

Acton Sports Property Limited Partnership & Acton Teamworks
Amendment# 1 Use Special Permit #04/20/04 - 397
30 Great Road
November 16, 2015



Board of Selectman

TOWN OF ACTON
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FIRST AMEDEMMENT OF DECISION

#04/20/04-397

Acton Sports Property Limited Partnership & Acton Teamworks

Use Special Permit Amendment

November 16, 2015

GRANTED

Decision of the Acton Board of Selectmen (hereinafter the Board) on the request of Louis N. Levine of D'Agostine, Levine, Parra & Netburn, P.C. on behalf of Acton Sports Property Limited Partnership and Acton Teamworks, LLC of 30 Great Road, Acton, MA 01720 (hereinafter the Applicant), received October 28, 2015 for an amendment of a Use Special Permit dated July 12, 2002 (the Original Decision). The subject property is located at 30 Great Road (hereinafter the Site). The Board considered the request at a duly noticed public meeting on November 16, 2015. Board members Katie Green (Chair), Janet K. Adachi, Frances J. Osman, Chingsung Chang, and Peter J. Berry were present. The minutes of the hearing and submissions on which this decision is based on may be found in the Planning Department or in the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

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

- 1.1 Cover letter by Louis N. Levine, dated October 27, 2015;

1.2 Supplemental information as follows:

- Appendix B: Application for Special Permit;
- Use Plan Special Permit #4/20/04 - 397 Decision;
- Sheet A-1: As Built 1st Floor Plan – Partial, dated 7/10/15;
- Sheet A-1: Proposed 1st Floor Plan – Partial, dated 6/19/13;
- Letter from Acton Board of Health, dated 10/20/15;

Exhibit 1.1 through 1.2 is referred to herein 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 Amendment request is for an increase to the number of seats in the restaurant from 40 to 67.
- 2.2 The restaurant is ancillary to the Teamworks' commercial recreation operation and primarily serves customers who are at the facility for other activities.
- 2.3 The existing total parking spaces are sufficient for the commercial recreation use and accessory restaurant use with 67 seats.
- 2.4 On October 5, 2015 the Acton Board of Health voted to grant an approval to allow an increase to no more than 67 seats.
- 2.5 The Applicant has filed an appeal with the Board of Buildings Regulations and Standards for a variance from Building Code 780 CMR Section 1004 to allow for additional seating over the maximum occupant load of 49 people.
- 2.6 The requested amendment of the special permit granted in the Original Decision is minor in nature, does not trigger a new Special Permit, and does not warrant a public hearing as it is not significant to the public interest and is consistent with the purpose and intent of the bylaw.

3 BOARD ACTION

Therefore, the Board voted **unanimously** on November 16, 2015 in favor of **GRANTING** the special permit amendment as the applicant had requested and as delineated in the Exhibits listed herein, subjected to the following conditions.

4 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns. Failure to adhere to these conditions shall render the special permit amendment granted with this decision null or void, and shall constitute grounds for the revocation of any or all building or occupancy permits issued hereunder. The Town of Acton may elect to enforce compliance with the special permit using any and all power available to it under the law.

- 4.1 The approval of the restaurant Special Permit is limited to 67 seats or such other number of seats as the Building Commissioner and Fire Department may determine.
- 4.2 The restaurant shall not be advertised as a separate independent destination.

- 4.3 The applicant shall record this decision at the Middlesex South District Registry of Deeds prior to Final Certificate of Occupancy.
- 4.4 The foregoing required conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Bylaw and the Rules.
- 4.5 This Restaurant Use Special Permit applies only to the Site identified in this Decision.
- 4.6 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.7 The Board hereby reserves its right and power to modify or amend terms and conditions of this Restaurant Use Special Permit with or without a public hearing upon the request of the Applicant, its designees or assigns, or upon its own motion.

4 EFFECT OF THIS DECISION

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

The Town of Acton Board of Selectmen

Katie Green, Chair

Copies furnished:

Applicant	Building Commissioner	Health Director	Acton Water District
Owner	Fire Chief	Police Chief	Historical Commission
Town Engineer	Municipal Properties Director	Assistant Assessor	Town Clerk
Town Manager	Natural Resource Director		