

Consent

**Christine Joyce**

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**From:** Kristen Domurad-Guichard  
**Sent:** Monday, May 07, 2012 11:12 AM  
**To:** Christine Joyce  
**Subject:** Decision Amendment for Use Special Permit 77 Powdermill Road  
**Attachments:** FINAL Decision Amendment 1 - 77 Powdermill Road.doc; DRAFT Decision Amendment 1 - 77 Powdermill Road.doc

Hi Christine,  
Please find a copy of the Draft Decision for 77 Powdermill Road for the Selectmen's meeting tonight. Also attached is a copy of a final decision, if the Board of Selectmen find the decision satisfactory.

Please let me know if you have any questions.

Thank you!  
Kristen

Kristen Domurad-Guichard  
Assistant Planner  
Town of Acton  
472 Main Street  
Acton, MA 01720  
(978) 929-6631

✶ unknown at the time of posting

**EXTRA INFORMATION**

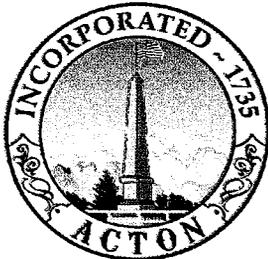
*Consent*

## Use Special Permit -

#04/22/09 – 420  
(1<sup>st</sup> Amendment)

77 Powdermill Road (ACD Lee Investments, LLC formally Concord Land Corp.)  
May 7, 2012

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**Board of Selectmen**

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### First Amendment of Use Special Permit DECISION

#04/22/09 – 420

#### 77 Powdermill Road

Use Special Permit Amendment  
May 7, 2012

GRANTED with Conditions

This is an amendment by the Acton Board of Selectmen (hereinafter the Board) of the Board's decision (#04/22/09 – 420) issued to Concord Land Corp. filed with the Town Clerk June 23, 2009, and recorded in the Middlesex Registry of Deeds in Book 53267 and Page 448. (Hereinafter the Original Decision).

This amendment is in response to a request by ACD Lee Investments, 416 Harrington Ave. Concord, MA 01742 (hereinafter the Applicant). The request seeks approval for expanding the

existing Commercial Recreation Use operated by Concord Taekwon-Do (CTKD) by 1,100 square feet.

The Board decided on the request at a public meeting on May 7, 2012. Board members Pam A. Harting-Barrat (Chair), Janet K. Adachi (Vice Chair), Mike Gowing (Clerk), John Sonner and David Clough were present throughout the meeting. The minutes of the meeting 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 Acton Town Hall.

## **1 EXHIBITS**

Submitted for the Board's deliberation were the following exhibits:

- 1.1 A letter requesting a Use Special Permit Amendment was received by the Planning Department on April 27, 2012. The drawings and documents submitted as part of the application comprise the following:
  - Cover Letter signed by Don Lee, manager and owner of ACD Lee Investments, LLC dated April 27, 2012;
  - "Exhibit A" Parking Analysis for 77 Powdermill Road, reference Section 6 of 2012 Acton Zoning Bylaws;
  - "Sheet A-1 – First Floor and Second Floor Plan" prepared by E.J. Rempelakis Associates, Suite 201 178 Great Road Acton, MA 01720, dated April 20, 2012;
  - "Sheet 1 of 1 – Condominium Site Plan of Plan" prepared by Meridian Associates Inc. 69 Milk Street, Suite 302 Westborough, MA 01581, dated March 25, 2008.
- 1.2 Other Correspondence included:
  - Emails dated April 27, 2012 through May 4, 2012 between Don Lee and Roland Bartl RE: 77 Powdermill Rd – tenant expansion issue.
- 1.3 Original Special Permit Decision #04/22/09-420.

Exhibit 1.1 is hereinafter referred to as the Plan.

## **2 FINDINGS AND CONCLUSIONS**

Based upon its review of the exhibits, and the record of the proceedings, the Board finds and concludes that:

- 2.1 The Applicant proposed an internal expansion of an additional 1,100 square feet of adjacent space for use by Concord Taekwon-Do (CTKD).
- 2.2 There are no proposed modifications or alterations to the structure which affect its exterior. The Commercial Recreation Use will occupy existing commercial space.
- 2.3 The existing total parking spaces are sufficient for the uses in the building including the expanded Commercial Recreation Use and remaining vacant space, pursuant to Section 6.9 (Parking) of the Zoning Bylaw.

**3      BOARD ACTION**

Therefore, the Board voted on May 7, 2012 to GRANT the requested Use Special Permit Amendment subject to and with the benefit of the following conditions, and limitations.

**3.2    CONDITIONS**

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

3.2.1 This Decision shall be recorded at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of a building permit or occupancy permit for the Use, whichever is first.

**4      EFFECT OF THIS DECISION**

This Amendment only responds and decides on the limited matter before the Board pertaining to the Use Special Permit (Commercial Recreation), First Amendment. Except as herein specified, the Original Decision shall remain in full force and effect.

The Town of Acton Board of Selectmen

\_\_\_\_\_  
Pam A. Harting-Barrat, Chair

\_\_\_\_\_  
Date Filed with Town Clerk

\_\_\_\_\_  
Eva Taylor, Town Clerk

Copies furnished:

Applicant -	Building Commissioner	Health Director
	Engineering Administrator	Assistant Assessor
Town Clerk	Planning Department	Town Manager
Fire Chief	Police Chief	Owner