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**DECISION** of the Board of Selectmen (hereinafter the Board) on the petition of Steven Nuenighoff (hereinafter the Petitioner) for the property located at 2 Craig Road Acton, Massachusetts. Said property is shown on Acton Town Atlas Map H-4 parcel 25.

This Decision is in response to an application submitted to the Board on April 07, 2003 by the Petitioner for a Special Permit under Section 10.3 of the Acton Zoning Bylaw (hereinafter the Bylaw), to establish a Commercial Recreation Use.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on June 02, 2003 at 7:30 P.M. in the Selectmen's Hearing Room at the Acton Town Hall. Board members Walter Foster, F. Dore' Hunter, William Shupert III, Peter Ashton and Robert Johnson were present throughout the proceedings.

The record of the proceedings and submissions upon which this permit is based may be referred to in the Office of the Town Clerk, or the Office of the Board.

Submitted for the Board's deliberation prior to the close of the hearing were the following exhibits:

Exhibit I

A properly executed application for Special Use Permit received April 7, 2003, a traffic study dated April 25, 2003 and one sheet of building plans dated March 8, 1979.

Exhibit II

Interdepartmental Communication (IDC) from the Town Manager to the Town Staff requesting comments. The following IDC's were received:

1. Building Commissioner dated May 21, 2003
2. Town Planner dated April 30, 2003 and May 1, 2003
3. Engineering Administrator dated May 01, 2003
4. Fire Chief dated May 16, 2003
5. Transportation Advisory Committee dated May 09, 2003
6. Health Department dated April 14, 2003
7. Recreation Director dated April 25, 2003

1.0 **Findings and Conclusions**

Based upon its review of the exhibits and records of the proceedings, the Board found and concluded that:

- 1.1 The site is located in the Light Industrial Zoning District and Commercial recreation is permitted by Special Use Permit.
- 1.2 The site is located in Zone 2 of the Groundwater Protection District.
- 1.3 The Accelerated Sports Performance Training Center will be occupying 15, 000 square feet in an 45,000 square foot existing building. They are not proposing any increase in the existing building or any changes to the site.

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- 1.4 A preliminary traffic study was prepared by Conley Associates which indicates the increase in traffic over existing does not require a full study nor recommends any changes.
- 1.5 2 Craig Road is a Light Industrial Zoning District which abuts a residential zoning district. The residential abutters requested the hours of operation be limited which the Petitioner has agreed to. The Board therefore limits hours of operation to 6:00 AM to 9:00 PM weekdays and 8:00 AM to 5:00 PM on weekends.
- 1.6 Concern was expressed that customers may park along either Craig Road or School Street. The site has 165 parking spaces. Based on zoning requirements this use only requires 75 parking spaces. The traffic study suggest even less parking spaces needed. The Petitioner shall do due diligence to ensure their customers park on site in approved spaces. Any complaints, received by the Building Commissioner in writing, about parking along either Craig Road or School Street shall be resolved immediately by the Applicant. The Board may reopen the hearing to resolve any illegal parking if the Building Commissioner cannot resolve the complaint.
- 1.7 The Plan as herein approved:
  - 1. Will protect the neighborhood and the Town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
  - 2. Will provide for convenient and safe vehicular and pedestrian movement and the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site.
  - 3. Will provide an adequate arrangement of parking and loading spaces in relation to the proposed USES of the premises.
  - 4. Will provide adequate methods of disposal of refuse or other wastes resulting from the USES permitted on the site.
  - 5. Is consistent with the Master Plan.
  - 6. Is in harmony with the purpose and intent of this Bylaw.
  - 7. Will not be detrimental or injurious to the neighborhood in which it is to take place.
  - 8. Is appropriate for the site and complies with all applicable requirements of this Bylaw.

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Therefore, the Board voted to **GRANT** the requested Special Permit subject to the following conditions and limitations.

**2.0 Conditions**

- 2.1 The Petitioner shall put in place procedures to ensure all vehicles park on site.
- 2.2 The Spruce tree shall be up branched to a height of 7' prior to any building permit.
- 2.3 The hours of operation are limited to 6:00 AM to 9:00 PM weekdays and 8:00 AM to 5 PM weekends.

**3.0 Limitations**

The Authority granted to the Petitioner by this permit is limited as follows:

- 3.1 This permit applies only to the site, which is the subject of this petition. All construction shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 3.2 This Decision applies only to the requested Special Permit. Other permits or approvals required by the Acton Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision. No approval of any signs or advertising devices is implied by this Decision.
- 3.3 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the Acton Zoning Bylaw.
- 3.4 This Special Permit shall lapse on June 23, 2005 unless work approved by this permit has commenced except for good cause. Any request for extensions shall be made at least thirty (30) days prior to expiration.

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4.0 **Appeals**

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

Witness our hand this                    day of                    ,                    2003

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Walter Foster, Chairman

I, Christine Joyce, hereby certify that this is a true copy of the Decision of the Board of Selectmen.

\_\_\_\_\_  
Christine Joyce, Recording Secretary

\_\_\_\_\_  
Date filed with Town Clerk

\_\_\_\_\_  
Edward Ellis, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Decision of Alison Sports Performance Partners passed and there have been no appeals made to this office.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Edward Ellis, Town Clerk

cc:     Petitioner  
       Building Commissioner, Planning Board, Engineering, Conservation, Director of Municipal Properties,  
       Board of Health, Town Clerk  
       Planning Boards - Concord, Littleton, Westford, Maynard, Carlisle, Boxboro, Stow, Sudbury