



7/26/10 (4)

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ASE 5781

June 7, 2010

Board of Selectmen
472 Main Street
Acton, MA 01720

Re: 50 Powder Mill Road
Autoplex II, LLC

Dear Board Members:

This letter is to request that our meeting of tonight be extended to your meeting of July 26, 2010 to allow our client to discuss this matter with counsel.

We also desire to have the opportunity to review the continuing drainage problem resulting in the flow of untreated runoff from Powder Mill Road across the property at 61 Powder Mill Road. Repairs to the parking lot at this facility cannot be scheduled until the drainage problem is addressed.

We would be happy to meet with representatives of the Board at the site.

Thank you for any consideration you may give this matter.

Very truly yours,
Mark T. Donohoe, PE

for:
Acton Survey & Engineering, Inc.

cc: Leo Bertolami
Richard A. Nysten, Esq.

- **Powder Mill Road – Leo B**

I've attached a letter from Leo B requesting his meeting with the BOS on June 7th to be rescheduled to July 26th. The June 7th agenda identifies his item for 50, 54 & 60 Powder Mill Road. In the letter, Leo also raises his concern about the drainage structure in front of the Subaru Dealer at 61 Powder Mill Road. The DPW has looked at the catch basin and plans to add an additional inlet at the gutter line. The work is scheduled to be completed during this construction season.

- Roland forwarded an email with a letter from Leo B that was received on March 25, 2010. In this letter, Leo raised 4 issues that he wanted to discuss:
 - The status of the “Doll House” Building at 56 Powder Mill Road.
 - The Emergency Access Ramp between 56 & 50 Powder Mill Road.
 - The existing drain pipe on 50-56 Powder Mill Road. This pipe is the outlet for the existing catch basins in Powder Mill Road in front of the Subaru Dealer. We've done some research in our files, but we have not found records for an easement for this drain pipe. It has been my assumption that when the County Commissioners laid-out Powder Mill Road that they also took easements for the drainage pipes outside the road layout, but we do not have the County's documents to be sure.
 - The status of his plans for 50 Powder Mill Road. It is my understanding that his Flood Plain Special Permit for 50-56 Powder Mill Road is still pending with the Board of Appeals.

Christine Joyce

From: Roland Bartl
Sent: Wednesday, July 21, 2010 1:17 PM
To: Corey York; Christine Joyce
Cc: Steve Ledoux
Subject: FW: Leo Bertolami's request to see the Board

I found this for the BoS package for Leo's appointment with the BoS next Tue. The attached DOC001 scanned letter stamped March 25, 2010 is his original request for the meeting. The attached 3rd amendment decision for site plan #388 is probably also relevant.

See below my comment from 4/27 on this matter, which should also be included in he package.

Roland Bartl, AICP
Planning Director
472 Main Street
Acton, MA 01720
(978) 264-9636

From: Roland Bartl
Sent: Tuesday, April 27, 2010 4:05 PM
To: Scott Mutch
Subject: FW: Leo Bertolami's request to see the Board

FYI

Roland Bartl, AICP
Planning Director
472 Main Street
Acton, MA 01720
(978) 264-9636

From: Roland Bartl
Sent: Tuesday, April 27, 2010 3:32 PM
To: Christine Joyce; Lauren Rosenzweig; Steve Ledoux
Cc: Robert Craig
Subject: RE: Leo Bertolami's request to see the Board

Mr. Bertolami has asked to meet with the Board of Selectmen to revisit items related to his #60 Powder Mill Road site - see attached letter stamped received on March 25, 2010. Mr. Bertolami owns #60 and the adjacent #50-56 Powder Mill Road property (although a series of addresses, 50-65 Powder Mill Road is one and the same property and parcel, held by Mr. Bertolami in common ownership with 60 Powder Mill Road.

7/22/2010

The Board of Selectmen issued site plan special permit 02/19/03 - 388 for 60 Powder Mill Road for a new Suzuki dealership. The decision was last amended on July 14, 2008 (3rd amendment) - see attached. The Suzuki dealership is no longer there - the building is vacant.

The 3rd amendment of the site plan special permit decision 388 has the following conditions:

3.1 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns. Failure to adhere to these conditions shall render this entire special permit null and void, without force and effect, and shall constitute grounds for its revocation, and of any building or occupancy permit issued hereunder. The Town of Acton may elect to enforce compliance with this special permit using any and all powers available to it under the law.

- 3.3.1 This Applicant shall cause this decision to be recorded at the Registry of Deeds no later than by August 15, 2008. **NOT DONE.**
- 3.3.2 The Applicant shall no later than August 15, 2008 submit to the Planning Director for Town legal review and approval a covenant to the Town of Acton in recordable form that binds the Applicant and the successors, and assigns, including all successors in ownership of both 56 Powder Mill Road and 60 Powder Mill Road to the commitment of installing an emergency ramp/driveway connection adequate for SU-30 fire apparatus use between 60 and 56 Powder Mill Road at such time as 56 Powder Mill Road is before the Town for any kind of special permit or Site Plan Special Permit. The Applicant shall cause the approved covenant to be recorded at the Registry of Deeds no later than by November 1, 2008. **NOT DONE - WE ARE IN RECEIPT OF A DRAFT FROM SEPTEMBER 2009 THAT DOES NOT FULLY MEET THIS CONDITION AND IS INADEQUATE FOR RECORDING PURPOSES.**
- 3.3.3 The Applicant shall no later than August 15, 2008 submit to the Planning Director for Town legal review a historic preservation restriction for the "doll house" at 56 Powder Mill Road. The restriction shall follow in form and content the standard historic preservation restriction as published most recently by the Massachusetts Historical Commission. The restriction may include a provision that allows the relocation of the "doll house" on the same lot as such lot is presently configured. The Applicant shall cause the approved preservation restriction to be recorded at the Registry of Deeds no later than by November 1, 2008. **NOT DONE. IT IS MY UNDERSTANDING THAT BOARD OF SELECTMEN HAVE PUT THIS CONDITION ON ICE AT A MEETING WITH MR. BERTOLAMI THAT OCCURRED SOME TIME IN 2009. HE HAD FILED FOR A DEMOLITION PERMIT FOR THE "DOLL HOUSE" (LATER OR PREVIOUSLY CALLED "TEST HOUSE"). THE HISTORICAL COMMISSION HAD PUT A 6-MONTH WAITING PERIOD ON THE DEMOLITION REQUEST. THIS TIME PERIOD HAS LONG EXPIRED. MR. BERTOLAMI DID NOT ACT ON THE DEMOLITION WHILE THE TOWN WAS TRYING TO FIGURE OUT A NEW LOCATION FOR THE HOUSE AND FUNDING FOR THE RELOCATION. THESE EFFORTS HAVE FAILED AND BEEN FINALLY DISPOSED OF BY A VOTE OF THE CPC NOT TO RECOMMEND CPA FUNDING FOR ITS RELOCATION. THE HOUSE IS STILL STANDING. WHILE THIS WAS EVOLVING, STAFF WAS ALSO TAKING A WAIT AND SEE APPROACH TO THE OTHER TWO OUTSTANDING ITEMS - 3.3.1 AND 3.3.2 ABOVE.**
- 3.3.4 The Applicant shall no later than November 1, 2008 have installed a fire hydrant in front of 60 Powder Mill Road with the exact location to be determined by the Fire Chief. **DONE.**

3.3.5 The Applicant shall no later than November 1, 2008 have marked fire lanes sufficient in layout for SU-30 fire apparatus use: 1) on 60 Powder Mill Road on the entrance driveway, in front of the building to the ramp location, and with turn-around space in the easterly portion of the parking lot; and 2) on 56 Powder Mill Road from the edge of pavement at the ramp location around both sides of the "doll house" to the street with the exact location and configuration to be determined by the Fire Chief. **1) IS DONE. 2) IS NOT DONE.**

3.3.6 The Applicant shall no later that November 1, 2008 have installed improved fire and emergency alarm devices in the building at 60 Powder Mill Road as directed by the Fire Chief. **DONE.**

Mr. Bertolami has filed with the ZBA applications for a variance and for a flood plain special permit in connection with a proposed major renovation and improvement of the main building at #56 Powder Mill Road. The variance has been granted. The special permit is still pending with the next hearing session scheduled for May 17, 2010. If the ZBA special permit is granted with appropriate conditions for site improvements (such as landscaping and sidewalk additions) the proposed building renovation has the potential of improving the area. However, the ZBA special permit application triggers condition 3.3.2 of the Selectmen's 3rd amendment of site plan special permit decision #388 - see above - for the fire ramp between 56 and 60 Powder Mill Road.

In his March 2010 letter requesting the meeting, Mr. Bertolami asks to discuss the following:

The "Doll House" building at 56 Powder Mill Road. Condition 3.3.3 requires a historic preservation restriction. Apparently, the Board of Selectmen has put this on ice. I am not sure if the Board of Selectmen have in fact voted to delete this condition, although that may be the case. If so, the "doll house" would appear to be no longer a matter of concern for the Town.

The emergency access ramp between 56 and 60 Powder Mill Road. I can only guess that the Mr. Bertolami would like the Board to reconsider its position on this requirements. Clearly, he does not want to be bound to build the fire/emergency ramp.

Drainage issues at Powder Mill Road. I asked Corey in the Engineering Department to advise the Board on this item.

The status of plans and permits for 50 Powder Mill Road. I assume these are the plans and permits before the ZBA that I mentioned above.

Roland Bartl, AICP
Planning Director
472 Main Street
Acton, MA 01720
(978) 264-9636

From: Christine Joyce
Sent: Monday, April 26, 2010 9:20 AM
To: Lauren Rosenzweig; Roland Bartl; Steve Ledoux
Subject: Leo Bertolami's request to see the Board

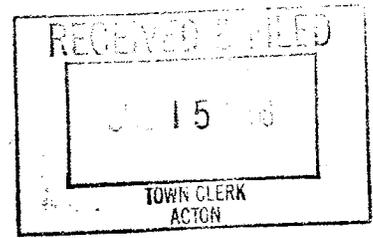
7/22/2010

Folks, I have had a change in the schedule for May 10th. The Morrison Land will now be on the May 24th agenda at 7:40.

Do you want me to put him on for his requested 15 Minutes on May 10th.

Roland do you have any comments with regard to his letter outlining what he wanted to talk about for "15 minutes", I forwarded it to you on March 25th for comment.

I will await Lauren's response. I can put him on a time specific on the May 10th meeting if you so wish.



Site Plan Special Permit – 02/19/03 – 388 (3rd Amendment)
Autoplex Realty, LLC
60 Powder Mill Road
July 14, 2008



Board of Selectmen

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
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**Third Amendment of Site Plan Special Permit
DECISION
02/19/03 - 388**

Autoplex II, LLC (formerly Autoplex Realty, LLC)

July 14, 2008

Decision of the Acton Board of Selectmen (hereinafter the Board) on the request for a third site plan special permit amendment made by Mark T. Donohoe, PE of Acton Survey & Engineering, Inc. in a letter dated January 22, 2008 on behalf of Leo Bertolami, Autoplex II, LLC (hereinafter the Applicant) for property located at 60 Powder Mill Road in Acton, Massachusetts, owned by the applicant. The property is shown on the 2007 Acton Town Atlas map J-3 as parcel 49-1 (hereinafter the Site). The third amendment request seeks elimination of the required emergency ramp/driveway connection between 60 and 56 Powder Mill Road.

The Board had issued site plan special permit decision 02/19/03 - 388 on June 23, 2003; approved red-line changes on December 19, 2005; issued a first decision amendment filed with the Town Clerk on September 26, 2006; and issued a second decision amendment recorded with the Town Clerk on July 17, 2007 – together hereinafter referred to as the Original Decision.

The Board's rules and regulations for site plan special permits, section 5.12 provide that the

Board may amend previously granted permits by written request of an applicant or on its own motion and further that it may amend a permit without a public hearing if it is not significant to the public interest and consistent with the purpose and intent of the zoning bylaw. The Board considered the request for a third amendment at a number of public meetings held after January 22, 2008 up to and including May 19, 2008. The Applicant attended the meetings, sometimes accompanied by Mr. Donohoe. The minutes of the meetings and submissions on which this decision is based upon may be referred to in the Town Clerk's office or the office of the Board at the Acton Town Hall.

1 EXHIBITS

- 1.1 February 2002 rental plan, 50-56 Powder Mill Road, by Acton Survey & Engineering, Inc. (AS&E) showing vehicle storage and parking layout, improved landscaping, and a future fire lane to 60 Powder Mill Road
- 1.2 As Built Notice of Intent Plan, 50-56 Powder Mill Road, dated September 2002, revised 10/3/02, by AS&E.
- 1.3 03/12/07 IDC from Robert C. Craig, Fire Chief to the Town Manager regarding fire safety and emergency accessibility concerns at 60 Powder Mill Road.
- 1.4 Parking Layout Plan dated March 21, 2007, 56 Powder Mill Road, by AS&E.
- 1.5 The Original Decision including all related plans, documents, and correspondence referred to therein.
- 1.6 Site Plan Amend Plan, dated February 17, 2007, last revised May 17, 2007 showing site plan for 60 Powder Mill Road as approved in the Original Decision (after the second amendment); including a ramp and ramp and wall detail depicting the required emergency ramp and driveway connection between 60 and 56 Powder Mill Road sized to be suitable for passage by a fire engine.
- 1.7 11/14/07 IDC from the Building Commissioner to the Managers Office regarding 2008 license renewals citing observations of violations and non-compliance with previously licenses for 50-56 Powder Mill Road and 60 Powder Mill Road, and with the site plan special permit for 60 Powder Mill Road (the Original Decision).
- 1.8 11/19/07 letter from Mr. Donohoe, AS&E to the Building Commissioner regarding flood plain compliance.
- 1.9 11/28/07 letter from Mr. Bertolami, Acton Suzuki, Inc. of 60 Powder Mill Road regarding license and permit compliance status.
- 1.10 11/28/07 letter from Mr. Bertolami, Acton Ford Rent a Car of 56 Powder Mill Road regarding license and permit compliance status.
- 1.11 12/03/07 IDC from Roland Bartl, Planning Director to the John Murray, Temporary Town Manager regarding the aforesaid violations and non-compliance issues at 50-56 Powder Mill Road and 60 Powder Mill Road.
- 1.12 12/21/07 letter from Mr. Bartl to Mr. Bertolami summarizing a 12/12/07 meeting with Mr. Bertolami, Mr. Craig and Mr. Bartl, and containing a chronology of permit actions relative to a fire lane or ramp, and driveway connection between 60 and 56 Powder Mill Road.
- 1.13 01/15/08 Site Conditions Plan, 60 Powder Mill Road by AS&E.
- 1.14 01/17/08 letter from Mr. Donohoe, AS&E about status of site development at 60 Powder Mill Road.
- 1.15 01/22/08 letter from Mr. Donohoe, AS&E to the Board of Selectmen requesting a third site plan special permit amendment for 60 Powder Mill Road.
- 1.16 01/25/08 IDC from Mr. Bartl to Mr. Murray regarding licenses renewal status for 56 and 60 Powder Mill Road and requested third site plan special permit amendment for 60 Powder Mill Road.

- 1.17 01/25/08 memo from Mr. Craig to Mr. Bartl regarding the ramp/driveway connection between 60 and 56 Powder Mill Road.
- 1.18 01/26/08 IDC from the Engineering Department to Mr. Murray regarding flood plain compliance.
- 1.19 Photographs provided by Mr. Bertolami in January 2008 showing temporary pavement markings at 60 Powder Mill Road.
- 1.20 Photographs taken by Acton police during January 2008 of 56 and 60 Powder Mill Road.
- 1.21 02/12/08 letter from Mr. Donohoe, AS&E to the Board of Selectmen with a further status report on the site development at 60 Powder Mill Road and explanation of third amendment request.
- 1.22 Site Plan Amend Plan 2/12/2008, 60 Powder Mill Road, by AS&E, last revised 4/2/08.
- 1.23 02/19/08 IDC from Mr. Bartl to Mr. Murray regarding license renewals for 56 and 60 Powder Mill Road and the third site plan special permit amendment request for 60 Powder Mill Road and 02/12/08 letter from Mr. Donohoe.
- 1.24 02/20/08 letter from Mr. Donohoe, AS&E to the Board of Selectmen regarding landscaping items at 56 Powder Mill Road.
- 1.25 February 2008 Engineering Department notes and sketch indicate that length of emergency ramp/driveway connection shown on Site Plan Amend Plan, dated February 17, 2007, last revised May 17, 2007 must be 38.5 feet.
- 1.26 03/31/08 letter from Mr. Donohoe, AS&E to the Board of Selectmen summarizing recent meetings with Town staff and further discussing the emergency ramp/driveway connection between 60 and 56 Powder Mill Road.
- 1.27 04/23/08 IDC from Mr. Bartl to Mr. Murray regarding license renewals for 56 and 60 Powder Mill Road and the third site plan special permit amendment request for 60 Powder Mill Road and 03/31/08 letter from Mr. Donohoe.
- 1.28 04/24/08 IDC from Mr. Craig to Steven Ledoux, Town Manager regarding license renewals for 56 and 60 Powder Mill Road and the third site plan special permit amendment request for 60 Powder Mill Road and 03/31/08 letter from Mr. Donohoe.
- 1.29 04/28/08 letter from Mr. Donohoe, AS&E to the Board of Selectmen about requesting a postponement of discussions on the subject matter.
- 1.30 04/28/08 letter from Allan R. Curhan of Allan R. Curhan Associates to Mr. Ledoux regarding the required connection between 56 and 60 Powder Mill Road, stating that different entities own the properties.
- 1.31 2008 Assessors Cards for 50-56 and 60 Powder Mill Road addresses, which show record ownership of both properties in one entity, Autoplex II, LLC.
- 1.32 05/14/08 letter from Mr. Donohoe, AS&E to the Board of Selectmen regarding mock-up photographs of the required ramp with two attached photos.
- 1.33 05/14/08 letter from Mr. Curhan to Stephen Anderson, Acton Town Counsel, regarding the required ramp connection, ownership of 56 and 60 Powder Mill Road, and grade differentials between the two sites.
- 1.34 05/15/08 memo from Stephen Anderson, Town Counsel, to Roland Bartl with attachments, indicating that Registry of Deeds records confirm ownership of both properties in one entity.
- 1.35 2004 annual report of Autoplex Realty LLC filed with the Secretary of State office on November 8, 2004.
- 1.36 Certificate of Amendment with name change from Autoplex Realty, LLC to Autoplex II, LLC filed with the Secretary of State office on November 8, 2004.
- 1.37 2006 annual report summary for Acton Suzuki, Inc. on file at the Secretary of State office.

2 FINDINGS AND CONCLUSIONS

- 2.1 The emergency/driveway connection first appears on plans submitted to the Town in 2002 (Rental Plan 50-56 Powder Mill Road). It shows as a fire lane connection between 50-56 Powder Mill Road and 60 Powder Mill Road with arrangement of car storage spaces and maneuvering aisles that allow fire engine passage between the fire lane and the street.
- 2.2 60 Powder Mill Road has been improved under this site plan special permit and is now used as a Suzuki dealership. The as-built finished grade at 60 Powder Mill Road is +/-4 feet above the adjacent existing grade at 56 Powder Mill Road. This difference was not apparent until construction was completed. The pre-construction grade differential was +/- 1 foot.
- 2.3 56 Powder Mill Road has not seen any changes over the years that are relevant in this context. It appears at times vacant. Prescott Paint occupies space in the larger building and Acton Ford Rent-a-Car is posted at the smaller building.
- 2.4 The smaller building at 56 Powder Mill Road is also known as the "doll house". The "doll house" is an old building that has been placed on the Acton Cultural Resource list.
- 2.5 The Original Decision as it stands before this decision on the third amendment request requires a ramped emergency access/driveway connection to negotiate the as-built grade differential between the two sites. The Site Plan Amend Plan as last revised on May 17, 2007 shows the ramp's engineering details.
- 2.6 With his request to amend the site plan special permit for a third time, the Applicant is seeking relief from the ramp requirement alleging among other things different ownership of the two sites and resulting severe infringement on the practical usability of the 56 Powder Mill Road site.
- 2.7 The Town Assessor's and the Registry of Deeds show that Autoplex II, LLC is the single and joint owner of both properties.
- 2.8 The ramped connection as shown on the May 17, 2007 would begin at the top of the retaining wall on the westerly side of the Suzuki facility at 60 Powder Mill Road, span across a landscaped snow storage area, and descend onto 56 Powder Mill Road until it reaches existing grade at approximately 18-19 feet west of the existing pavement edge.
- 2.9 Thus, the ramp as required in the Original Decision would extend onto the facility at 56 Powder Mill Road by about the length of a vehicular parking are storage space.
- 2.10 The Acton Fire Chief maintains the need for a ramped emergency connection between the two sites.
- 2.11 The 2002 Rental Plan for 56 Powder Mill Road shows perpendicular vehicle parking or storage against the northern pavement edge of the property with a gap for the fire lane to 60 Powder Mill Road.
- 2.12 The installation of the ramp in accordance with the 2007 plan would occur in the same location as the fire lane shown on the 2002 plan. The ramp would eliminate one, but in no case more than two, vehicle parking or storage spaces shown on the 2002 plan.
- 2.13 The Applicant suggested that installing the ramp would require demolition of the "doll house".
- 2.14 Since the "doll house" is on the cultural resources list, its demolition is subject to Acton's General Bylaw Chapter N, also known as the Demolition Delay Bylaw.

- 2.15 The applicant asked for approval of the following as a substitute for or incentive to waiving the required ramp connection: a new and additional fire hydrant in front of 60 Powder Mill Road; fire lane demarcations for all driveway and maneuvering aisle space at 60 Powder Mill Road and on 56 Powder Mill Road in the fire land space shown on the 2002 rental plan; agreement to build the ramp if and when 50-56 Powder Mill Road, or a portion thereof, undergoes site plan special permit; and a historic preservation restriction for the "doll house" at 56 Powder Mill Road with a provision that would allow its relocation.
- 2.16 After considering the relevant evidence in the file the Board finds that there appears no real and practical impediment against the emergency ramp/driveway connection. However, the Board is willing to give the Applicant the benefit of doubt and agrees to waive the ramp subject to the following conditions.

3 BOARD ACTION

Therefore, the Board voted on June 23, 2008 to GRANT the requested third amendment to site plan special permit 02/19/03 – 388 subject to and with the benefit of the conditions.

3.1 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns. Failure to adhere to these conditions shall render this entire special permit null and void, without force and effect, and shall constitute grounds for its revocation, and of any building or occupancy permit issued hereunder. The Town of Acton may elect to enforce compliance with this special permit using any and all powers available to it under the law.

- 3.3.1 This Applicant shall cause this decision to be recorded at the Registry of Deeds no later than by August 15, 2008.
- 3.3.2 The Applicant shall no later than August 15, 2008 submit to the Planning Director for Town legal review and approval a covenant to the Town of Acton in recordable form that binds the Applicant and the successors, and assigns, including all successors in ownership of both 56 Powder Mill Road and 60 Powder Mill Road to the commitment of installing an emergency ramp/driveway connection adequate for SU-30 fire apparatus use between 60 and 56 Powder Mill Road at such time as 56 Powder Mill Road is before the Town for any kind of special permit or Site Plan Special Permit. The Applicant shall cause the approved covenant to be recorded at the Registry of Deeds no later than by November 1, 2008.
- 3.3.3 The Applicant shall no later than August 15, 2008 submit to the Planning Director for Town legal review a historic preservation restriction for the "doll house" at 56 Powder Mill Road. The restriction shall follow in form and content the standard historic preservation restriction as published most recently by the Massachusetts Historical Commission. The restriction may include a provision that allows the relocation of the "doll house" on the same lot as such lot is presently configured. The Applicant shall cause the approved preservation restriction to be recorded at the Registry of Deeds no later than by November 1, 2008.
- 3.3.4 The Applicant shall no later than November 1, 2008 have installed a fire hydrant in front of 60 Powder Mill Road with the exact location to be determined by the Fire Chief.
- 3.3.5 The Applicant shall no later than November 1, 2008 have marked fire lanes sufficient in layout for SU-30 fire apparatus use: 1) on 60 Powder Mill Road on the entrance driveway, in front of the building to the ramp location, and with turn-around space in the

easterly portion of the parking lot; and 2) on 56 Powder Mill Road from the edge of pavement at the ramp location around both sides of the "doll house" to the street with the exact location and configuration to be determined by the Fire Chief.

3.3.6 The Applicant shall no later than November 1, 2008 have installed improved fire and emergency alarm devices in the building at 60 Powder Mill Road as directed by the Fire Chief.

4 EFFECT OF THIS DECISION

This decision only addresses the narrow range of issues brought forth by the Applicant in his request for the third amendment of Site Plan Special Permit 02/19/03 – 388. The Original Decision as formulated before this third amendment shall remain in full force and effect, except as specifically amended or added to herein.

The Town of Acton Board of Selectmen


Lauren S. Rosenzweig, Chair

Copies furnished:

Applicant -
certified mail #
Town Clerk
Fire Chief
Owner

Building Commissioner
Town Engineering
Conservation Administrator
Police Chief
Assistant Assessor

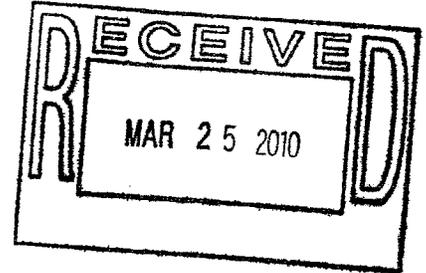
Health Director
Municipal Properties Director
Town Manager
Acton Water District

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Autoplex II, LLC.
60 Powder Mill Road, Acton, MA. 01720

Acton Board of Selectmen
472 Main Street
Acton, MA. 01720

Re: 60 Powder Mill Road
Site Plan #388



Dear Members of the Board:

The purpose of this letter is to request that I be given the opportunity to discuss the present status of 60 Powder Mill Road in regard to the requirements of your Site Plan decision.

The building is presently vacant and I believe that it is in the best interest of the Town that the requirements of your permit be modified so that the building can become economically viable.

I would be happy to meet with staff beforehand, but Staff comments during the processing of the recent appeals to the Zoning Board of Appeals for 50 Powder Mill Road indicate that they are reliant on the Board.

I desire to discuss the following:

- * The Doll House Building at 56 Powder Mill Road, which is presently under review by the Design Review Board.
- * The "Emergency Access Ramp" between 56 and 60 Powder Mill Road.
- * The Town preparing and "Easement and Deed" for the Town drain that crosses 56 Powder Mill Road and grading Powder Mill Road so that the catch basin is able to receive flow prior to flow occurring over the Village Subaru site.
- * My plans for 50 Powder Mill Road and the status of the required permits.

I believe if the Board will allow a 15 minute presentation and discussion period that this would facilitate my ability to move forward with plans for my properties.

Sincerely yours,

Leo Bertolami, Manager

cc: Town Planner