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DECISION of the Board of Selectmen (hereinafter the Board) on the petition of Bimini Blues Realty Trust (hereinafter the Petitioner) for the property located at 279 Main Street Acton, Massachusetts. Said property is shown on Acton Town Atlas Map F-3 Parcels 93, 94, 106 and 107.

This Decision is in response to an application submitted to the Board on May 29, 2003 by the Petitioner for a Site Plan Special Permit under Section 10.4 of the Acton Zoning Bylaw (hereinafter the Bylaw) to raze two existing buildings and construct combined business and dwelling with associated parking.

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 July 14, 2003 at 7:15 PM and continued at the request of the Petitioner until August 4, 2003 at 8:00 PM in the Selectmen's Hearing Room at the Acton Town Hall. Board members Walter Foster, Peter Ashton, F. Dore Hunter 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.

Exhibit I

A properly executed application for Site Plan approval received May 29, 2003, a booklet containing a certified abutters list, USE description, other permits, record plan, drainage calculations earth removal calculations, water balance calculations and a traffic impact assessment. Four-sheet set of engineered plans dated May 22, 2003 revised July 29, 2003. A landscape plan dated May 9, 2003 revised July 29, 2003 and two sheets of building plans dated May 9, 2003. Letter to the Board from Stamski and McNary, Inc. dated July 29, 2003.

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 July 31, 2003
2. Town Planner dated July 1, 2003
3. Fire Chief dated July 10, 2003
4. Municipal Properties Director dated June 30, 2003
5. Engineering Administrator dated June 26, 2003
6. Health Department dated June 16, 2003
7. Transportation Advisory Committee dated July 3, 2003
8. Recreation Director dated June 11, 2003
9. Water Supply District dated June 5, 2003

Exhibit I is hereinafter referred to as the Plan

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 Kelley's Corner Zoning District and Zone 4 of the Groundwater Protection District and the USE is allowed in both the Kelley's Corner Zoning District and Zone 4.

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- 1.2 The revised plan did not provide landscaping adjacent to Main Street where the driveway to Quill & Press was decreased in width. The Board is concerned that without a visible barrier vehicles may climb the curb. The Petitioner shall provide either landscaping or boulders at a height to be visible to a driver in the parking lot.
- 1.3 Vertical granite curb is proposed along Main Street. The location of the curb is not tied to any point. The curb shall be tied to either the fog line or center line.
- 1.4 The Board is concerned about traffic flow. The entrance to Quill & Press is currently wide open. The proposal is to narrow the entrance to Quill & Press and provide a common driveway connection between this and the new site. The problem is further complicated by the nonconforming parking in front of Quill & Press. The Board finds that traffic arrows should be painted on the pavement with a center line added at the entrance. The Board further finds the direction of the traffic flow at the common driveway may need to be changed based on experience. Limited parking space delineation shall be required in front of Quill & Press which could also be changed based on experience.
- 1.5 The site abuts residential property. Excessive exterior lighting could create a problem with those neighbors. The Board therefore limits the height of the freestanding exterior lighting to twelve feet. The exterior lighting shall also comply with Bylaw section 10.4.3.2.
- 1.6 The Bylaw encourages connections between abutting properties. The neighboring properties are not interested in providing such connection at this time. The Petitioner has agreed to provide a turn around at the rear of the property to facilitate this future connection. Such a connection would allow the Petitioner to relocate the loading dock to the rear.
- 1.7 The Plan as herein modified:
 - Will protect the neighborhood and the Town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
 - Will provide for convenient and safe vehicular and pedestrian movement and that 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.
 - Will provide an adequate arrangement of parking and loading spaces in relation to the proposed USES of the premises.
 - Will provide adequate methods of disposal of refuse or other wastes resulting from the USES permitted on the site.
 - Is consistent with the Master Plan.
 - Is in harmony with the purpose and intent of this Bylaw.
 - Will not be detrimental or injurious to the neighborhood in which it is to take place.
 - Is appropriate for the site and complies with all applicable requirements of this Bylaw.

Therefore, the Board voted to **GRANT** the requested Site Plan Special Permit subject to and with the benefit of the following Plan modifications, conditions and limitations.

2.0 Plan Modifications

Prior to the issuance of a Building Permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected or modified information. The Building Commissioner shall not permit any construction activity to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected or modified information. Except where otherwise

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provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any Building Permit or permit any construction on the site. The Petitioner shall submit five copies of the final plans as approved for construction by the Building Commissioner to the Building Commissioner prior to the issuance of a Building Permit.

- 2.1 Provide either landscaping or boulders on the landscape area where the entrance to Quill & Press was reduced.
- 2.2 Locate the vertical granite curb in relationship to either the fog line or center line of the highway.
- 2.3 Provide a note on painting the arrows on the ground and provide a center line at the entrance to the site.
- 2.4 Provide a note restricting the height of the exterior lighting to twelve feet.
- 2.5 Provide a turn around at the rear of the Quill & Press property.

3.0 Conditions

- 3.1 The Petitioner shall provide directional signage as necessary to promote safe vehicle movements.
- 3.2 The direction of vehicle traffic on the common driveway may be changed if necessary.
- 3.3 Limited pavement markings shall be provided in front of the Quill & Press property.
- 3.4 The outdoor lighting shall be approved by the Building Commissioner prior to occupancy.
- 3.5 The site shall comply with the Town of Acton Hazardous Material Control Bylaw.
- 3.6 Prior to occupancy or use of any new building constituting a part of the project, an as-built plan shall be supplied by the engineer of record certifying that the project was built according to the approved documents. The as-built plan shall show all pavement, building and drainage structure locations above and below grade in their true relationship to lot lines, and include appropriate grades and elevations. In addition to the engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor. The swale shall be inspected to insure no ponding shall occur along Main Street.

4.0 Limitations

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

- 4.1 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.
- 4.2 There shall be no further development of this site without written consent of the Board of Selectmen as outlined within the Acton Zoning Bylaw.
- 4.3 This Decision applies only to the requested Site Plan 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.

