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Planning Department

MEMORANDUM

To: Board of Appeals **Date:** July 19, 2013
From: Roland Bartl, AICP, Planning Director *R. B.*
Subject: **Hearing #13-01**
Application for Special Permit under ZBL Section 8.2.2
Change of non-conforming use; 494 Main Street

In reference to the above application I am writing in response to the Board's request for information on the historical use(s) of the property.

The property is generally known as "The Acton Center Store"; this name is prominently written across the building front. The cultural resource/historic inventory form reports that the main 2-story building with the half-circular front bay was first built as a store in 1830 and twice enlarged in 1850 and 1870. The property was operated as a store at least until 1937. The inventory form does not report on the uses of the building after 1937. But, we assume it continuously remained in varying commercial uses since. The rear buildings, including the converted barn, may date from the original 1830-70 time. The side ell, which is the subject of the application for a change in non-conforming use, was added in the 1950s.

The ground floor on the main building is presently used as a carry-out/sit-in restaurant. It has been in that type of use at least since the 1980s when I starting working for the Town. The Assessors report that at least since the 1980's there is a residential apartment on the 2nd floor of the main building, although I recall that it was used in the interim (perhaps for a year or two) as office space for a fledgling local weekly newspaper that has come and gone. The rear buildings, including the converted barn are used in part for storage and in part as a law office. In my recollection, the law office has been there at least since the 1980s, probably longer. The side-ell near the front (the subject of the application) was most recently in use as a local district office by Congresswoman Niki Tsongas. It is possible that the Congresswoman vacated the Acton office due to redistricting for the 2012 elections and the resulting need to redistribute local office locations throughout a new district with different geographic boundaries and larger territory. Prior to being the Congresswoman's local district office, the space had been used as a real estate agency (Ted York / York Realty) dating back to at least the 1980s, probably longer.

At the rear of the property is a 3 bay garage (each bay with double-sized doors), built in the early 1990's or so, with storage space in the upper floor and in the basement below. It is supposed to be used only for the vehicle and other storage by the owner and the tenants of the property, although there had been periodic reports of space being rented to others.