



4/23/12 (3)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 264-9630

Steven L. Ledoux
Town Manager

March 12, 2012

Acton Beacon Legal Ad Division

Below please find a copy of a legal advertisement to appear in the Acton Beacon on April 5 and April 12, 2012

Please send the bill to: Peter Papathanasiou
260 Burroughs Road
Boxborough, MA 01720

(617-291-0250)

Please confirm receipt of this request to my e-mail as listed

Very truly yours,

Christine Joyce
Town Manager's Office

Selectman Janet Adachi Assigned

**LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on April 23 at 7:15 p.m. in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton, on the application of Papathanasiou Realty Trust, for a Special Permit under Section 10.3 of the Zoning bylaw for a Commercial Recreation Use in excess of 2,000 square feet of net floor area located at 53 Knox Trail, Acton, MA 01720. The application and accompanying plans can be inspected at the Town Hall during normal business hours.

ACTON BOARD OF SELECTMEN

Bin Idrive



TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov
www.acton-ma.gov

Zoning Enforcement Officer

INTERDEPARTMENTAL COMMUNICATION

To: Steve Ledoux, Town Manager
Board of Selectmen **Date:** April 17, 2012

From: Scott A. Mutch, Zoning Enforcement Officer & Assistant Town Planner

Subject: Use Special Permit Application #03/12/12-436 (Adachi)
53 Knox Trail, Athletic Training Center

Location: 53 Know Trail, Acton, MA
Applicant: Papathanasiou Realty Trust c/o Peter Papathanasiou, P.O. Box 1322, West Concord, MA 01742
Owner: Papathanasiou Realty Trust, P.O. Box 1322, West Concord, MA 01742
Zoning: Technology District (TD)
Groundwater Protection District Zone 3
Proposed Uses: Commercial Recreation (specifically Athletic Training Center)
Bylaw Relief: Section 6.2.3 - Relief from Parking Regulations
Map/Parcel: I-4/9-1
Hearing Date: April 23, 2012
Decision Due: July 22, 2012

Attached are the legal ad, application, plan sheets, and departmental comments. As of this date, comments have only been received from the Town of Acton's Engineering Department.

The applicant is proposing to operate an athletic training facility within an existing building which was originally constructed for warehouse and industrial uses. The existing building is located on a parcel of land which is approximately 1.37 acres (59,677 ft²) in area. Due to changes in the economic climate, the existing building is no longer required for the original use for which it was constructed. The current owner is therefore seeking to find potential tenants, businesses and uses which can utilize the subject space.

The entire building, which was constructed in 1984, consists of approximately 17,751 square feet of gross floor area. Currently, a portion of the existing first floor and mezzanine level (approximately 5,007 total square feet of floor space) are occupied by a separate and independent business entity.

The proposed use is classified as Commercial Recreation under the Zoning Bylaw. Commercial Recreation uses consisting of 2,000 square feet or more require a special use permit from the Board of Selectmen (Table of Principle Uses – Section 3.5.15 and the associated footnote 10). As indicated in the information currently submitted by the applicant, the commercial recreation use proposed will be approximately 7,572 square feet in size. The actual athletic training area will be approximately 6,372 square feet in area and approximately 1,200 square feet of floor space will be dedicated to office/reception space for the commercial recreation use.

Through preliminary discussions with the Planning Department, the applicant has indicated that the majority of the facilities users will be high school athletic teams from the local surrounding area. The specific hours of operation have not been included in the application currently submitted. Due to the nature of the subject business, the hours of operation are currently somewhat undefined, and exact use of the facility will be based upon the individual trainer's booking of clientele. The Board could seek further information and explanation of the anticipated hours of operation from the Applicant at the public hearing. However, it is not currently anticipated that the proposed use of the facility will be significantly different than that of a regular business use. The use of the facility would probably not extend past the early evening hours.

The application as currently submitted, does not appear to propose any additional or new square footage to the existing building. There are no modifications or alterations proposed to the exterior façade of the building, nor is there any proposal to increase the footprint of the existing building which would affect or increase the Floor Area Ratio of the building and property. The interior space of the existing building is being reconfigured and split up into different businesses and uses. It is conceivable, that the interior modifications to the building would perhaps actually result in a zero net difference, or perhaps even a slight decrease in the overall net floor area of the property. The modifications may be introducing new spaces (bathrooms, common hallways, building service areas, etc.) which are actually excluded under the Town's definition from the Floor Area Ratio (FAR) calculations.

The current application is also seeking relief from Section 6.2.3 of the Zoning Bylaw. Section 6.2.3 states the following:

“Relief from Parking Regulations by Special Permit from the Board of Selectmen – Relief from the parking regulations may be granted by special permit from the Board of Selectmen where the Board finds that it is not practicable to provide the number of parking spaces required, and either 1) in the case of a change from a nonconforming USE to a conforming USE, that the benefits of a change to a conforming USE outweigh the lack of parking spaces, or 2) in the case of a change from one conforming USE to another conforming USE, that the lack of parking spaces will not create undue congestion or traffic hazards on or off the site; provided that in either case the Board of Selectmen shall require the maximum practicable number of parking spaces. This Section shall not be construed to provide relief from the requirements of Section 5.4.6.2.”

	Min. Parking Space Requirement	Parking Calculation	Total Spaces Required
6.3.1.9	Office Use: One space for each 250 square feet of NET FLOOR AREA.	5,007 ft ² / 250	20
6.3.1.14	Commercial Recreation Use: One space per four seats or one space per 200 s.f. of NET FLOOR AREA or one space per 4 persons of rated capacity, whichever is greater.	7,572 ft ² / 200	38
			58

Total Number of Existing Marked Spaces - 20

As shown on the site plan submitted as part of the application, there are currently 20 parking spaces provided on the subject property. There are 18 full size parking spaces and 2 compact car spaces. When the building was originally permitted and constructed for the warehouse/industrial use, the 20 parking spaces provided, satisfied the minimum number of parking spaces required under Section 6.3 of the Zoning Bylaw. Under current economic conditions, the applicant is attempting to accomplish the adaptive reuse of an existing building. Unfortunately, the internal separation of the space into different and multiple uses has resulted in the existing parking lot not being adequate. Therefore, the applicant is seeking that the Board of Selectmen grant relief from the total number of parking spaces required.

The proposed site/location of this Commercial Recreation use is an appropriate location for this type of business. If the question regarding the "Relief from Parking Regulations by Special Permit from the Board of Selectmen" can be adequately addressed, in general terms, the Planning & Zoning Department does not object to the proposed Use Special Permit.

Should the Board, if after discussion and testimony provided from both the applicant as well as Town staff in the public hearing, feel that the questions/concerns are minor in nature and the Applicant can provide sufficient and adequate responses to those concerns, then appropriate conditions could be added to a possible decision. If the Board is uncomfortable with the Applicant's responses or has other concerns in general, the hearing could be continued to provide time to resolve the outstanding concerns.



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Fax (978) 264-9630

Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Department

Date: March 19, 2012

From: Engineering Department

Subject: Use Special Permit – #03/12/12 436 – #53 Knox Trail

The Engineering Department has reviewed the Use Special Permit to occupy the existing commercial space at 53 Knox Trail and has the following comments:

1. Based on the application, we assume that there are no exterior improvements being made to the building footprint and the existing parking area that would impact the existing groundwater recharge and/or the drainage patterns on the site.
2. The applicant has not discussed the potential traffic impacts to the site, but this modification appears to be minor in nature and we do not foresee a problem.

We do not foresee an issue with granting this request.



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone 978-929-6611
Fax 978-929-6340

Date: March 12, 2012

To: Abutters of 53 Knox Trail

Re: USE SPECIAL PERMIT # 03/12/12-436

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Town Manager

March 12, 2012

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Town of Acton

Application for a Special Permit

To The

Board of Selectmen

Please type or print your application.

Indicate the special permit/s requested. The fee for a Special Permit is \$250 unless otherwise noted.

Recreation	Nursing Home	Restaurant
Hotel, Inn or Motel	Combined Business & Dwelling	Lodge or Club
Veterinary Care	Commercial Kennel	Commercial Recreation
Commercial & Trade School	Amusement Facility	Freestanding Sign
Warehouse	Mini-Warehouse	Heating Fuel Sales/Service
Light Manufacturing	Scientific Research/Development/Production	
Reduced Parking Fee = \$100	Drive-Up Bank Fee = \$1000	Service Station Fee = \$1000

If this application is made concurrently with a site plan application, then the fee will be \$100 in all cases.

APPLICANT

Name & Address

PETER PAPATHANASIOU

Telephone 617-893-2671

OWNER

Name & Address

PAPATHANASIOU REALTY TRUST
P.O. BOX 1322
W. CONCORD, MA 01742

Telephone

617-291-0250

SITE

Location and Street Address of the Property

53 KNOX TRAIL CONCORD ACTON INDUSTRIAL PARK

Tax Map & Parcel Number I4-9-1

Area of Lot ac.

1.37 ACRES

Zoning District

TECHNICAL

If any other permits or site plans have been granted for the property, give the file numbers:

Seven (7)

completed copies of this application and supporting materials including plan sheets, if any, are required at the time of submission. A certified abutters list taken from the most recent town tax list and certified by the Town Assessor must be included with this application. At a minimum, a 1"=1200' location map must be provided with each copy of the application showing the subject site in relation to other lots, roads, and natural features. Sufficient supporting information must be provided to fully explain the purpose and plans of the applicant -- attach additional sheets and plans as necessary. The Board may require additional information as it deems necessary. Each copy of any plan sheets shall be folded so that it will fit neatly into a letter sized file folder.

Mr. Peter Papathanasiou

260 Burroughs Rd.

Boxborough, MA 01719

March 9, 2012

Town Of Acton

472 Main St.

Acton, MA 01742

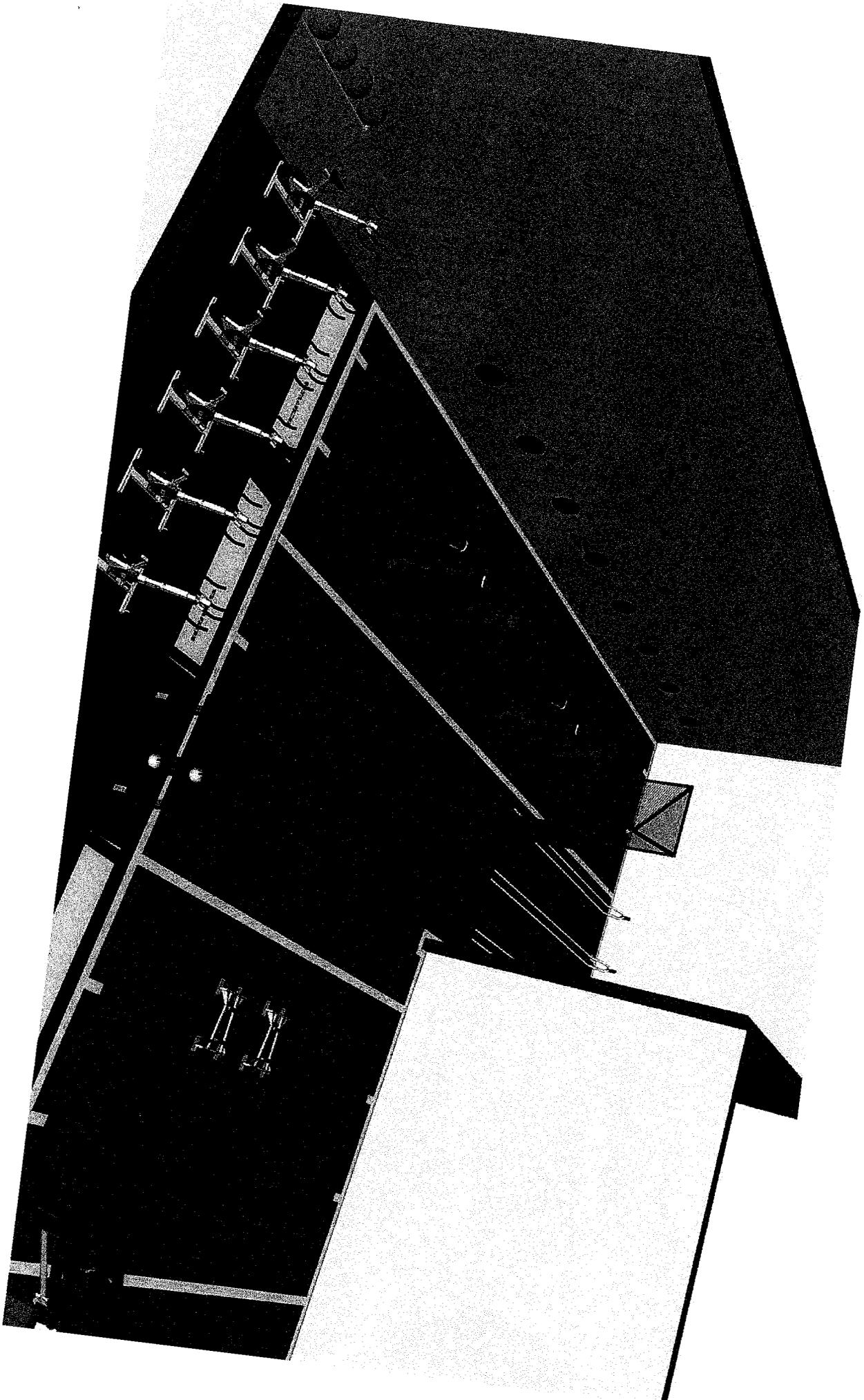
RE: Application for Special Permit

To whom it may concern:

We would like to apply for a special permit in the town of Acton for the purpose of opening an athletic training center. The building is located on 53 Knox Trail in the Concord Acton Industrial Park. Our plans are to utilize the 6,372 square foot warehouse space for the actual training and 1,200 square office/reception area. In the 6,372 square feet approximately 4,000 square feet will have an artificial turf area for the use of plyometrics, soccer, lacrosse, football, and other sport exercises. The remaining area will be used for strength and conditioning for individuals or small groups of all ages. Due to the nature of the business the hours of operation will be based on trainer bookings.

Respectfully,

Peter Papathanasiou





Town of Acton
 472 Main Street
 Acton, MA 01720
 Telephone (978) -929-6621
 Fax (978) -929-6340

Brian McMullen
 Assessor

Locus 53 KNOX TRL
Parcel ID 14-9-1

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
104 POWDER MILL RD REAR	13-138	BALDGO INC		35 FARM ST	MEDFIELD	MA	02052
50 INDEPENDENCE RD	14-5	WR GRACE & CO	ATTN TAX DEPT	62 WHITTEMORE AVE	CAMBRIDGE	MA	02140
54 KNOX TRL	14-9	DOMUS LLC	C/O CONG/ACT IND PK	BLDG 3 UNIT B 2352 MIAN ST	CONCORD	MA	01742
50 KNOX TRL	14-9-2	KNOX TRAIL REALTY TRUST	C/O DEXTER & HARPELL INC	2352 MIAN ST	CONCORD	MA	01742
52 KNOX TRL	14-9-4	GIORDANO JOHN P JR TRUSTEE	BEAL REALTY TRUST	30 HERITAGE LN	STOW	MA	01775
42-52 KNOX TRL BEHIND	14-10	KNOXTRAIL RLTY TRUST	C/O DEXTER & HARPELL INC	2352 MAIN ST	CONCORD	MA	01742
48 KNOX TRL	J4-1	FOTI MATTHEW R - SULLIVAN WLL	C/O WOODCHIP REALTY TRUST	36 LINNELL CIRCLE	BILLERICA	MA	01821
49 KNOX TRL	J4-2	FOTI MATHEW R	C/O WOODCHIP REALTY TRUST	36 LINNELL CIRCLE	BILLERICA	MA	01821
55 KNOX TRL #401	14-9-3401	REME REALTY TRUST LLC		55 KNOX TRL #401	ACTON	MA	01720
55 KNOX TRL #402	14-9-3402	AIELLO JOHN J	BOURGEOIS JOSEPH C	55 KNOX TRL #402	ACTON	MA	01720
55 KNOX TRL #404	14-9-3404	BRIN LLC		170 GROTON RD	SHIRLEY	MA	01464
55 KNOX TRL #406	14-9-3406	GAREL INC		182 BOLTON RD	HARVARD	MA	01451
55 KNOX TRL #407	14-9-3407	IRONWOOD CARPENTRY LLC		17 NASH RD	ACTON	MA	01720
55 KNOX TRL #408	14-9-3408	JUSTICE RESOURCE INSTITUE INC		380 MASSACHUSETTS AVE	ACTON	MA	01720
55 KNOX TRL #409	14-9-3409	CONCORD HEATING AND AIR CONDIT		29 DAMON ST	CONCORD	MA	01742
55 KNOX TRL #410	14-9-3410	MIDDLESEX REALTY TRUST	C/O ROBERT S BURGE	PO BOX 134	LEXINGTON	MA	02420
55 KNOX TRL #412	14-9-3412	MAILLET & SON INC		16 BUTLER RD	SUDBURY	MA	01776
55 KNOX TRL #413	14-9-3413	DAWSON LANDSCAPING LLC		27 HERITAGE RD	GROTON	MA	01450
55 KNOX TRL #501	14-9-3501	RUBINO SERGIO E TRUSTEE	SUR REALTY TRUST	PO BOX 620252	NEWTON	MA	02462
55 KNOX TRL #502	14-9-3502	RUBINO SERGIO E TRUSTEE	SUR REALTY TRUST	PO BOX 620252	NEWTON	MA	02462

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:

Boxborough, MA 01729 Maynard, MA 01754 Concord, MA 01742 Westford, MA 01886
 Carlisle, MA 01741 Stow, MA 01775 Littleton, MA 01460 Sudbury, MA 01776

Marty Abbott
 Marty Abbott
 Assessing Clerk

1/5/2012



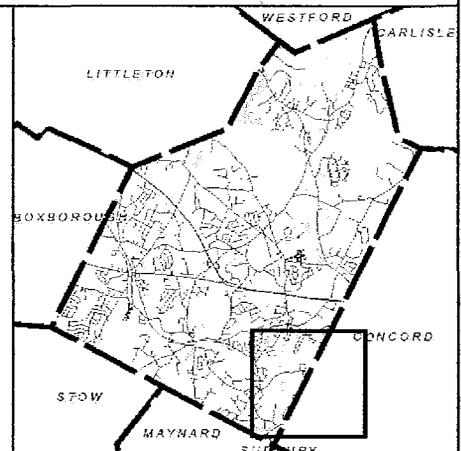
Property Information

Property ID 14-9-1
Location 53 KNOX TRL



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

This data set/map is for planning purposes only and should not be used for larger scale analysis. The Town of Acton shall not be held liable for any use of the data or images shown on this map, nor is any warranty of accuracy expressed. All uses of this data set/map are subject to field verification.



STRUCTURES

-  BUILDING
-  DECK
-  FOUNDATION
-  FUEL TANK
-  MOBILE
-  PORCH
-  RUINS
-  SMOKESTACK
-  WATERTANK

-  PARCELS

DEP WETLANDS

-  WET AREAS
-  PONDS

-  DEP RIVERS & STREAMS

-  TOWN BOUNDARIES