
Decision of the Board of Selectmen (hereinafter the Board) on the Petition of Phillips Coffee Emporium (hereinafter the Petitioner) for the property located at 5 Spruce Street, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map F2A, parcel 97.

This Decision is in response to an application submitted to the Board on August 17, 1992 by the Petitioner for a Special Permit under Section 10.3 of the Acton Zoning Bylaw (hereinafter the Bylaw) to establish a restaurant.

After causing notice of the time and place of the public hearing and 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 on October 20, 1992 at 7:45 p.m. in the Acton Town Hall, Acton, Massachusetts. Board members Nancy Tavernier, F. Dore' Hunter, Anne Fanton, Norman Lake and William Mullin were present through the hearing.

The record of the proceedings and submissions on which this permit is based may be referred to in the office of the Town Clerk or the office of the Board.

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

Exhibit I

A properly executed application for a Restaurant Special Permit; a plan showing the layout of the restaurant.

Exhibit II

Interdepartmental Communication (IDC) from the Building Commissioner to the Board dated October 16, 1992; IDC from the Health Officer to the Site Plan Coordinator dated August 27, 1992; a note from Tom Tidman, Conservation Officer to Garry Rhodes, Building Commissioner, undated; IDC from the Town Planner to Don P. Johnson, Town Manager, dated August 20, 1992; IDC from the Municipal Properties Director to the Town Manager dated August 20, 1992; IDC from the Engineering Department to the Town Manager dated August 25, 1992.

Exhibit III

Interdepartmental Communication (IDC) from the Building Commissioner to the Board dated October 16, 1992; IDC from the Health Officer to the Site Plan Coordinator dated August 17, 1992. Note from Tom Tidman to Garry Rhodes, undated; IDC from the Town Planner to Don P. Johnson, Town Manager dated August 20, 1992; IDC from the Municipal Properties Director to the Town Manager dated August 20, 1992; IDC from the Engineering Department to the Town Manager dated August 25, 1992.

RESTAURANT SPECIAL USE PERMIT #8/17/92-337
PHILLIPS COFFEE EMPORIUM
5 SPRUCE STREET (LAKE)

PAGE 3

I, Christine Joyce, hereby certify that this is a true copy of the decision of the Board of Selectmen.

Christine Joyce
Recording Secretary

Date filed with Town Clerk

Cornelia O. Huber, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the decision of Phillips Coffee Emporium has passed and there have been no appeals made to this office.

Date

Cornelia O. Huber, Town Clerk

cc: Petitioner - Certified Mail #
Building Commissioner
Planning Board
Engineering
Conservation
Board of Health
Town Clerk
Planning Boards - Littleton, Westford, Maynard, Carlisle, Concord,
Boxboro, Stov, Sudbury

(924)

1

PHILLIPS COFFEE EMPORIUM, inc.

5-b Spruce Street
West Acton, MA

Phillips Coffee Emporium requests a special permit for seating four (4) at our current location, 5 Spruce Street, West Acton, MA.

RECEIVED & FILED

DATE 8/4/92

Cornelia O. Huber

TOWN CLERK, ACTON

2

STORE FORMAT

The format of our store is unique and consists of the following products and services.

Retail sales of over 40 varieties of whole bean coffee

Coffee grinding

Retail sales of loose teas

Liquid drink sales including (coffee, espresso, tea, iced coffee, frozen iced espresso and iced fruit drinks)

Retail sales of baked goods which are prepared off site

Retail sales of European style chocolates and cocoa

Newspapers

Coffee makers

Mugs

Espresso machines

Thermoses

Coffee grinders and espresso grinders

Steamers

Tea equipment

Fabrics

T-Shirts

Gift wrapping

3

Our Goal

To find and provide a variety of high quality coffee and tea related products available for our customer base.

To educate our customers in the growing, roasting and proper preparation of coffee for greater appreciation of fine wholebean coffee.

To provide a congenial and comfortable atmosphere.

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	<u>Restaurant</u>
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

2-8828 MICHAEL PHILLIPS, 114 PEARL ST, GARDNER MA
1-4397 COURTNI FRECHA, BOXBORO RD, STOW, MA

SITE

Location and Street Address of the Property

Phillips Coffee Emporium, Inc
5-B SPRUCE ST
W ACTON MA

Telephone

508-263-2233

OWNER

Name & Address

William Hurd
51 Cobleigh Rd
Boxboro MA

Tax Map & Parcel Number

Lotus F2A 097 000 AND F2A 094 000

Area of Lot ac.

2 AC

Zoning District

W ACTON

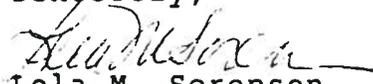
If any other permits or site plans have been granted for the property, give the file numbers:

Telephone

508/263-3449

Twelve (12) 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.

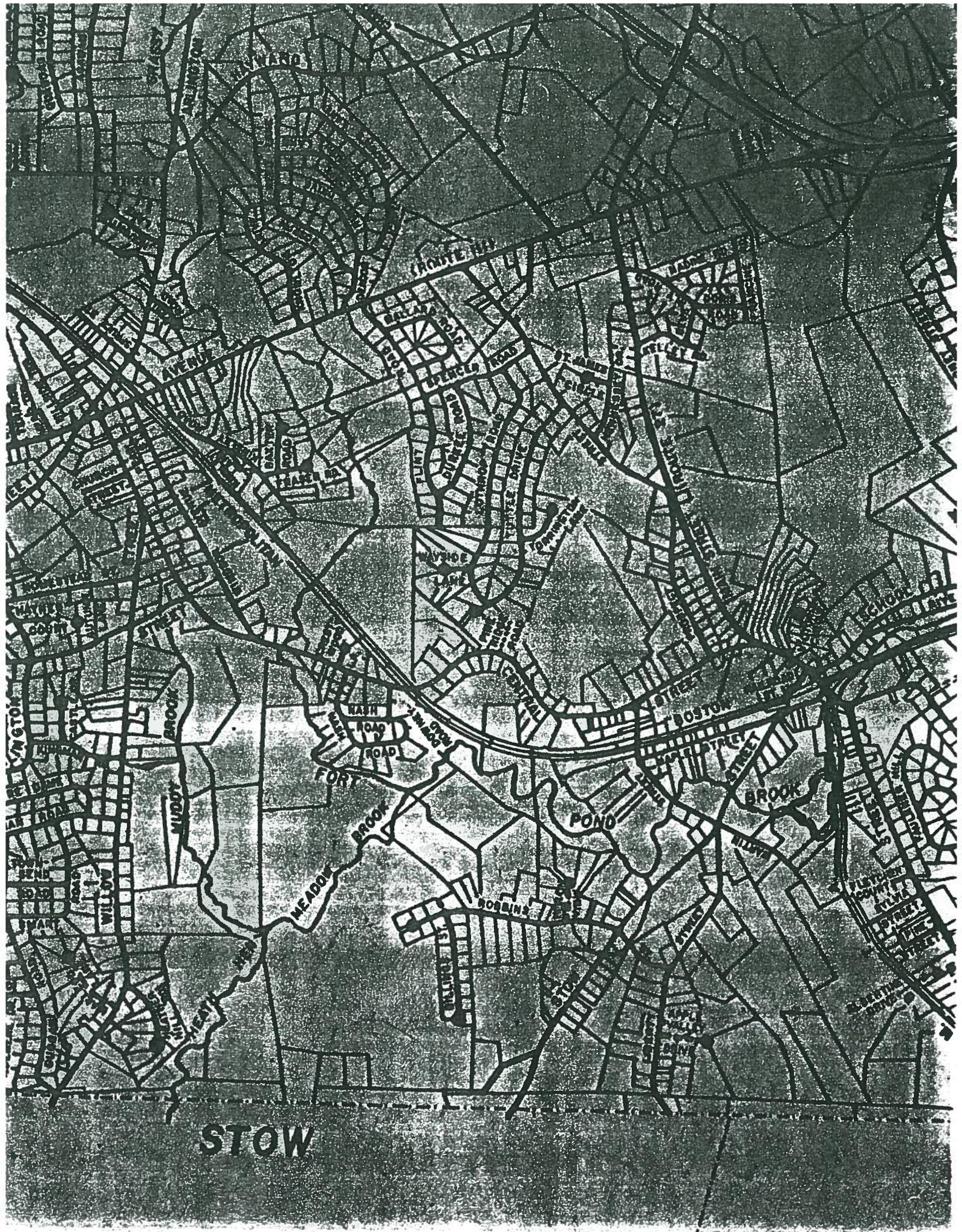
Sincerely,

A handwritten signature in cursive script, appearing to read "Lela M. Sorensen", with a horizontal line extending from the end of the signature.

Lela M. Sorensen
Assistant Assessor

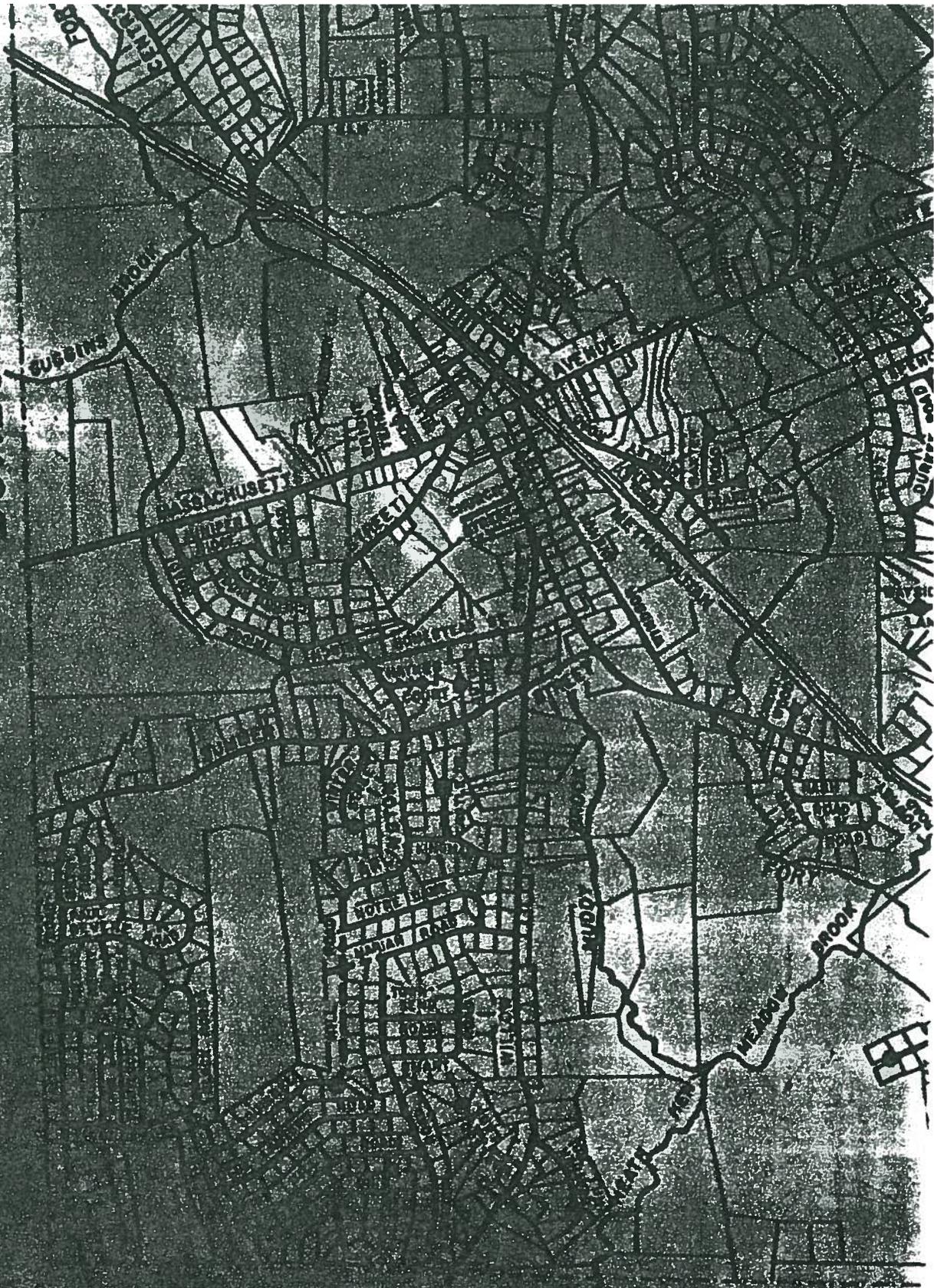
5

LOCATION MAP FOR 5 SPRUCE STREET



STOW

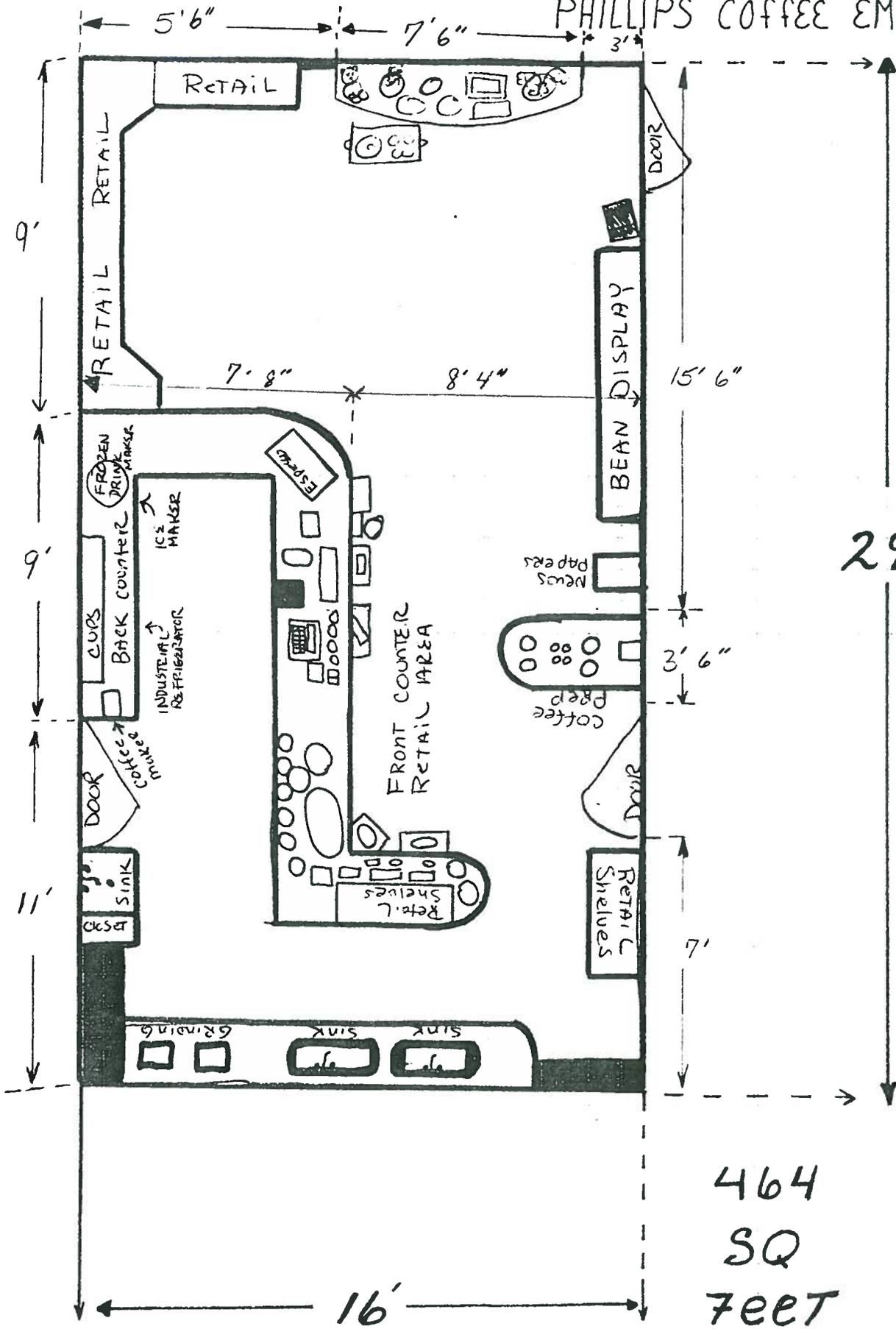
BOXBOROUGH



STOW

PHILLIPS

PHILLIPS COFFEE EMPORIUM, c



464
SQ
FEET

CURRENT

PARKING LOT ↓

6

PERTAINENT MINUTES FROM THE BOARD OF HEALTH

Dated February 10, 1992

ACTON BOARD OF HEALTH

MINUTES

FEBRUARY 10, 1992

MEMBERS PRESENT: Jonathan Bosworth (Chairman)
Cordelia Alfaro
James Barbato
Mark Conoby
Doug Miller (Associate)
Ed Calamai (Associate)
Ira Grossman (Associate)
Bill McInnis (Associate)

STAFF PRESENT: Alan Perry
Sheryl Howe

OTHERS PRESENT: Cortni Frecha
Michael Phillips

The meeting opened at 7:32 P.M.

MINUTES:

The minutes of January 27, 1992 were discussed. There was a question about what kind of trap assembly should be required for Meineke Muffler - 263 Main Street. The Board asked the Health Department to look into it. An issue was also raised as to the plumbing and environmental regulations governing floor drains. On a motion made by Mr. Barbato, seconded by Ms. Alfaro, the Board unanimously voted to table the minutes of January 27, 1992 for further clarification.

PHILLIPS COFFEE EMPORIUM:

Phillips presented to the Board a request for four (4) seats. At a previous meeting the Board requested additional information from Phillips in order to determine if seating could be allowed at this facility. The water records received from Phillips indicates that the water usage has significantly dropped since Phillips has opened its store. The Board stated to Phillips that these seats could possibly limit any future uses. On a motion made by Mr. Conoby, seconded by Mr. Barbato, the Board unanimously voted to grant a variance from 11-15.1 to Phillips Coffee Emporium to allow four (seats) at the facility located at 5B Spruce Street subject to the following conditions: --

1. The applicants shall first obtain a special use permit from the Town through the Building Department.
2. The Board of Health recommends to the applicants that a common victuallers license be obtained through the Board of Selectmen.

3. The Board of Health recommends to the applicants that they adhere to any requirements by the plumbing inspector in regards to handicap accessibility of bathroom facilities.
4. The septic system shall be inspected by a licensed septic system inspector that the system is in proper working condition and meets all State and local laws and regulations.
5. The applicants shall comply with all other applicable laws and regulations.

LOT E-3 NAGOG HILL ROAD - VARIANCE:

The owners of Lot E-3 Nagog Hill Road seek a variance from regulation 11-15.1 for a percolation rate greater than twenty minutes per inch. Percolation rates of nine (9) and twenty-seven (27) minutes per inch were found at this site. The Board of Health has previously granted these variances with as long as the lot is oversized.

On a motion made by Mr. Barbato, seconded by Ms. Alfaro, the Board unanimously voted to grant a variance to Acton regulations 11-15.1 to allow a percolation rate over 20 minutes per inch with the following conditions:

1. The lot is oversized - greater than two acres.
2. The leaching area is 1/3 greater than title 5 requirements.
3. The septic tank is at least 50% greater than Board of Health requirements (1500 gallons).
4. System shall be constructed in accordance with plan submitted.
5. The applicant shall comply with all other applicable laws and regulations for the system.



ASSISTANT ASSESSOR
LELA SORENSEN

BOARD OF ASSESSORS

TOWN HALL

472 MAIN STREET

ACTON, MASSACHUSETTS 01720

TELEPHONE (508) 264-9622

BOARD OF ASSESSORS

SUSAN C. MILLER, CHAIRMAN

JAMES J. KOTANCHIK

ROBERT W. ADAMS

ABUTTERS LIST

LOCUS:	F2A 097 000	5 SPRUCE STREET
	F2A 094 000	3 SPRUCE STREET
<u>MAP & PLOT</u>	<u>OWNER</u>	<u>MAILING ADDRESS</u>
F2A 114 000	John Shane	537 Mass. Avenue, Acton 01720
112	543-545 Mass. Ave. Ltd. Partnership	543 Mass. Avenue, Acton 01720
113	Naomi Rosenfeld	389 Garfield Road, Concord 01742
082	15 Spruce St. Trust c/o Ernest Merrill	15 Spruce Street, Acton 01720
093	Nicholas Bottos	11 Spruce Street, Acton 01720
083	Peter Whitcomb	144 Hayward Road, Acton 01720
070	Peter Whitcomb	144 Hayward Road, Acton 01720
071	Peter Whitcomb	144 Hayward Road, Acton 01720
092	William Weeks	P.O. Box 965, Acton 01720
012	W. Acton American	P.O. Box 1096, Littleton 01460
029 010	Scott Philbrick	226 Arlington Street, Acton 01720
103	James Anderson	Box 645A Kennybunkport, ME 04046
029 007	John Berlied	7 West Road, Acton 01720
029 005	Richard Plante	5 West Road, Acton 01720
029 003	Franklin Johnson Jr.	3 West Road, Acton 01720
053	Virginia Milbery	P.O. Box 523, Acton 01720

July 7, 1992

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 01719
 Carlisle, MA 01741
 Concord, MA 01742
 Littleton, MA 01460
 Maynard, MA 01754
 Stow, MA 01775
 Sudbury, MA 01776
 Westford, MA 01886

William R. Hurd

P.O. Box 796
Acton, MA 01720
(508) 263-3449

June 30, 1992

Mr. Michael Phillips
Phillips Coffee Emporium, Inc.
5B Spruce St.
Acton, MA 01720

Dear Michael,

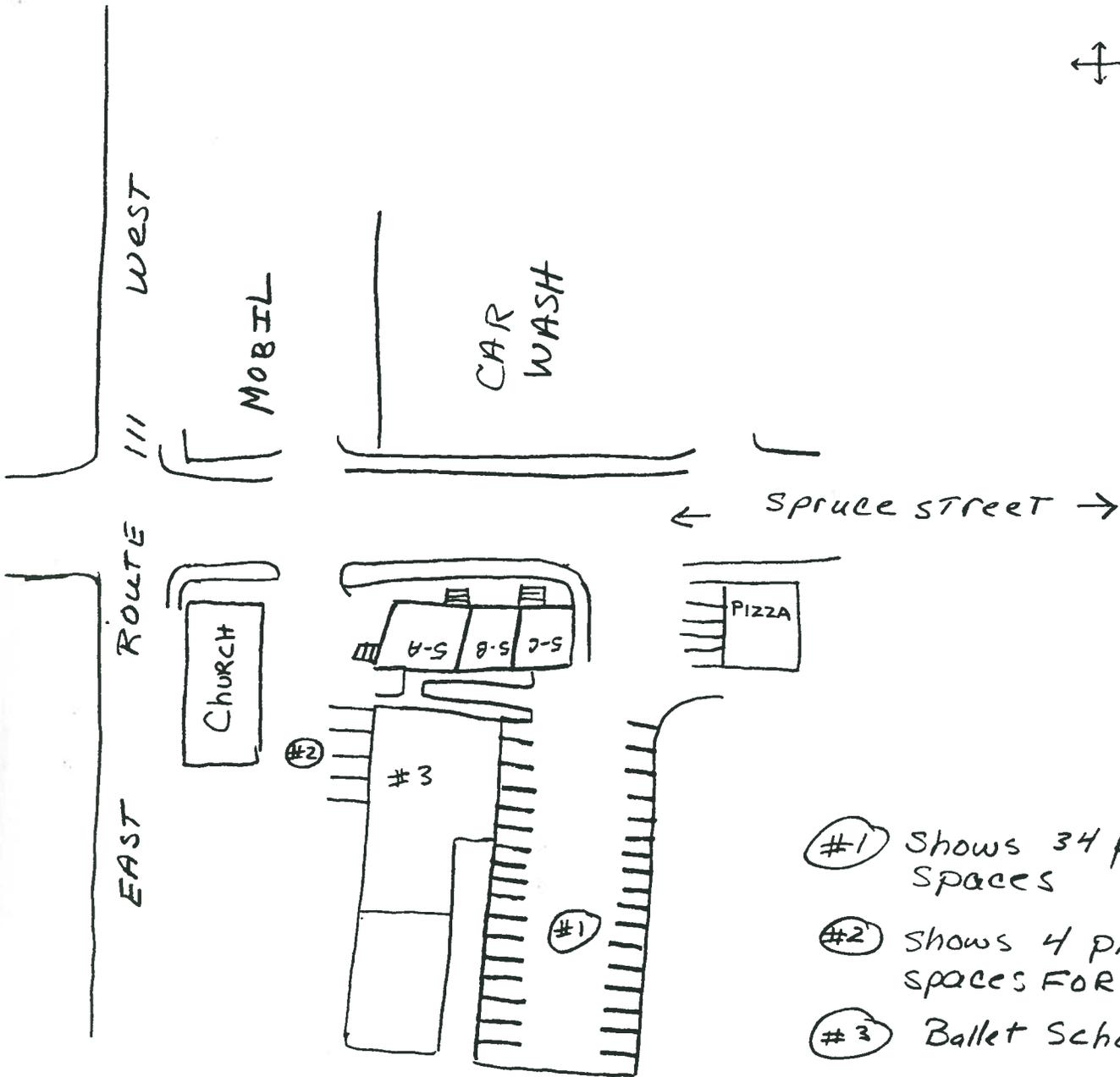
I am happy to agree to your proposal to include a table and 4 seats for the use of your customers in your coffee shop. Please let me know if there is anything I can do that will help you get the town's approval to do this.

Very truly



William R. Hurd

PARKING LOT LAYOUT FOR 5 SPRUCE STREET



- #1 Shows 34 PARKING Spaces
- #2 Shows 4 PARKING spaces FOR Ballet
- #3 Ballet School

Phillips Coffee Emporium
5-B Spruce ST

Alicante
5-A Spruce st

AB Cards
5-C Spruce street

In addition to the East side on-street parking on spruce street, there is private parking available for Phillips Coffee, AB Cards, Alicante', three apartments above these stores and the Ballet school. The parking spaces for these premises are as follows:

34 rear spaces for available for all stores and tennents

4 additional spaces for the Ballet School are on the South side of the Ballet School

Table 1 Parking Volume for week of August 8, 1992

Day	10am	2pm	5pm	7pm
Wed	4	6	10	14
Thu	12	10	8	6
Fri	6	2	7	5
Sat	4	2	7	n/a
Sun	3	3	5	n/a
Mon	3	5	16	15
Tue	12	7	7	9

Count also includes cars from surrounding businesses who use this lot