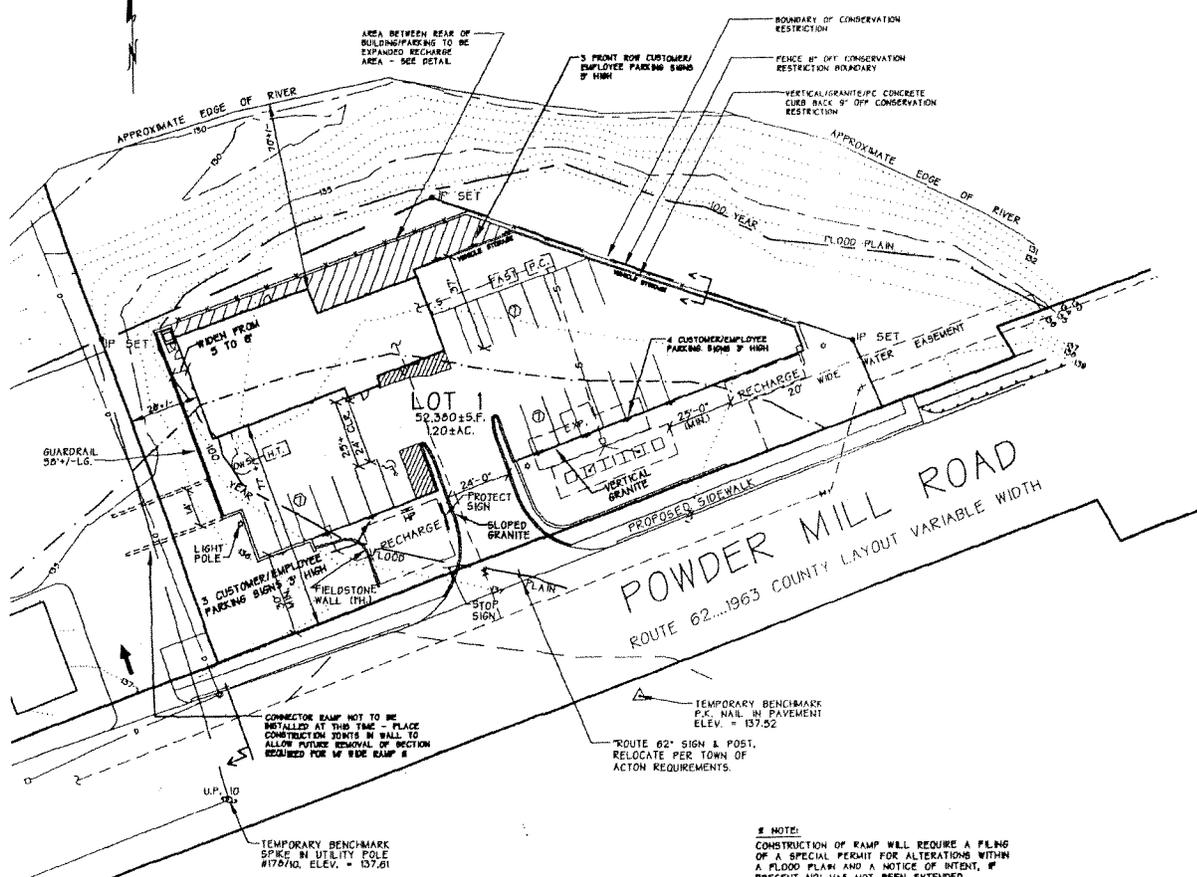
Very truly yours,
Mark T. Donohoe, PE



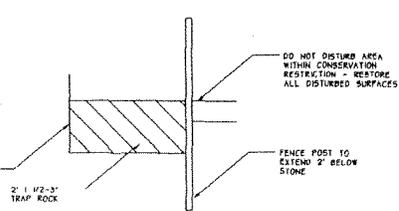
for
Acton Survey & Engineering, Inc.

cc: Leo Bertolami
Conservation Commission
DEP CERO

ASSABET RIVER

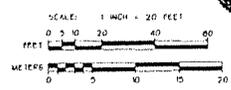


CROSS SECTION A-A



EXPANDED RECHARGE AREA

NOTE:
CONSTRUCTION OF RAMP WILL REQUIRE A FILING OF A SPECIAL PERMIT FOR ALTERATIONS WITHIN A FLOOD PLAIN AND A NOTICE OF INTENT, IF PRESENT NOI HAS NOT BEEN EXTENDED.



SITE PLAN - SHOWING RED LINE REVISIONS

60 POWDER MILL ROAD
ACTON, MASSACHUSETTS 01720

PREPARED FOR: AUTOPLEX REALTY, LLC
6 PROCTOR STREET ACTON, MA 01720

SCALE: 1 INCH = 20 FEET DATE: NOVEMBER 10, 2005

ACTON SURVEY & ENGINEERING, INC.
97 GREAT ROAD - P.O. BOX 608 - ACTON, MASS.
19701 783-1888 FAX 18761 833-0218

Acton Survey & Engineering, Inc.

97 Great Road, Suite 6 • PO Box 666 • Acton, MA • 01720

Phone: (978) 263-3666 • Fax: (978) 635-0218

Email: actonsurvey@verizon.net

November 18, 2005

Ms MaryAnn DiPinto
DEP CERO
627 Main Street
Worcester, MA 01608

Re: 60 Powder Mill Road, Acton
DEP 85-707

Dear Ms. DiPinto:

Please find enclosed our letter to the Acton Board of Selectmen and the plan referenced, therein.

The proposed changes to the eastern parking lot are as required by the Superceding Order of Conditions and the elimination of the ramp at the western side of the property will decrease alterations and impervious area, within the Riverfront Area, by 650 square feet.

The widening of the walk to the rear of the building is to allow better access to a rear door and for the removal of the dumpster. Impervious area will be increased by 71 square feet.

The size and recharge capacity of the stormwater management systems have not been decreased.

If the Department should require additional information pertaining to this matter please contact us.

Very truly yours,
Mark T. Donohoe, PE


for
Acton Survey & Engineering, Inc.

cc: Leo Bertolami
Acton Conservation Commission
Acton Board of selectmen

12/12/05 - (10)

**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE**

DATE: December 9, 2005

TO: Board of Selectmen

FROM: Don P. Johnson

SUBJECT: 60 Powder Mill Road

There are three items on the December 12 agenda that relate to 60 Powder Mill Road ... Item 2, a new Class I Car Dealer's License for Acton Suzuki; Item 10, 2006 License Renewals (including the current Class I License for this location) and Item 12, a requested amendment to Site Plan Special Permit #02/19/03-388 related to this property. I will be strongly recommending that the Board not approve any of these requests Monday.

I will be happy to elaborate during the various agenda items but the basic problems are as follows:

1. When the Board of Selectmen approved the initial Site Plan for this property in 2003, the Board also approved a requested Class I License with a limit of 39 display vehicles.
2. After the Selectmen approved the Site Plan, the Conservation Commission settled several outstanding issues with the applicant and a Conservation Restriction was placed on part of this property. The Restriction limited the development of the property such that a significant portion of the originally proposed site plan could not be built.
3. The petitioner proceeded to secure a building permit from the Building Commissioner, apparently using the original Site Plan for approvals.
4. The petitioner has developed the property in accordance with the Conservation Restrictions and, in so doing, has limited the available parking to something significantly less than the Selectmen expected when the Site Plan and Class I License approvals were granted in 2003.
5. The petitioner has not provided adequate plans to allow review or analysis of the available parking for display vehicles.

6. All of the defined parking spaces shown on the revised Site Plan are required to satisfy zoning requirements for customers. They are not available for vehicle display and will need to be restricted accordingly.
7. Issuance of a new Class I License, without knowing how it should be limited, would further compound a problem situation.
8. Renewal of the existing Class I License is inappropriate inasmuch as it authorizes 3-4 times as many display vehicles as the property, as developed, can support.
9. The proposed Site Plan revision fails to provide a clear indication as to the extent or impact of revisions the petitioner seeks to have approved.

For all of the above reasons I recommend that the Board (1) deny the petitioner under Item 2, under the applicable portion of Item 10 and under Item 12, (2) direct the petitioner to prepare proper plans that will allow the Board to understand the full impact of the changed Site Plan as well as evaluate the availability of parking/storage space for display vehicles and (3) schedule an appointment with the Board to review all of these issues when the additional plans and information are available.

A handwritten signature in black ink, appearing to be the name 'Alan', written in a cursive style.