



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 929-6350

Michael J. Gowing
Chairman, Board of Selectmen

August 11, 2014

Please place the attached public hearing notice in the Legal Ad section of the Acton Beacon on Thursday, August 21, and 28, 2014:

Bill to: D'Agostine, Levine, Parra, & Netburn, P.C.
P.O. Box 2223
Acton, MA 01720
978-263-7777
Att: Lou Levine

Please confirm and send tear sheet to ltomyl@acton-ma.gov

Regards,

Lisa Tomyl
Executive Assistant

LEGAL NOTICE TOWN OF ACTON

The Acton Board of Selectmen will hold a public hearing on September 22, 2014 at 7:10 PM in the Francis Faulkner Hearing Room 204 at the Town Hall, 472 Main Street, Acton on the application of 1 on 1 Indulgence, Inc., 457 Main Street, Acton MA for a Use Special Permit #7/30/14 – 452, reduced parking to allow nine (9) parking spaces, required under Section 6.2.3 of the Acton Zoning Bylaw at 457 Main Street, Acton, AM 01720. The application and accompanying plans can be inspected at Town Hall during normal business hours.

Acton Board of Selectmen

Selectmen Gowing



Planning Department

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

INTERDEPARTMENTAL COMMUNICATION

To: Steven Ledoux, Town Manager **Date:** September 12, 2014
From: Scott A. Mutch, Zoning Enforcement Officer & Assistant Town Planner
Subject: Special Permit Application #07/30/14-452

Location: 457 Great Road, Acton, MA
Applicant: 1 on 1 Self Indulgence, Inc., 457 Great Road, Acton, MA 01720
Owner: 1 on 1 Self Indulgence, Inc., 457 Great Road, Acton, MA 01720
Engineer: Stamski & McNary, Inc., 1000 Main Street, Acton, MA 01720
Architect: Janovsky/Hurley Architects, Inc., 37 Walnut Street, Wellesley Hills, MA 02481
Zoning: Limited Business (LB)
Groundwater Protection District Zone 4
Floor Area Ratio: Maximum FAR – 0.20, however, development of property located within Limited Business Zoning Districts is further regulated by Section 5.4.6.2
Proposed Uses: Office & Services (Spa)
Map/Parcel: C4-22
Hearing Date: September 22, 2014
Decision Due: December 21, 2014

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

The Site:

The subject property was originally constructed in 1774 as a two-story, single family residence. The current property owner, 1 on 1 Self Indulgence, Inc. recently purchased the property with the intention of relocating their existing day spa business (currently located in Concord, MA) into the subject space. A second business, Schweppe Lighting Design, would also occupy a portion (just under 600 square feet) of the first floor.

The property is located at 457 Great Road, at the intersection of Harris Street and Great Road (Routes 2A & 119). The property is approximately 26,968 square feet in lot area and has approximately 310'-0" of lot frontage along Great Road and approximately 276'-0" of frontage along Harris Street.

The subject property is located within a Limited Business Zoning District, and although the base floor area ratio is .2, development of properties zoned Limited Business are further regulated by Section 5.4.6.2 of the

Zoning Bylaw. In general, Section 5.4 of the Zoning Bylaw deals with Transfer of Development Rights and defines "Sending" and "Receiving" districts. The calculation of development rights of properties located in "Sending" districts is in part set forth in Section 5.4.6.2 which states the following:

Maximum Number of Parking Spaces Permitted – In addition to the requirements of this Bylaw that a minimum number of parking spaces must be provided for various uses, in Sending Districts the parking spaces required to be provided may not exceed a maximum number. In the Sending District, the number of parking spaces that may be constructed on a LOT shall not exceed one parking space per 3,000 square feet of DEVELOPABLE SITE AREA

Properties located in Limited Business Zoning Districts have their development rights and potential calculated and arrived at in a slightly different manner than properties located in other zoning districts (Kelley's Corner, Office Park, etc.) Although the Floor Area Ratio (FAR) remains applicable, in this particular instance, the FAR calculation is "backed into", instead of calculating it initially. Based upon the requirements of Section 5.4.6.2, the subject property can support a maximum of 9 (nine) parking spaces total ($26,968 \text{ ft}^2 \text{ lot are} / 3,000 = 9$). The total number of 9 (nine) parking spaces has currently been provided on the property.

Knowing the number of parking spaces a given property can support, it is then possible to calculate the maximum Net Floor Area for a given property. All uses within the Town of Acton have minimum parking requirements which are set forth in Section 6.3 of the Zoning Bylaw. The subject application proposed two (2) different uses on the property. The largest use will be that of a Spa, 1 on 1 Self Indulgence, which under Section 6.3 of the Zoning Bylaw is classified as a "service" (6.3.1.4), and has a parking requirement of one parking space for each 300 square feet of Net Floor Area. The Spa use as currently proposed, is approximately 2,000 square feet in Net Floor Area, which has a minimum parking requirement of 7 parking spaces. The other use proposed on the subject property is office space for Schweppe Lighting Design, which has a parking requirement of one parking space per 250 square feet of Net Floor Area. The application currently submitted indicates the office use as being just under 600 square feet in Net Floor Area, which has a minimum parking requirement of 3 parking spaces.

When the property is viewed as a whole and both of the minimum parking requirements are added together, the total minimum number of parking spaces required to be built on the site is ten (10). As discussed earlier, properties located in Limited Business Zoning Districts have a maximum number of parking spaces permitted on a given lot. Again, in this instance, the maximum number of parking spaces permitted is nine (9). Therefore, based on the proposed uses having a combined minimum requirement of ten (10) parking spaces, and knowing that a maximum of only nine (9) can be constructed, a deficit is created.

Section 6.2.3 of the Zoning Bylaw provides a path for which an applicant can seek relief from the minimum parking requirements set forth in Section 6.3 through a Special Permit from the Board of Selectmen. 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

Unfortunately, the last sentence of Section 6.2.3, in this particular instance, seems to preclude the subject property from being eligible to seek and/or receive a Special Permit from the Board of Selectmen for Relief from the Parking Regulations and Requirements of the Zoning Bylaw. If this is indeed true and found to be the case, then the only remaining possible avenue for the Applicant would be to seek a variance from the Zoning Board of Appeals. Variances are sought to provide relief from the dimensional requirements of the Zoning Bylaw and have mandatory findings required of the Board of Appeals before such a variance could be granted.

However, there may be an acceptable and reasonable approach and interpretation in order to address this situation. It is conceivable to think that the underlying basic intention of Section 5.4.6.2 was to be applied and utilized in the case of new development and construction projects. When applied in the instances of new development and construction projects, Section 5.4.6.2 can control the size, bulk and amount of building and structure which can be constructed on a given property. In the case of the application currently before the Board of Selectmen, there is no new construction proposed. The application essentially seeks to reutilize an existing building for new uses. The use of the property dating back to 1774 as a single family residential dwelling as well as the currently proposed use of the building for Spa and Office uses, are all permitted uses under the Zoning Bylaw.

Under the current circumstances, where there is an existing building, with no new square footage or floor area being proposed or built, and only interior modifications and renovations being proposed and undertaken, a reasonable conclusion can be made that where the new uses have a combined parking requirement of one (1) parking space more than the maximum nine (9) parking spaces that can be built on the property, the Board of Selectmen could issue and grant a Special Permit for Relief from the Parking Regulations.

Therefore, based upon the above noted information and the interpretation set out in the preceding paragraphs, the Planning and Zoning Department does not have any objection should the Board of Selectmen find sufficient grounds to grant the requested Special Permit.

The proposed relevant zoning information for the subject site is summarized in the following table:

By-Law Requirements	Required	Existing	Proposed
Min. Lot Area (ft ²)	20,000 ft ²	26,968 ft ²	26,968 ft ²
Min. Lot Frontage (ft)	200'-0"		
Great Road:		+/- 310.13'	+/- 310.13'
Harris Street:		+/- 276.05'	+/- 276.05'
Min. Front Yard (ft) – Great Road	30'-0"	Unknown (<30'-0") *	No Change *
Min. Front Yard (ft) – Harris Street	30'-0"	Unknown (<30'-0") *	No Change *
Min. Side/Rear Yard (ft)	30'-0"	Unknown (>30'-0") *	No Change *
Max. Building Height (ft)	36'-0"	Unknown *	No Change *
Open Space		Required	Provided
50% Minimum		50% (13,484 ft ²)	63.6% (17,145 ft ²)
General Parking Requirements			
Zoning Bylaw Section 5.4.6.2 – The maximum number of parking spaces that can be constructed on a Lot shall not exceed 1 parking space per 3,000 ft ² of Developable Site Area			
Developable Site Area:	26,968 ft ²		
Maximum # of Parking Spaces:	9		
Parking Requirements	Required	Existing	Provided
Use: Office Use (596 ft ² N.F.A.) 1 space/250 ft ² of N.F.A.	3		
Use: Services (1,981 ft ² N.F.A.) 1 space/300 ft ² of N.F.A.	7		
Total # of Parking Spaces Req'd:	10	9	9

* The existing structure/building is deemed to be pre-existing non-conforming to the current dimensional Zoning Bylaw requirements. When the building was originally constructed in approximately 1774, there was no Zoning Bylaw in existence. The building as it currently sits today, does not comply with the minimum dimensional requirements of the Bylaw.



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 978-6630
Fax (978) 929-6340

Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Department

Date: August 21, 2014

From: Engineering Department

Subject: 457 Great Road – One on One Indulgence – Reduced Parking Special Permit #07/30/14-452

The Engineering Department has reviewed the plan titled "Site Plan, 457 Great Road, Acton Massachusetts" dated February 14, 2014 and have the following comments:

1. Based on the application, we assume that there are no change 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.



LOCUS MAP
 TOWN OF ACTON ZONING
 ZONE: LG-LIMITED BUSINESS
 USE: SERVICES

FLOOR PLAN LEGEND
 [Symbol] EXISTING WALL
 [Symbol] NEW WALL
 2x4 WOOD STUD 16" O.C.
 WITH 1/2" GWB TYPICAL
 (SFA) 1 ON 1 INDULGENCE INC
 2,088 GSF200+ LA (7)
 [Symbol] (OFFICE) SCHWEPPE LIGHTING DESIGN
 578 GSF250+ 2.3 (3)
 10 PARKING SPACES REQUIRED
 9 PARKING SPACES ON SITE

SERVICE / COMMON
 NOT INCLUDED IN NSF

* ALL CALCULATIONS INCLUDE THE WALLS

REVISION 07.15.14
 1 ON 1 SELF INDULGENCE INC
 SCHWEPPE LIGHTING DESIGN
 457 GREAT ROAD
 FLOOR PLANS
 HANOVERVILLE ARCHITECTS, INC
 ACTON, MASSACHUSETTS 01726
 37 WINDMILL STREET, WELLESLEY HILLS, MA 02458 781-864-6399
 DATE: 12.20.13
 DRAWN BY: H.C.
 CHECKED BY: H.C.
 COPYRIGHT: 2013

Bathroom - 79.01 square feet

Bathroom - 34.13 square feet

Staircase & Landing - 74.52 square feet

Entire Floor Plate - 1,580.78 square feet

Office Use - 595.88 square feet

Bathroom - 51.04 square feet

Staircase & Landing - 26.97 square feet

Bldg. Service Area - 16.29 square feet

Staircase & Landing - 36.09 square feet

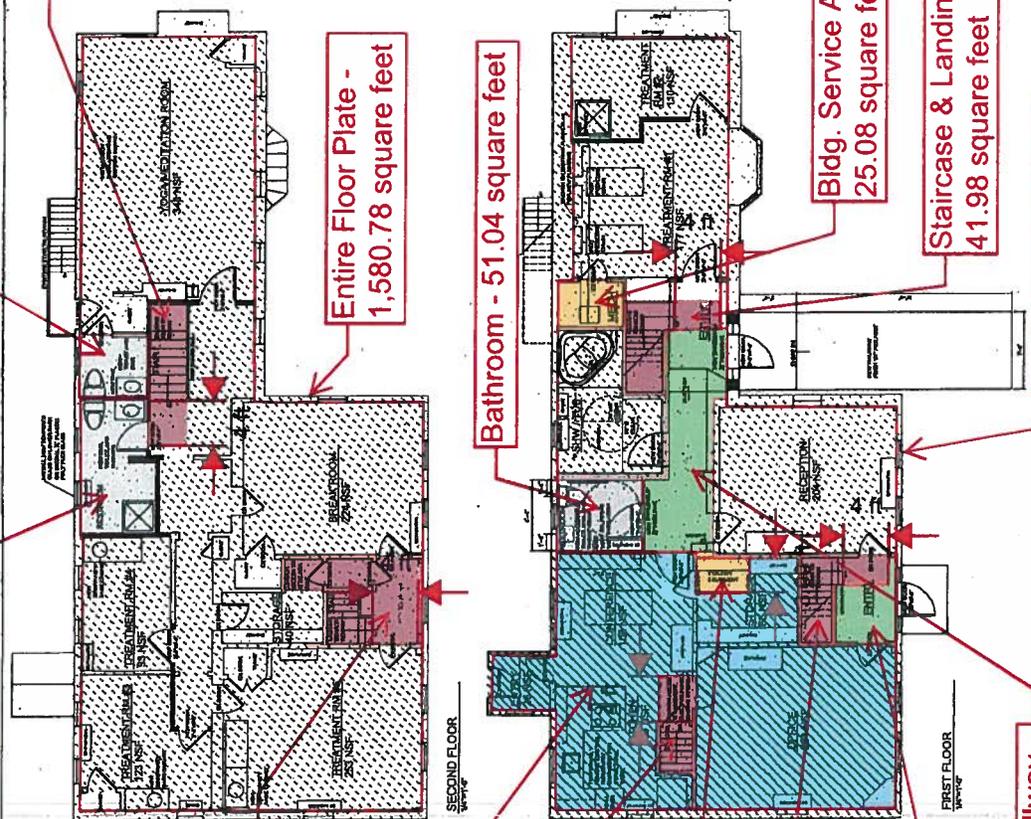
Bldg. Service Area - 25.08 square feet

Common Hallway - 30.53 square feet

Staircase & Landing - 41.98 square feet

Common Hallway - 105.21 square feet

Entire Floor Plate - 1,559.35 square feet





D'AGOSTINE, LEVINE, PARRA & NETBURN, P.C.
Attorneys at Law

268 Main Street | P.O. Box 2223 | Acton, MA 01720
tel 978.263.7777
fax 978.264.4868

Louis N. Levine
F. Alex Parra
Cathy S. Netburn
Maryann Cash Cassidy

July 30, 2014

VIA HAND DELIVERY

Board of Selectmen of the Town of Acton
c/o Town Clerk of the Town of Acton
472 Main Street
Acton, MA 01720

FILED
JUL 30 2014
TO ACTON

Re: Application for a Special Permit – Reduced Parking
Applicant: 1 on 1 Self Indulgence, Inc.
Locus: 457 Main Street, Acton, Massachusetts 01720

Dear Sir/Madam:

In connection with the above referenced matter, enclosed please find:

1. Application for a Special Permit;
2. Check in the amount of \$100 made payable to the Town of Acton;
3. Assessors certified abutters list representing abutters and abutters to abutters within 300 feet;
4. Six copies of plan A1 – with walls;
5. Six copies of plan A1 – without walls;
6. Six copies of plan entitled “457 Great Road, Acton, Mass., Site Plan” dated February 14, 2014” – with walls, with additional information; and
6. CD containing the above materials.

This reduced parking special permit application pursuant to §6.2.3 of the Acton Zoning Bylaw to allow nine (9) parking spaces to satisfy the requirements for the present proposed use. This application is without prejudice to the Applicant’s belief that the Special Permit is not required, only nine (9) spaces being required.

If you have any questions, please do not hesitate to contact me.

Very truly yours,
1 on 1 SELF INDULGENCE, INC.
By its Attorneys,
D’AGOSTINE, LEVINE, PARRA & NETBURN, P.C.

Louis N. Levine
e-mail: llevine@dlpnlaw.com

LNL/jlc
Enclosures

Cc: Client – Via E-mail
Scott Mutch – Via E-mail
Board of Selectmen – Via Hand Delivery w/o cd

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

1 on 1 Self Indulgence, Inc.

SITE
Location and Street Address of the Property

457 Great Road, Acton, MA 01720

Telephone
978-263-7777

Tax Map & Parcel Number C4-22

OWNER
Name & Address

1 on 1 Self Indulgence, Inc., 268 Main Street, Acton, MA 01720

Area of Lot 26,968 sq. ft. Zoning District LB

If any other permits or site plans have been granted for the property, give the file numbers:
Site Plan Special Permit #10/17/00-374 issued 2011
Acton BoA Variance dated 11/21/92

Telephone
978-263-7777

Six (6) + CD 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.



Brian McMullen
Assessor

TOWN OF ACTON
472 Main Street
Acton, MA 00001720
Telephone 978-929-6621
Fax 978-929-6340

LOCUS 457 Great Road
C4-22

Parcel ID	Location	Owner	Co-Owner	Mailing Address	City, ST, ZIP
C4-19	469 GREAT RD	WHITE JAMES B TRUSTEE	WS TRUST	PO BOX 2350	ACTON, MA 01720
C4-19-2	467 GREAT RD	WHITE JAMES B TRUSTEE	WS TRUST	PO BOX 2350	ACTON, MA 01720
C4-20	2 HARRIS ST	HARRIS STREET VILLAGE LLC		178 GREAT ROAD	ACTON, MA 01720
C4-20-10	5 SAMANTHA WY	ZAHR SALAH		5 SAMANTHA WY	ACTON, MA 01720
C4-20-11	6 JENNIFER PA	NAGLE KATHLEEN D		6 JENNIFER PA	ACTON, MA 01720
C4-20-12	2 SAMANTHA WY	PATERSON MARIA P		2 SAMANTHA WY	ACTON, MA 01720
C4-20-13	3 SAMANTHA WY	VISWANATHAN RAMANACHANDER		3 SAMANTHA WY	ACTON, MA 01720
C4-20-14	4 JENNIFER PA	CHRISTENSEN SHERYL ANN		4 JENNIFER PA	ACTON, MA 01720
C4-20-15	2 JENNIFER PA	SANKARAN SUBRAMANIAN		2 JENNIFER PA	ACTON, MA 01720
C4-20-16	1 SAMANTHA WY	YAN-NEALE YAN		1 SAMANTHA WY	ACTON, MA 01720
C4-20-6	6 SAMANTHA WY	CAI YONGYAO		6 SAMANTHA WY	ACTON, MA 01720
C4-20-7	7 SAMANTHA WY	CHANG GRACE A		7 SAMANTHA WY	ACTON, MA 01720
C4-20-8	7 JENNIFER PA	KALARICKAL GEORGE J		7 JENNIFER PA	ACTON, MA 01720
C4-20-9	4 SAMANTHA WY	GASPER DEMETRIUS		4 SAMANTHA WY	ACTON, MA 01720
C4-21-1	440 GREAT RD	BFD INC TRUSTEE + 440 GREAT RD NC C/P SF PROPERTIES, INC	LAVANDEZI MARICENE E	637 WASHINGTON ST S-200	BROOKLINE, MA 02446
C4-21-11	200 ACORN PARK DR	PS468 LLC, C/O PS INC	STEPHEN MCMABON	468 GREAT RD	ACTON, MA 01720
C4-21-2	444 GREAT RD	FOSTER MARC C TRUSTEE	FFD TRUST	PO BOX 1544	ARLINGTON, MA 02474
C4-21-3	448 GREAT RD	448 GREAT ROAD LLC		198 GREAT RD	ACTON, MA 01720
C4-21-4	452 GREAT RD	WORKERS CREDIT UNION		452 GREAT ROAD	ACTON, MA 01720
C4-21-5	468 GREAT RD	PS468 LLC, C/O PS INC		468 GREAT RD	ACTON, MA 01720
C4-22-1	15 HARRIS ST	DEB ASHISH K		15 HARRIS ST	ACTON, MA 01720
C5-10-16	2 CAPT HANDLEY RD	AVYAPILLAI MURALI		2 CAPT HANDLEY ROAD	ACTON, MA 01720
C5-10-17	3 CAPT HANDLEY RD	HANDLEY WOODS LMTD PRTNHP		8 CAPT HANDLEY ROAD	ACTON, MA 01720
C5-10-18	1 CAPT HANDLEY RD	TOWN OF ACTON		472 MAIN STREET	ACTON, MA 01720
C5-54	25 HARRIS ST	SPRING HILL AT ACTON LLC		181 WELLS AVE	NEWTON, MA 02459
C5-67	429 GREAT RD	COUNTRY PROPERTIES LLC	C/O UNIVERSAL MGMT	6 PROCTOR ST	ACTON, MA 01720

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:**

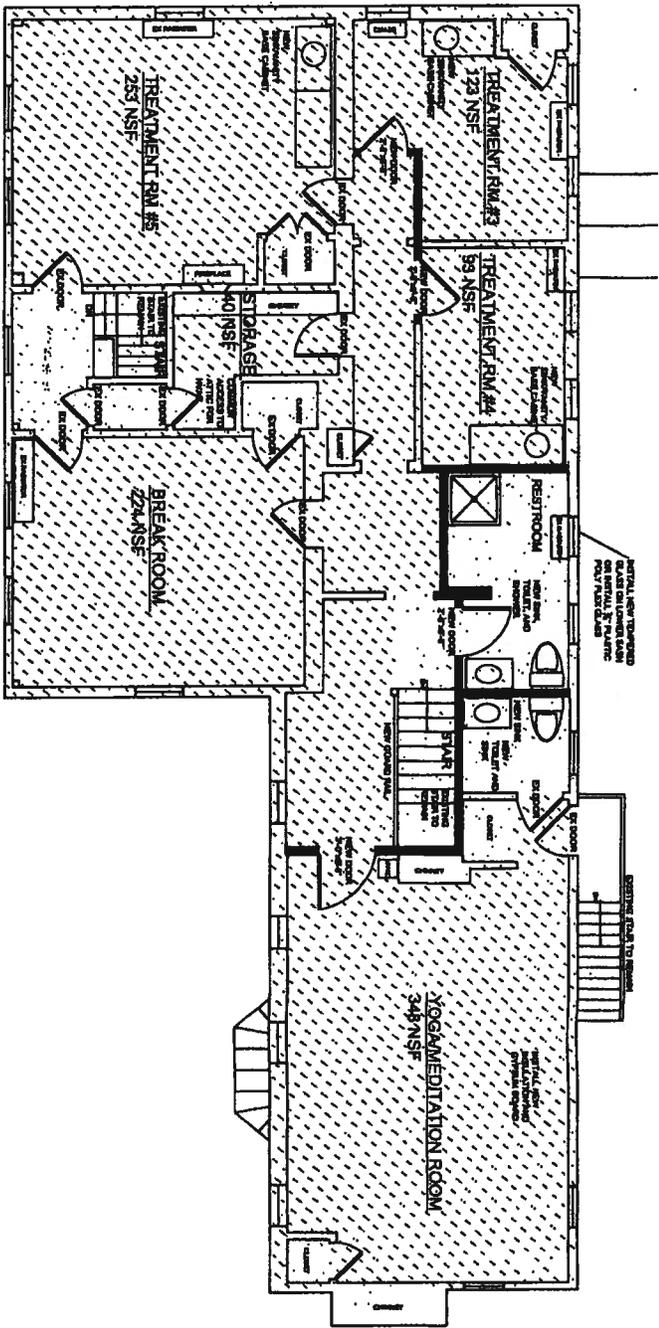
**Boxborough, MA 01729
Carlisle, MA 01741**

**Maynard, MA 01754
Slow, MA 01775**

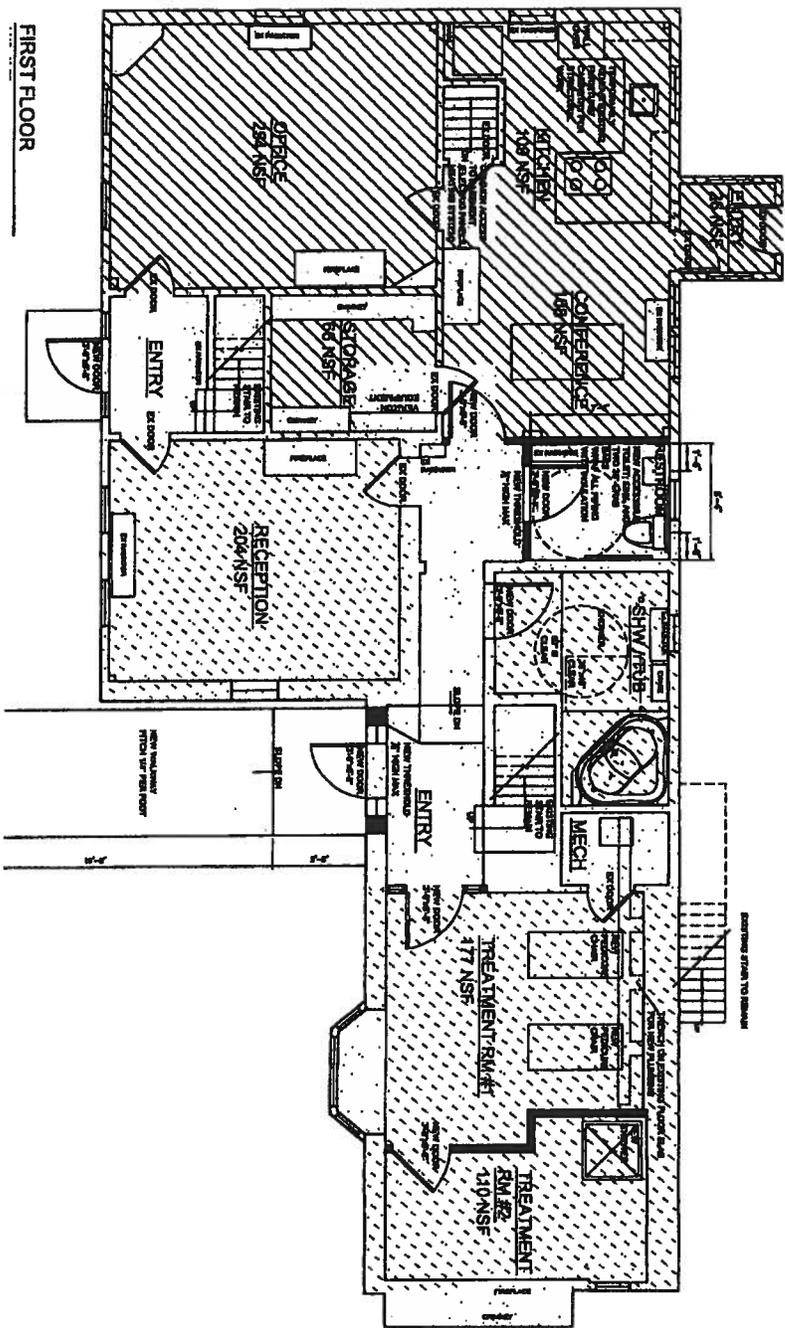
**Concord, MA 01742
Westford, MA 01886**

**Littleton, MA 01460
Sudbury, MA 01776**

**Kelly Schorr
Acton Assessor's Office**



SECOND FLOOR
1/8" = 1' 0"



FIRST FLOOR

LOCUS MAP
N.T.S.
TOWN OF AC
ZONE: LB-LIN
USE: SERVIC

FLOOR PLAN LEGEND

-  EXISTING WALL
-  NEW WALL
-  2x4 WOOD STUD 16" O.C. WITH 1/2" GWB TYPICAL
-  (SPA) 1 ON 1 INDULGENCE INC 2,068 GSF/300 = 6.8 (7)
-  (OFFICE) SCHWEPPE LIGHTING DESIG 578 GSF/250 = 2.3 (3)
- 10 PARKING S
- 9 PARKING SP

SERVICE / COMMON
NOT INCLUDED IN NSF

* ALL CALCULATIONS INCLUDE THE W.

REVISION 07.15.14
1 ON 1 SELF INDULGENCE
SCHWEPPE LIGHTING
457 GREAT ROAD



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Telephone (978) 929-6611
Fax (978) 929-6350

Michael J. Gowing
Chairman, Board of Selectmen

To: Abutters of 457 Main Street
RE: Public Hearing Notice

PUBLIC HEARING NOTICE
TOWN OF ACTON

The Acton Board of Selectmen will hold a public hearing on September 22, 2014 at 7:10 PM in the Francis Faulkner Hearing Room 204 at the Town Hall, 472 Main Street, Acton on the application of 1 on 1 Indulgence, Inc., 457 Main Street, Acton MA for a Use Special Permit #7/30/14 – 452, reduced parking to allow nine (9) parking spaces, required under Section 6.2.3 of the Acton Zoning Bylaw at 457 Main Street, Acton, AM 01720. The application and accompanying plans can be inspected at Town Hall during normal business hours.

Acton Board of Selectmen

Selectmen Gowing