

DECISION of the Board of Selectmen (hereinafter the Board) on the petition of Deck House Incorporated (hereinafter the Petitioner), for property located at 848 Main Street, Acton, Massachusetts owned by Deck House Incorporated. Said property is shown on Acton Town Atlas map # C-5, parcel 39.

This decision is in response to an application submitted to the Board on October 15, 1985 by the Petitioner for a Site Plan Special Permit under Section 10.4 of the Acton Zoning Bylaw (hereinafter the Bylaw) to construct 17,325 square feet warehouse addition and 8,640 square foot roofed storage area with associated parking and drainage facilities and to use such for the storage and assembly of building materials and related products under Section 3.6.1 and 3.6.7 of the Bylaw.

After causing notice of the time and place of its 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 at 8:00 P.M., December 3, 1985 at the Acton Town Hall, Acton Massachusetts. Board members Gene Manalan, F. Core' Hunter, Pamela Resor, John Crosslee and Donald Gilberti were present throughout the proceedings. The Petitioner was represented by Bruce Stamski of Stamski & McNary. 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 of Selectmen.

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

- EXHIBIT 1 A plan entitled "Site Plan of Land in Acton, MA owned by Deck House,, dated February 6, 1985, revised September 18, 1985 drawn by Stamski & McNary, Inc., 229 Central Street, Acton, MA". Landscape Plan dated February 6, 1985 by Stamski & McNary, ANR Plan signed by Armand J. Dufresne, Town Planner on December 4, 1984 and Sketch Drawings dated March 14, 1985.
- EXHIBIT 2 Application for Site Plan Approval dated October 2, 1985 and signed by Donald R. Cameron, Vice President, Design, Deck House Inc. ~~Letter from Building Commissioner to Deck House, Inc., dated 10/11/85; Letter from Deck House, Inc. to the Acton Board of Selectmen dated October 7, 1985; Memo from Deck House, Inc. to Acton Board of Selectmen dated October 2, 1985; Abutters List dated September 20, 1985 signed by David W. Bolton, Assistant Assessor; Revised Drainage Summary dated September 18, 1985 by Stamski & McNary.~~
- EXHIBIT 3 Certified Mail Receipts presented to the Board of Selectmen December 3, 1985.
- EXHIBIT 4 Memo from Building Commissioner to Town Manager dated November 25, 1985; Board of Appeals Decision dated July 26, 1984 signed by the Acton Board of Appeals; Memo from DPW/Engineering to Town

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ACTON BUILDING INSPECTOR



3. The Plan, combined with the additional conditions as contained in this Decision, will provide an adequate buffer between the site and adjacent properties.
4. The Plan provides for the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and land.
5. The Plan, along with the additional conditions contained in this Decision provides adequate methods for disposal for sewage, refuse and other waste from the uses permitted on the site.
6. The Plan, as herein amended, will provide adequate protection for the groundwater resources in this Aquifer Fringe Area. The granting of this permit will not derogate from the intent of the Bylaw to limit the adverse effects of the use and development of this land on the surface and groundwater resources in the area.
7. The Plan, as herein amended, provides adequate consideration of the natural resources, topography and hydrologic and geologic conditions of the site and surrounding area.
8. The storm drainage system, as herein amended, will provide adequate drainage for surface water from the parking lot and driveway areas.
9. The Plan, as herein amended, provides adequate parking for the proposed development.
10. The proposed expansion of the existing facilities at the subject property is acceptable under the Town of Acton Protective Zoning Bylaw. The grant of this Special Permit will be in harmony with the general purposes and intent of the bylaw.
11. Subject to the conditions of approval contained in this Decision, all requirements and conditions for the granting of a Site Plan Special Permit, as contained in the Zoning Bylaw, have been satisfied.

**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:**

1. **PLAN MODIFICATIONS:** Prior to the issuance of a building permit or the start of any construction activity 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 issue any building permit nor shall he permit any construction activity to be begun 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 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.

- 1.1 DRAINAGE - The Plan shall be revised to limit the rate of stormwater runoff for the ten year storm to zero increase over present runoff conditions.
- 1.2 PLAN DISCREPANCIES - Several discrepancies are noted between proposed conditions on the Site Plan and those on the landscaping plan. Such discrepancies include whether the trailer storage area will extend to the lot line at Lot C or be held ten feet off of that line, whether the trailer storage access drive is paved or gravel base, etc. Such discrepancies shall be resolved in the two plans.
- 1.3 LANDSCAPING - The landscaping plan shall be amended to provide additional landscape screening along the southeasterly lot line between Lot A and Lot C.

2. CONDITIONS: The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions shall render the permit granted herein to be null and void and without force or effect.

- 2.1 AQUIFER PROTECTION - In part, the Board of Selectmen has determined that this proposed expansion will not be detrimental to the Aquifer Fringe Area in which it is located because the petitioner has indicated that there will be no increase in employees and consequently no increase in load on the septic system. Accordingly, it is a condition of this approval that the number of employees at this locus shall not exceed 15 (the quantity for which parking is provided under the parking computations in the Site Plan Application).
- 2.2 HAZARDOUS MATERIALS - Petitioner shall comply with all requirements of the Town of Acton Hazardous Materials Control Bylaw. Further, in order to minimize possible negative impacts on the Aquifer Fringe Area, there shall be no storage, production, use or disposal of hazardous materials at the subject property. No salts or other chemicals shall be used for the purpose of snow removal on this site.
- 2.3 TRAFFIC STUDY AGREEMENT - Prior to the issuance of a Building Permit or the start of any work Petitioner shall submit, for the written approval of the Board of Selectmen, a letter of agreement stating that at such time as traffic conditions on Main Street, in the opinion of the Board of Selectmen, reach proportions that constitute a hazard to the citizens of the Town of Acton, the Petitioner will contribute (on a pro rata basis) a fair share toward a traffic study to be conducted at the direction of and to the satisfaction of the Board of Selectmen, focused on alleviating the problems. The Petitioner's share is to be based on metering of traffic to and from the subject property. The Petitioner herein agrees to assume all costs necessary

and associated with the metering of traffic associated with the subject property. No salts or other chemicals shall be used for the purpose of snow removal on this site.

2.4 COMPLIANCE OF OUTDOOR LIGHTING FACILITIES - Upon the completion of construction but prior to occupancy of any buildings on the site, any outdoor lighting facilities shown on the Plan and intended to be installed shall be inspected by the Building Commissioner to determine the compliance of said facilities with the requirements of the Bylaw. Should any or all of the outdoor lighting facilities fail to comply with the requirements of the Bylaw, the Petitioner shall cause such facilities to comply with the Bylaw requirements at his sole expense.

2.5 CERTIFICATE OF USE AND OCCUPANCY - No building or structure authorized by this permit shall be occupied or used, and no activity, except the construction activity authorized by this permit, shall be conducted on the site until a Certificate of Use and Occupancy has been issued by the Building Commissioner.

2.6 Due to the location of this site within an area designated as an Aquifer Protection Area under Section 4.03 of the by-law, prior to the issuance of a Building Permit or the start of any work on the site, the petitioner shall submit, for the written approval of the Board of Selectmen, a letter of agreement stating that the Petitioner will provide up to three monitoring wells as required for the purpose of monitoring the general quality of Acton's water supply and providing an early warning to the water District of potential problems. The Petitioner will herein agree to assume all costs necessary and associated with the provision of up to three monitoring wells estimated at approximately \$1,000 each, and easement and access to the Town of Acton and the Acton Water District for the purpose of taking water samples.

2.7 CHANGE IN USE: No change in the use of this site shall be undertaken without written approval of the Board of Selectmen.

**3. LIMITATIONS: The authority granted to the Petitioner by this permit is limited as follows:**

3.1 Applicability of Permit - This permit applies only to the site which is the subject of this petition. All construction to be conducted on the site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.

3.2 Limitation on Further Development - There shall be no further development of this site without written consent of the Board of Selectmen.

3.3 Other Permits or Approvals - 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.

- 3.4 Signs - No approval of any indicated signs or advertising devices implied by this decision.
- 3.5 Bylaw Compliance - 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.
- 3.5 Amendment of Permit - The Board hereby reserves its powers to modify or amend the terms and conditions of this special permit upon its motion or on the application of the owner, leasee, or mortgagee of the premises. The Board further reserves its powers to amend this permit without a new public hearing provided the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw or with the terms of this permit.
- 3.6 Lapse of Permit - This Site Plan Special Permit shall lapse on February 25, 1988 if a substantial use thereof has not sooner commenced except for good cause or if construction has not begun by said date except for good cause. Any request for an extension of the time limitation set forth herein must be made in writing to the Board at least 30 days prior to February 25, 1988 and the Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant any extension as herein provided unless it finds that the use of the property in question or construction on the site has not begun except for good cause.

3.7 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 hands this 25 day of February 1986

ACTON BOARD OF SELECTMEN

BOARD OF SELECTMEN,  
Gene G. Mahalan, Chairman

I, Ann Simeone, hereby do certify that this is a true copy of the decision of the Board of Selectmen.

Ann Simeone  
Selectmen's Secretary

2/25/86  
Date Filed with Town Clerk

Lydia Allred  
Lydia Allred, Town Clerk

To whom It May Concern: This is to certify that the 20 day appeal period on the decision of Deck House, Inc. has passed and there have been no appeals made to this office.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Clerk

Copy Sent to: Petitioner - Certified Mail #  
Board of Health  
Planning Board  
Conservation Commission  
Board of Appeals  
Town Engineer  
Building Commissioner  
Board of Assessors  
Town Clerk  
Water District  
Building & Grounds  
Planning Boards - Littleton, Westford, Maynard  
Carlisle, Concord, Boxborough  
Stow, Sudbury